



Part



Volume



Chapters **XII–XV**

UKRAINE'S ANSWERS
to the EU Questionnaire
on the Application
for Membership

MAY 2022

RESPONSES



to the Questionnaire on
Information requested by the
European Commission to the
Government of Ukraine for
the preparation of the
Opinion on the application of
Ukraine for membership of
the European Union

Part II
Volume III
Chapters XII–XV

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CHAPTER 12. FOOD SAFETY, VETERINARY AND PHYTOSANITARY POLICY

This chapter reflects the EU's integrated approach aiming to assure a high level of public health, animal health, animal welfare and plant health within the European Union through coherent farm-to-table measures and adequate monitoring, while ensuring the effective functioning of the internal market. In this domain a Candidate Country is requested to ensure the transposition of the EU *acquis* and its progressive implementation by a properly structured and trained administration.

Implementation requires appropriate administrative structures to be able to carry out inspection and control including appropriate laboratory capacity. Coordination between the different authorities in charge of the transposition and/or implementation is crucial. In addition, training of the various control inspectors, food- and feed business operators is necessary.

I. GENERAL

ACRONYMS

CA	Competent authority
CMU	Cabinet of Ministers of Ukraine
EU	European Union
MoAPFU	Ministry of Agrarian Policy and Food of Ukraine
MDETA	Ministry for Development of the Economy, Trade, and Agriculture of Ukraine
MEU	Ministry of Economy of Ukraine
MoH	Ministry of Health of Ukraine
OIE	World Organization for Animal Health
SEaEC	State Emergency Anti-Epizootic Commission
SSUFSCP	State Service of Ukraine on Food Safety and Consumer Protection
VRU	Verkhovna Rada of Ukraine

For each of the following points, please describe the current status and the foreseen evolution with a precise timetable.

1. Please describe the structure and organisation of the services in charge of food safety veterinary and phytosanitary policy. The distribution of competencies and the links between central, regional and local level should appear clearly (degree of decentralisation/devolution of competence should be defined):

1. The system of public authorities of Ukraine in the field of food safety, veterinary medicine, plant quarantine and protection constitutes of:

President of Ukraine;
legislative body;
executive bodies;
local authorities.

President of Ukraine

In accordance with the Constitution of Ukraine, President of Ukraine signs the laws adopted by the Verkhovna Rada of Ukraine in the fields of food safety, veterinary medicine, plant quarantine and protection or vetoes and returns them for reconsideration to the Verkhovna Rada of Ukraine along with reasoned and formulated proposals.

President of Ukraine has the right to suspend acts of the Cabinet of Ministers of Ukraine on the grounds of non-compliance with the Constitution along with a simultaneous appeal to the Constitutional Court of Ukraine regarding their constitutionality.

President of Ukraine issues decrees and orders on the basis and in pursuance of the Constitution and laws of Ukraine which are binding on the territory of Ukraine.

Legislative body

The Verkhovna Rada (Parliament) of Ukraine is the sole legislative body which adopts laws of Ukraine in the fields of food safety, veterinary medicine, plant quarantine and protection by majority of its constitutional composition.

President of Ukraine, People's Deputies of Ukraine and the Cabinet of Ministers of Ukraine have the right to submit draft laws for consideration by the Verkhovna Rada of Ukraine (the right of legislative initiative).

The law adopted by the Verkhovna Rada of Ukraine is signed by Chairman of the Verkhovna Rada of Ukraine and immediately submitted to President of Ukraine.

The Verkhovna Rada of Ukraine forms the Committee of the Verkhovna Rada of Ukraine on agrarian and land policy with the People's Deputies of Ukraine to perform legal drafting activities, prepare and conduct preliminarily consideration of matters in the fields of food safety, veterinary medicine, plant quarantine and protection.

The subject matter of competence of the Committee on agrarian and land policy is as follows:
economic policy on agri-business;
state regulation of production in agri-business and applied scientific research in agrarian sector;
agricultural cooperation;
regulation of land relations (other than land relations within construction territories);
forestry, fisheries and water resource management.

Executive bodies

The system of executive bodies in the fields of food safety, veterinary medicine, plant quarantine and protection constitutes of:

the Cabinet of Ministers of Ukraine;

central executive bodies;

local authorities.

The Cabinet of Ministers of Ukraine (CMU):

The Cabinet of Ministers is the highest body in the system of executive bodies which exercises executive power directly and through ministries, other central executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations.

The CMU is responsible to President of Ukraine and the Verkhovna Rada of Ukraine, subordinated and accountable to the Verkhovna Rada of Ukraine within the limits provided for by the Constitution of Ukraine.

The Cabinet of Ministers of Ukraine consists of Prime Minister of Ukraine, First Deputy Prime Minister, 3 Deputy Prime Ministers of Ukraine (including Deputy Prime Minister for European and Euro-Atlantic Integration of Ukraine) and 17 ministers (including Minister of Agrarian Policy and Food of Ukraine, Minister of Health of Ukraine, Minister of Environment Protection and Natural Resources of Ukraine).

The CMU is guided in its activities by the Constitution and laws of Ukraine, decrees of President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine.

In the field of food safety, veterinary medicine, plant quarantine and protection the CMU shall:

ensure the implementation of state policy, implementation of the Constitution and laws of Ukraine, acts of President of Ukraine;

develop the draft law on the State budget of Ukraine and ensure the implementation of the State budget of Ukraine approved by the Verkhovna Rada of Ukraine, submit a report on its implementation to the Verkhovna Rada of Ukraine;

develop and implement national programs;

organise and ensure the implementation of foreign economic activity of Ukraine, customs affairs;

direct, coordinate and control the work of ministries, other executive bodies, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations;

form, reorganize and liquidate ministries and other central executive bodies in accordance with the law;

appoint and dismiss heads of central executive bodies that are not members of the Cabinet of Ministers of Ukraine at the proposal of Prime Minister of Ukraine.

To ensure the implementation of its powers the CMU forms governmental committees the main tasks of which are the formation and implementation of state policy in respective field, as well as temporary advisory, consultative and other auxiliary bodies acting in accordance with the provisions approved by the Cabinet of Ministers. Matters related to food safety, veterinary medicine, plant quarantine and protection fall within the competence of Governmental committee on economic and financial policy, fuel and energy complex, strategic industrial sectors, development of communities, territories and infrastructure.

The CMU acts in accordance with the Action programme of the Cabinet of Ministers, which defines the strategy of its activities, including in the field of food safety, veterinary medicine, plant quarantine and protection. The CMU action programme is developed on the basis of agreed political positions and programme tasks of the coalition of parliamentary factions in the Verkhovna Rada and proposals of members of the Cabinet of Ministers. The CMU action programme is developed for the period of exercising its powers.

The CMU action programme contains programme targets, criteria and deadlines for achieving programme targets, and tasks, the implementation of which is necessary to achieve the targets, deadlines for such tasks, as well as other necessary information.

Documents related to the planning of activities of the Cabinet of Ministers are as follows:

Medium-term action plan of the Government (for a three-year period);

Priority action plan of the Government (for up to one year period).

The CMU is a collegial body that exercises its powers by adopting decisions at meetings. The Secretariat of the Cabinet of Ministers of Ukraine (SCMU) is a permanent body that ensures the activities of the Cabinet of Ministers. The Department for safety of life activity, environmental protection and agri-business is established within the SCMU structure and vested with powers as regards the review of draft laws of Ukraine and CMU resolutions in the fields of food safety, veterinary medicine, plant quarantine and protection, among others.

Within its competence, the CMU issues resolutions and orders which are binding. Acts of the CMU are signed by Prime Minister of Ukraine

Central executive bodies

In accordance with Law of Ukraine “On central executive bodies”, the system of central executive bodies is constituted of the ministries of Ukraine and other central executive bodies. The system of central executive bodies is a component of the system of executive bodies, with the CMU being the highest body.

Ministries are central executive bodies which ensure the formation and implementation of state policy in one or more fields. Other central executive bodies perform certain functions related to state policy implementation. The powers of ministries and other central executive bodies apply to the entire territory of Ukraine.

Ministries and other central executive bodies are guided by the Constitution and laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine and other legislative acts of Ukraine. Regulations on ministries and other central executive bodies are adopted by the Cabinet of Ministers of Ukraine.

The main tasks of the Ministry in the capacity of body which ensures the formation and implementation of state policy in one or more fields are as follows:

- 1) ensure legal regulation;
- 2) identify priority lines of development;
- 3) inform and provide clarifications regarding state policy implementation;

4) generalise the practice of legislation's application, develop proposals for its improvement and submit draft legislative acts, acts of President of Ukraine, the Cabinet of Ministers of Ukraine for consideration by President of Ukraine and the Cabinet of Ministers of Ukraine in the prescribed manner;

- 4¹) ensure social dialogue on the sector level;
- 5) perform other tasks determined by the laws of Ukraine.

Ministries may have territorial bodies if provided for in regulations on the ministry approved by the Cabinet of Ministers of Ukraine.

Central executive bodies are established in the form of a service, agency, inspection, commission, bureau with the purpose of performing certain functions of state policy. If most of the functions of the central executive body are those related to the provision of administrative services to natural persons and legal entities, the central executive body is formed as a service.

Key tasks of a central executive body are as follows:

- 1) provide administrative services;
- 2) implement state supervision (control);
- 3) manage state property objects;
- 4) submit proposals regarding the ensuring of state policy formation for consideration by the ministers guiding and coordinating its activity;
- 5) perform other tasks as envisaged by the laws of Ukraine.

Central executive bodies in the field of food safety, veterinary medicine, plant quarantine and protection:

Ministry of Agrarian Policy and Food of Ukraine;

Ministry of Health of Ukraine;

Ministry of Environmental Protection and Natural Resources of Ukraine;

State Service of Ukraine on Food Safety and Consumer Protection.

Ministry of Agrarian Policy and Food of Ukraine (MoAPFU):

The MoAPFU is a central executive body the activity of which are directed and coordinated by the Cabinet of Ministers of Ukraine.

The MoAPFU is the main body in the system of central executive bodies which develops and implements policy in the field of safety and specific quality parameters of food, plant quality and protection and in veterinary medicine.

In accordance with its mandate, the MoAPFU shall:

generalise the practice of legislation's application in terms of matters within its competence, develop proposals regarding the improvement of legislative acts, acts of President of Ukraine, the Cabinet of Ministers of Ukraine and submit them for consideration by President of Ukraine and the Cabinet of Ministers of Ukraine in the prescribed manner;

develop draft laws and other legal acts on matters within its competence;

implement legal regulation of matters within its competence;

approve draft laws and other acts of legislation submitted for approval by other ministries, central and local executive bodies, within the powers provided by the law – prepare conclusions, comments and proposals to draft laws, other acts of legislation submitted for consideration to the Cabinet of Ministers of Ukraine and draft laws submitted for consideration to the Verkhovna Rada of Ukraine by other entities of legislative initiative right;

prepare within the powers provided by the law comments and proposals to the laws adopted by the Verkhovna Rada of Ukraine and submitted for signature by President of Ukraine;

direct and coordinate the activities of state bodies of veterinary medicine to ensure veterinary, sanitary and epizootic welfare, compliance with the procedure for state veterinary and sanitary control and supervision;

adopt:

the procedure for ante-mortem and post-mortem examination by state veterinary inspector and authorised inspector;

rules for animal slaughter;

procedure for the performance of state registration of facilities, maintenance of the state register of business operator facilities and provision of information therefrom to interested persons;

model state control acts used by state inspectors and state veterinary inspectors during inspections and audits, and of model sampling acts;

methods for zoonoses control;

long-term state control plan;

requirements for the importation (shipment) of products of animal origin, feed, hay, straw, animal by-products and derived products thereof to the customs territory of Ukraine;

procedure for determining and application of the frequency of documentary, identity and physical checks, laboratory analysis (tests) of consignments imported (shipped) to the customs territory of Ukraine in accordance with the requirements of Section VII of the Law of Ukraine “On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare”;

limit norms (volumes) of sampling;

procedure for sampling and transportation (shipment) of samples to authorised laboratories for state control purposes;

procedure for obtaining the status and carrying out the activities of official veterinarians and authorised veterinarians;

procedure for practical training of state veterinary inspectors and determining its scope;

sampling methods (techniques);

requirements for ante-mortem and post-mortem examination of animals, notably of those slaughtered outside the slaughterhouse;

procedure for determining the slaughterhouses and facilities processing wild animals which do not require the presence of state veterinary inspector;

procedure for authorising slaughterhouse staff to perform the duties of auxiliary of state veterinary inspector in the framework of state control of fresh meat poultry and lagomorphs in accordance with specific conditions, as well as revocation of such authorisation in case of failure to fulfil the functions of auxiliary of state veterinary inspector by authorised slaughterhouse staff;

requirements for the content, form and procedure for providing information about the food chain;

list of products (with reference to their UKTZED code, name and, if necessary, other characteristics) which are subject to state control at designated border inspection posts;

rules for handling products imported (shipped) into the customs territory of Ukraine as trade (exhibition) samples or objects of scientific research;

procedure for the transshipment of products to another means of transport;

procedure for the maintenance of register of customs warehouses, warehouses in free customs zones intended for storage of products which do not comply with legislation;

procedure for destruction, special treatment and change of the intended use of consignments imported (shipped) to the customs territory of Ukraine which do not comply with legislation;

list of foodstuffs of non-animal origin and feed of non-animal origin (with reference to their UKTZED code, name and, if necessary, other characteristics), the consignments of which are subject enhanced state control during when imported (shipped) into the customs territory of Ukraine;

model act of violation of the Law of Ukraine “On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare”, food and feed legislation;

procedure for administrative (pre-trial) appeal against the decision in case of violation of the Law of Ukraine “On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare”, food and feed legislation;

requirements for the importation of live animals and germinal products thereof to the customs territory of Ukraine;

procedure for determining the veterinary and sanitary status of exporting countries and their separate territories (zone/compartment);

procedure for the formation and maintenance of the state register of facilities manufacturing and circulating feed;

methodological guidelines for the application of feed law developed by associations of business operators;

list of materials the sale and use of which for the purposes of animal feeding are limited or prohibited;

list of substances the presence of which in feed is limited or prohibited and procedure for the performance of periodic analysis (tests) of the content of such substances in feed by business operators;

methods for the calculation of cost of services for scientific evaluation (examination) of feed additives and reference laboratory services;

procedure for the performance of periodic analysis (testing) of feed on the content of substances the presence of which is limited or restricted in feed by business operators in accredited laboratories;

procedure for the formation of registration dossier;

permitted tolerances for the values of feed material and/or compound feed composition stated on the labelling and those determined in the course of state control;

procedure for the maintenance of register of countries and facilities authorised to import (ship) products to the customs territory of Ukraine;

procedure for amending registration certificates issued for ready-for-use feed, premixtures or feed additives;

procedure for the maintenance of register of the facilities (objects) engaged in treatment, processing and destruction of animal by-products;

technical conditions, technological instructions for treatment, processing, disposal and destruction of animal by-products;

procedure for handling category I-III animal by-products, subject to approval with the Ministry of ecology;

model act of violation of legislation on animal by-products;

rules the application of a simplified approach in the development, implementation and use of ongoing procedures based on the principles of the system of hazard analysis and critical control points (HACCP) in the field of manufacturing and circulation of feed;

hygiene requirements for the production and circulation of food;

procedure for the approval of export facilities, maintenance of their register and amendments thereto;

list of regulated pests;

training programme for employees whose work is related to the organisation and direct transportation, storage, use, trade in pesticides and agrochemicals;

procedure for the use of pesticides and agrochemicals in the area affected by radioactive contamination, as well as in the zone of ecological emergency;

methodological guidelines on the compliance with general hygiene and other requirements established by legislation on safety and specific quality parameters of foodstuffs developed by

associations of business operators and publish them on its official website the next day following their adoption;

requirements for the production and circulation of live bivalve molluscs, live echinoderms, live tunicates and live marine gastropods;

establish:

procedure for the maintenance of register of food business operators and facilities with an issued operation permit;

requirements for auxiliaries of state veterinary inspectors;

procedure for the performance of state control of the facilities located in exporting countries by the competent authority;

procedure for the recognition of equivalence of state control system in the exporting country;

procedure for destruction, disposal, return into circulation of feed to be fed to animals or for purposed other than feeding animals at the expense of business operators;

methodological guidelines on good practice for primary manufacturing and labelling of feed developed by associations of business operators;

model declaration regarding compliance with the requirements of feed law for business operators acting solely as vendors engaged exclusively in the sale of feed without storing feed at their facilities;

procedure for the labelling of feed which is intended for animals kept for scientific and experimental purposes;

requirements for the labelling of feed additives in feed materials and compound feed for productive and non-productive animals and requirements for indicating moisture content of feed on the labelling;

additional requirements for the labelling of feed additives and premixtures;

requirements for feeding animal by-products to animals;

veterinary and sanitary requirements during handling animal by-products;

veterinary and sanitary requirements for the facilities (objects) engaged in treatment and processing of animal by-products;

procedure for the destruction of objects of sanitary measures or conditions to be met by business operators in order to return them into circulation for human consumption or for other purposes;

requirements for health mark, identification mark and procedure for their application;

procedure, specific labelling requirements and the list of foodstuffs for which the indication of country of origin or place of provenance is mandatory;

specific import requirements for feed;

determine additional categories and functional groups of feed additives;

make decisions on recognition equivalence of the requirements of foreign states or international organisations (integrational associations of states) with the requirements for state registration of feed additives established by feed legislation of Ukraine;

form, maintain and edit the State catalogue of feed materials;

ensure open and free-of-charge access to the State catalogue of feed materials by publishing it on its official website;

form, maintain, amend and provide open and free-of-charge access to the State register of claims regarding the properties of feed for particular nutritional purposes;

as approved with the Ministry of Finance, submit proposals to the Cabinet of Ministers of Ukraine on the allocation of necessary funds from the reserve fund of the state budget for the organization and implementation of measures aimed at localizing and eliminating the epizooty of particularly dangerous animal diseases posing a threat of developing into a panzootic or causing significant economic losses;

submit for approval to the Cabinet of Ministers of Ukraine the Procedure for obtaining, suspending, revoking and renewing of, as well as model form and conditions for obtaining an operating permit;

develop and submit for approval to the Cabinet of Ministers of Ukraine Regulation on state registration of feed additives;

develop, review and adopt respective sanitary measures within the scope of its powers;

adopt jointly with the Ministry of Finance the payment amount for the performance of state control at the expense of business operators;

participate in the implementation of state policy in the field of baby foods production;

perform state management and regulation in the field of organic production, circulation and labelling of organic products;

develop and adopt state logo for organic products;

ensure:

facilitation of the development of organic products market;

maintenance of the State register of business operators engaged in production according to the requirements of legislation on organic production, circulation and labelling of organic products, State register of organic seed and propagating material and State register of certification bodies for organic production and organic products circulation, as well as openness and general availability of the referenced registers;

appeal to the national accreditation body of Ukraine regarding the established facts of violations by the certification bodies in order to take appropriate measures by this body envisaged by legislation of Ukraine in the field of accreditation;

ensure training and proficiency enhancement of inspectors for organic production and/or circulation of organic products in accordance with the law;

establish the procedure for confirmation of specialized knowledge of inspectors for organic production and/or circulation of organic products in the field of organic production;

determine the requirements for the material and technical capacity and other objects of infrastructure required to perform certification functions for organic production and/or circulation of organic products;

ensure the revocation of certificates issued by the certification body excluded from the State register of certification bodies for organic production and circulation of organic products;

establish the application form for inclusion into the State register of certification bodies in for organic production and circulation of organic products;

establish the procedure for the maintenance of list of foreign certification bodies;

determine the procedure for consideration of appeals against the decisions of certification bodies;

determine the procedure, declaration frequency and submission of consolidated materials on the volume of organic products put into circulation by certification bodies;

establish reporting procedure for certification bodies on the issued certificates;

develop and adopt the list of substances (ingredients, components) that authorized for use in the process of organic production and authorized for use in maximum permissible quantities;

provide regulatory and legal support in the field of plant protection and quarantine;

organize the implementation of plant protection methods and measures which are ecologically safe for humans and the environment;

participate in the development of national and inter-state targeted plant protection programs;

organize the development of regional targeted plant protection programs;

determine:

priority lines, strategies and mechanisms of development in the field of plant quarantine;

in accordance with the law – the procedure for import, export and use of plants and plant products, in particular in coordination with the quarantine services of other states in accordance with international treaties of Ukraine;

submit a proposal to the Cabinet of Ministers of Ukraine on introduction or cancellation of quarantine regime and special regime of plant protection;

The Ministry of Agrarian Policy and Food of Ukraine develops secondary legislative acts in the field of sanitary and phytosanitary measures in pursuance of respective legislative acts of Ukraine, having regard to the EU legal acts (see Comprehensive Strategy for the implementation of Chapter IV (Sanitary and Phytosanitary Measures), Title IV “Trade and Trade-related Matters” 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, as adopted by CMU Resolution No 228-p of 24.02.16).

To implement the tasks conferred on the MoAPFU in the field of veterinary medicine, food safety, plant quarantine and protection, the Department for state policy on sanitary and phytosanitary measures was established within the MoAPFU structure in the following composition:

1. Main office for food security and excisable products (Unit for excisable products, Unit for state policy on organic production, Unit for food security)
2. Sector on food safety
3. Sector on animal health and welfare
4. Sector on food quality policy
5. Sector on plant protection

The Ministry of Health of Ukraine (MoH) – is the central body of executive power which forms and ensures the implementation of state policy in the field of health care. Based on and in pursuance of the laws of Ukraine, the MoH adopts binding legal acts, i.e., orders. Responsible for formation and maintenance of specific state catalogs and registers in the field of food safety, veterinary and phytosanitary policy.

The Ministry of Ecology and Natural Resources of Ukraine (Ministry of Environment) – is the central body of executive power which ensures the formation of state policy in the field of environmental protection. Based on and in pursuance of the laws of Ukraine, Ministry of Environment adopts binding acts named orders. Its mandate includes development and maintenance of relevant state registers in the field of phytosanitary policy (plant protection products).

The State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP):

The SSUFSCP is a central executive body the activity of which is guided and coordinated by the Cabinet of Ministers of Ukraine. The SSUFSCP implements state policy in the fields of veterinary medicine, safety and specific quality parameters of food, plant quarantine and protection, animal identification and registration, sanitary legislation, sanitary and epidemiological welfare of population (except for the performance of functions related to the implementation of state policy in the field of epidemiological supervision (surveillance) and in the field of work hygiene and functions related to dosimetry control of workplace and radiation doses of staff) etc.

The SSUFSCP structure for food safety, veterinary medicine and organic production is contained in Annex 1.

Principal tasks of the SSUFSCP are as follows:

implementation of state policy in the fields of veterinary medicine, safety and specific quality parameters of food, plant quarantine and protection, animal identification and registration, sanitary legislation, sanitary and epidemiological welfare of population (except for the performance of functions related to the implementation of state policy in the field of epidemiological supervision (surveillance) and in the field of work hygiene and functions related to dosimetry control of workplace and radiation doses of staff) etc.;

in accordance with legislation – implementation of state veterinary and sanitary control, state supervision (control) of the compliance with sanitary legislation, sanitary and epidemiological welfare of population (except for the performance of functions related to the implementation of state

policy in the field of epidemiological supervision (surveillance) and in the field of work hygiene and functions related to dosimetry control of workplace and radiation doses of staff), animal health and welfare, safety and specific quality parameters of food, non-edible foodstuffs of animal origin, germinal products, breeding in animal husbandry, biological products, pathological material, veterinary preparations, substances, feed additives, premixtures, feed and other objects of sanitary measures, implementation of sanitary and veterinary measures, prevention and anti-epidemic measures related to the protection of Ukraine from introduction of human, animal and plant diseases from the territory of other states and quarantine zones within scope of its competence, the requirements of legislation on seed and seedling production, legislation on, storage, transportation, trade and application of plant protection products, implementation of state supervision (control) of the protection of rights in plant varieties, compliance with biological and genetic security measures for agricultural plants during production, analysis and practical use of genetically modified organisms in open systems at agri-business enterprises, institutions and organizations irrespective of their subordination and form of incorporation, supervision (control) of the level of radioactive contamination of agricultural products and foodstuffs, activity of economic entities engaged in the production, transportation, storage and sale of organic products (raw material);

implementation of control on the performance of phytosanitary measures.

In accordance with the tasks conferred, the SSUFSCP shall:

generalize the practice of application of legislation in terms of matters within its competence, develop proposals for improvement of legislative acts, acts of President of Ukraine, Cabinet of Ministers of Ukraine, ministerial legal acts and submit them under prescribed procedure to the Minister who ensures the formation of state policy in respective field;

in the sphere of veterinary medicine, safety and specific quality parameters of food and feed, sanitary and epidemiological welfare of population, state supervision (control) of the compliance with sanitary legislation, plant quarantine and protection, pesticides and agrochemicals:

within the scope of powers envisaged by the law, organize and implement state supervision (control) on:

- safety and specific quality parameters of food;
- compliance with the requirements of sanitary legislation;
- animal health and welfare;
- implementation of phytosanitary measures, circulation of pesticides and agrochemicals, use of biological control organisms;
- implementation of prevention and liquidation measures to combat pests in the places of storage of stocks of products of plant origin;
- substances, feed additives, premixtures and feed;
- compliance with the requirements for animal identification and registration;
- inedible products of animal origin;
- veterinary preparations;
- reproductive and pathological material;

- facilities engaged in rearing, keeping, production, processing, storage and circulation of state control objects;

prepare submission regarding introduction or cancellation of quarantine to the Cabinet of Ministers of Ukraine;

submit under prescribed procedure the proposal regarding limitation or prohibition of entry to the territory of Ukraine of its citizens, foreigners, persons with no citizenship, export, import, transit of consignments and goods from countries or regions in connection with unfavorable epidemiologic situations on their territories;

perform state sanitary and epidemiologic examination, issue respective opinions based on the results of its conduct;

within the scope of its competence, perform control on elimination of reasons and conditions for the emergence and spread of infectious, mass non-infectious diseases, poisonings and radiation injuries of people;

develop and implement sanitary, veterinary and sanitary and phytosanitary measures related to limited (identified) circle of persons or cases envisaged by the law;

participate in the implementation of scientific and technical, technological and innovation policy, introduction into production of scientific and technical achievements and best practice in veterinary medicine, plant quarantine and protection, prevention of human diseases as well as factors of the environment of human activities, implementation of state policy in other identified fields;

participate in the development of sanitary, anti-epidemic (preventive) phytosanitary measures, requirements for specific quality parameters of food, feed, technical regulations and standards;

develop and implement the long-term state control plan in the field of safety and specific quality parameters of food, report annually to the Cabinet of Ministers of Ukraine on its performance status, publish report on the official website;

adopt state annual control plans and state monitoring plans in accordance with the law;

develop, implement and/or organize implementation of national programs and/or plans in the field of veterinary medicine, inclusive of state monitoring of animal and plant health, residual quantities of veterinary preparations and contaminants in live animals, products of animal origin and feed, hazards, safety and specific quality parameters of food in identified areas;

based on the results of risk analysis, determine frequency of the performance of state control for each facility which is object to state control;

authorize laboratories and reference-laboratories to perform the analysis (tests) of objects of sanitary measures for state control purposes;

organize the conduct of analysis (tests) in laboratories for state control purposes;

perform the sampling of objects of sanitary measures for state control purposes;

perform state control on the implementation of ongoing procedures based on the principles of hazard analysis and critical control points (HACCP) system;

participate in the identification of factors that may have a harmful effect on human health, performance of risk assessment and identification of risk level posed by them;

participate in the conduct of sanitary and epidemiological investigations aimed at identification of the reasons and conditions leading to the outbreak and spread of infectious diseases, inclusive of foodborne diseases, group or individual food poisonings, mass non-infectious diseases (poisonings) and radiation injuries, cases of violation of radiation safety norms, sanitary rules of work with radioactive substances, other ionizing radiation sources and undertake measures to liquidate them in accordance with the law;

perform ante-mortem and post-mortem examinations of animals at respective facilities as well as post-mortem examinations of hunted animals;

perform the assessment of efficiency of veterinary administration of another country and inspection of facilities importing objects of sanitary measures;

approve export facilities and make decisions on the exclusion of export facilities of certain types of objects of sanitary measures produced/reared at such facilities from the register of approved export facilities;

within the scope of powers envisaged by the law, develop and implement veterinary and sanitary measures for the purpose of protecting the territory of Ukraine from the introduction of highly dangerous diseases included into the OIE list or other notifiable diseases from the territories of other states or quarantine zones;

analyze the reasons for emergence of infectious and other diseases, ailments of animals and develop recommendations for their liquidation and prevention;

in cases envisaged by the law, ensure timely introduction of quarantine in the event of outbreak of highly dangerous diseases included into the OIE list or other notifiable diseases, as well as implementation of quarantine and other veterinary and sanitary measures in infected or buffer zones and surveillance zones;

notify the OIE on the establishment, expected term of duration and date of cancellation of quarantine of animals in connection with highly dangerous diseases included into the OIE list or other notifiable diseases;

determine the veterinary and sanitary status of Ukraine and specific zones within its territory, veterinary and sanitary status of facilities (objects) in Ukraine;

introduce restrictions or ban of import, transit and export of state control objects which may transmit highly dangerous diseases included into the OIE list or other notifiable diseases from certain states or quarantine zones in the event of confirmation of outbreak of such diseases;

perform state veterinary and sanitary control on the collection, disposal and destruction of dead animals and waste of animal origin;

in the event of emergency, perform state control on the implementation of antiepidemic measures by food business operators, should the necessity for such control be established by the law;

confirm the opening of hunting season on certain territory after conducting mandatory epizootic examination of hunting grounds;

coordinate the activity of veterinary medicine specialists irrespective of their subordination;

issue opinions on the causes of disease of animals subjected to emergency slaughter, dead or killed animals to insurance bodies;

perform state control on the compliance with quarantine regime and implementation of phytosanitary measures on plant quarantine during growing, preparation, export, import, transportation, storage, processing, sale and use of regulated objects;

undertake the study of species composition, biology and ecology of regulated pests;

inform the public, international organizations, parties of agreements that Ukraine is a party to on identification, availability, spread, localization and, where applicable, liquidation of regulated pests;

coordinate monitoring, detection and identification of regulated harmful organisms;

prepare the list of regulated pests and the list of regulated objects;

prepare submission to the Cabinet of Ministers of Ukraine on the introduction and cancellation of quarantine regime;

provide international organisations, parties of agreements that Ukraine is a party to notifications on phytosanitary prohibitions or restrictions;

perform phytosanitary diagnostics and supervision of the development, circulation and malignance of pests, develop jointly with scientific and research institutions projections regarding the development and spread of pests;

make submission regarding introduction of special protection regime for plants and respective plant protection measures for the period of mass development and spread of highly dangerous pests;

perform state sanitary and epidemiological examination of state analysis plans for pesticides and agrochemicals, registration materials of pesticides and agrochemicals;

approve state analysis plans for pesticides and agrochemicals and lists of pesticides and agrochemicals that are authorised for use in Ukraine;

perform state supervision of compliance by holdings, institutions and organisations of all forms of incorporation and citizens with state sanitary norms and rules, hygiene norms and regulations of safe production, transportation, storage, application of pesticides and agrochemicals, contents of residual amounts of pesticides and agrochemicals in foodstuffs and food raw materials, specifically as regards the imported medicinal herbs, water bodies, water used for drinking and household supply, swimming, sporting events, organised leisure and for therapeutic purposes, therapeutic muds, soil, lands of localities, lands for health-improving and recreational purpose;

identify the list of institutions performing toxicological and hygiene (medical and biological) analysis of pesticides and agrochemicals;

perform registration of genetically modified organisms' sources of foodstuffs, feeding stuffs, feed additives and veterinary preparations;

adopt the list of respective methods for detection and identification of genetically modified organisms;

perform the monitoring of feedingstuffs, feed additives and veterinary preparations obtained with the use of genetically modified organisms by the criterion of presence of sources of non-registered genetically modified organisms therein;

authorize accredited laboratories to perform the monitoring of feedingstuffs, feed additives and veterinary preparations obtained with the use of genetically modified organisms by the criterion of presence of sources of registered genetically modified organisms therein;

approves methods for determining the compliance of pesticides and agrochemicals with quality certificates and guidelines for determining the content of residual amounts of pesticides in water, soil and agricultural products;

carries out the measures provided by the legislation for the termination of infringement of the sanitary legislation;

carries out sanitary measures to protect the territory of Ukraine by conducting state sanitary and epidemiological supervision (control) over compliance with sanitary legislation, medical and sanitary control (inspection) in order to prevent entry into the territory of Ukraine of vehicles, import of goods and other items including medicines, biological, chemical and radioactive substances, as well as materials and wastes that may endanger the life and health of population (except for measures related to the implementation of health surveillance, epidemiological surveillance, and also in addition to performing the functions of dosimetric control of workplaces and radiation doses of employees);

monitors compliance with indicators of harmful substances and ingredients in tobacco products sold in Ukraine, and monitors the effectiveness of measures taken to prevent and reduce the use of tobacco products and their harmful effects on public health;

in the field of seed production and seedling production:

carries out certification of seeds and planting material;

issues a certificate for import to Ukraine of seeds and planting material of plant varieties for selection, research and exhibition;

maintains the State Register of Producers of Seeds and Planting Material;

maintains the Register of certificates for seeds and / or planting material;

carries out certification of subjects of seed-growing and seedling production for granting the right to production and realization of seeds and planting material;

conducts examination of design and estimate documentation for the creation and irrigation of orchards of fruit, berry, nut, rare crops, grapes, hops and other perennial plantations;

carries out state supervision (control) over compliance with the requirements of legislation in the field of seed production and seedling production;

ensures control over the production, propagation, storage, sale and use of seeds and planting material, improving their varietal, sowing and yielding qualities;

in the field of protection of plant variety rights organizes and exercises state supervision (control) over:

compliance by legal entities with the requirements of the legislation on protection of plant variety rights in the field of production, use, storage, sale and reproduction of planting material of plant varieties;

preservation of plant varieties, registration of license agreements for their use and payment of royalties;

conducting primary seed production by owners of intellectual property rights and supporters of plant varieties;

acquisition of plant variety rights and their registration;

import to Ukraine of planting material (seeds) of unregistered plant varieties in Ukraine;

observance of the personal non-property copyright of the variety, the property right of the owner of the variety, the right of prior use and the right to restore the rights to the variety, the right to propagate the variety in Ukraine, the rights of the author of the variety in case of waiver, the procedure for exporting from Ukraine planting material (seeds) of plant varieties containing an object of intellectual property, the requirements of the agreement concluded between the employer and the author of the variety on the payment of fair remuneration;

in the field of state market supervision:

organizes the development of draft sectoral plans of market surveillance, approves sectoral plans of market surveillance, monitors the implementation and review of such plans;

monitors in accordance with the law the causes and number of appeals of consumers (users) to protect their right to product safety, the causes and number of accidents and incidents of harm to human health due to consumption of products (use);

conducts inspections of product characteristics, including sampling of products and ensures their examination (testing);

checks compliance with the requirements for the presentation of products at the fair, exhibition, display or other demonstration of products that do not meet the established requirements, and in cases specified by law issues instructions on immediate elimination of violations of the requirements for the presentation of such products at the place of the relevant fair, exhibition, display or demonstration of products in another way, conducts inspections of compliance with economic regulations of relevant regulations and decisions;

makes decisions on restrictive (corrective) measures in the cases and in the manner prescribed by law, monitors the implementation of these decisions by business entities;

monitors the actions of business operators on the withdrawal from circulation and / or recall of products in respect of which a decision on withdrawal from circulation and / or recall has been made;

takes appropriate measures to timely warn consumers (users) about the identified danger posed by products;

takes measures to establish cooperation with economic entities in order to prevent or reduce the risks posed by products provided by these economic entities on the market;

takes, in accordance with the procedure established by law, measures to bring to justice persons guilty of violating the established requirements;

sends materials of inspections to law enforcement agencies to resolve issues of bringing to criminal responsibility persons whose actions contain signs of a criminal offense;

summarizes the results of market surveillance, analyzes the causes of identified violations, develops and submits in the prescribed manner proposals for revision of established requirements, if they do not provide an adequate level of protection of public interests;

provides training, retraining and advanced training of officials who carry out market surveillance;

develops and implements measures aimed at improving the efficiency of its market surveillance activities;

informs state bodies, local self-government bodies and the public about the results of market surveillance.

organizes and carries out state supervision (control) over the observance of biological and genetic safety measures for agricultural plants during the creation, research and practical use of genetically modified organisms in open systems at enterprises, institutions and organizations of the agro-industrial complex regardless of their subordination and ownership;

carries out radiation control over the level of radioactive contamination of agricultural products and food products;

in the field of production and circulation of organic products (raw materials):

carries out state supervision (control) over the activities of business entities engaged in the production, transportation, storage, sale of organic products (raw materials);

maintains a register of producers of organic products (raw materials) and ensures the publication of official information on persons engaged in the production and sale of organic products (raw materials);

disseminates information on the production and sale of organic products (raw materials), organic products, system of guarantees and control in the media with the involvement of stakeholders;

makes decisions on destruction of products or other decisions on further treatment in cases provided by law;

maintains and uses registers (databases) in accordance with the law;

provides open and free access to registers, the maintenance of which in accordance with the law is entrusted to the SSUFSCP;

in cases established by law, issues documents of a permit nature provided for by the Law of Ukraine “On the List of Permits in the Sphere of Economic Activity”;

carries out licensing of economic activity in accordance with the law and exercises state control over the observance of license conditions by licensees;

develops within the powers provided by the law, branch and interbranch programs of research works;

within the powers provided by law, draws up protocols and considers cases of offenses;

organizes, within its competence, scientific, technical and other information of ministries, other central executive bodies, educational institutions and research institutions of the SSUFSCP;

represents Ukraine's interests in international organizations in accordance with its competence, in particular the International Seed Testing Association (ISTA), the Organization for Economic Cooperation and Development (OECD), the International Grains Council, and participates in the relevant committees of the World Trade Organization, the International Epizootic Bureau, the

International Plant Protection Convention, the European and Mediterranean Plant Protection Organization, the Commission on the Codex Alimentarius, other international organizations on matters within the competence of the State Service of Ukraine on Food Safety and Consumer Protection;

concludes international agreements within the powers provided by law;

considers appeals of citizens on issues related to the activities of the State Service of Ukraine on Food Safety and Consumer Protection, its territorial bodies, as well as enterprises, institutions and organizations belonging to the sphere of its management;

manages objects of state property belonging to the sphere of its management;

organizes scientific, scientific and technical, informational, publishing activities, promotion of achievements and best practices, promotes the creation and implementation of modern technologies in areas within the competence of the State Service of Ukraine on Food Safety and Consumer Protection;

submits in the prescribed manner proposals for improving the forms of state statistical reporting;

conducts research (tests) in areas within the competence of the State Service of Ukraine on Food Safety and Consumer Protection;

exercises other powers specified by law.

Territorial bodies of the State Service of Ukraine on Food Safety and Consumer Protection

The State Service of Ukraine on Food Safety and Consumer Protection exercises its powers directly and through its territorial bodies.

Territorial bodies of the State Food and Consumer Service are:

- SSUFSCP Main office in the region and in the city of Kyiv, the provisions of which were approved by the Order of the Ministry of Agrarian Policy of 12.04.2017 №209;
- Inter-regional main office of the of SSUFSCP at the State Border, the provisions of which were approved by the Order of the Ministry of Economy dated 23.10.2020 №2145.

The territorial bodies of the SSUFSCP include 25 main departments of SSUFSCP in the oblasts and the city of Kyiv and 4 interregional main departments of the SSUFSCP at the state border.

SSUFSCP Main office in the region and in the city of Kyiv

The powers of the SSUFSCP Main office in the region and in the city of Kyiv extend to the territory of the respective oblast and the city of Kyiv. Institutions and organizations belonging to the sphere of management of the SSUFSCP and located on the territory of the respective administrative-territorial unit are subordinated to the Main Office. The head of the relevant local state administration coordinates the activities of the Main Office and assists in the implementation of the tasks assigned to him.

The SSUFSCP Main Office in the region and in the city of Kyiv, in accordance with the tasks assigned to it, ensures the implementation of state policy, namely:

1) in the field of veterinary medicine and food safety:

ensures the implementation of state veterinary and sanitary supervision (control), state control over compliance with legislation on food, feed, animal by-products, animal health and welfare, except in cases of state control of goods imported (shipped) to the customs territory of Ukraine;

carries out state supervision (control) over:

compliance with the legislation on food, feed, by-products of animal origin, animal health and welfare, except in cases of state control of goods imported (shipped) to the customs territory of Ukraine;

other objects of sanitary measures related to products of animal origin, reproductive material, breeding in animal husbandry, biological products, pathological material, veterinary drugs, substances, feed additives, premixes and feeds, veterinary medicines, animal care products and related facilities, strains of microorganisms, as well as facilities used for their production, processing, storage and circulation, except in cases of state control of goods imported (shipped) to the customs territory of Ukraine;

activities of economic entities engaged in the production, transportation, storage, sale of organic products (raw materials);

conducting veterinary and sanitary examination at facilities used for the production and / or circulation of animals, food products, as well as in agri-food markets and at the venue of fairs;

safety of food products in the process of their production and / or circulation for export and import, as well as the issuance of international certificates (veterinary, sanitary, health certificates), and for the CIS countries - veterinary certificates in cases specified by law;

movement of animals, food products, other objects of sanitary measures related to products of animal origin, reproductive material, biological products, pathological material, veterinary drugs, substances, feed additives, premixes and feeds, veterinary medicines, animal care products and related objects, strains of microorganisms;

organization of work on collection, utilization and destruction of dead animals and by-products of animal origin, not intended for human consumption;

implementation of anti-epizootic measures by legal entities and individuals engaged in professional activities in the field of veterinary medicine;

compliance with legislation on animal identification and registration;

disinfection, disinsection and deratization of economic entities at facilities used for the production, processing, storage and circulation of animals, food, reproductive material, veterinary drugs, substances, feed additives, premixes and feeds, as well as means used for their transportation;

introduction of permanent procedures based on the principles of the system of hazard analysis and control at critical points (HACCP);

organizes protection of the population from diseases common to animals and humans;

promotes the implementation of national programs in the field of veterinary medicine, including monitoring of residual veterinary drugs and contaminants in live animals, products of animal origin and feed;

organizes the implementation of measures for disinfection, disinsection and deratization of facilities used for the production, processing, storage and circulation of food, animals, reproductive material, veterinary drugs, substances, feed additives, premixes and feeds, veterinary medicines, care products animals and related objects, strains of microorganisms, as well as the means used for their transportation;

analyzes the causes and conditions of occurrence and spread of animal diseases, organizes measures to localize and eliminate outbreaks of infectious diseases common to animals and humans, prepares proposals and recommendations for the prevention, elimination and control of such diseases;

coordinates the activities of veterinary specialists regardless of their subordination;

exercises state control over the breeding and keeping of farm animals to prevent their cruel treatment

issues conclusions to the insurance authorities on the causes of the disease of forcibly killed, killed or destroyed animals;

ensures, in cases provided by law, timely quarantine in case of particularly dangerous diseases included in the OIE list or other notifiable diseases, quarantine and other veterinary and sanitary measures in infected and buffer zones, surveillance zones;

coordinates the activities of veterinary institutions to organize and conduct state veterinary and sanitary examination of food, inedible products of animal origin, reproductive material, biological products, feed additives, premixes and feeds, provides veterinary and sanitary measures to verify food safety;

imposes restrictions or prohibitions on the circulation of objects of state control that may transmit particularly dangerous diseases included in the OIE list, or other notifiable diseases from individual states or quarantine zones in the event of an outbreak of such diseases;

carries out examination and coordination of projects of planning and construction of livestock farms, facilities for slaughtering animals, processing enterprises, enterprises for the production of veterinary drugs, markets; participates in the allocation of land for all types of construction and water intake for animals;

organizes monitoring of feeds, feed additives and veterinary drugs obtained with the use of GMOs, according to the criterion of the presence of GMO sources registered in them;

approves plans of annual state control, plans of state monitoring and plans of anti-epizootic measures in accordance with the law;

prepares materials for entering information into the relevant registers of capacities (facilities);

prepares proposals on the amount of necessary veterinary drugs for mandatory (planned) or compulsory anti-epizootic measures;

carries out veterinary and sanitary supervision over the work of authorized doctors on the implementation of veterinary and sanitary measures;

in the fields of plant quarantine and protection:

carries out phytosanitary measures within its powers;

takes measures to protect the territory of Ukraine from the introduction of regulated pests;

takes measures to detect, localize and eliminate regulated pests;

takes measures to prevent the penetration of regulated pests into zones free of such regulated pests on the territory of Ukraine;

organizes the implementation of environmentally friendly for humans and the environment methods and measures for plant protection;

carries out:

state control and supervision, inspection and monitoring of the relevant territory, objects of regulation;

supervision over the development, spread and harmfulness of harmful organisms and development together with research institutions of forecasts for the development and spread of harmful organisms;

informing about the presence and development of pests, diseases and weeds, the progress of plant protection;

inspections of compliance by enterprises, institutions, organizations with the requirements of legislation on the protection of forests from harmful organisms, compliance with technologies and regulations for the use of plant protection products;

state control over:

compliance with the quarantine regime and phytosanitary measures for plant quarantine in the cultivation, procurement, export, import, transportation, storage, processing, sale and use of regulated objects;

using biological control organisms;

implementation of phytosanitary measures;

circulation of pesticides and agrochemicals;

compliance with the requirements established by law on the quality of plant protection products, including pesticides imported into Ukraine, as well as compliance with regulations for their use;

the presence of a permit (certificate) for persons whose activities are directly related to the transportation, storage, use and trade in plant protection products, as well as employees of enterprises, institutions and organizations of all forms of ownership, individuals - entrepreneurs who organize such work;

compliance with regulations on storage, transportation, trade and use of plant protection products;

carrying out by enterprises, institutions, organizations of all forms of ownership and citizens of supervision over phytosanitary condition of agricultural and other purposes, perennial and forest plantations, trees, bushes, indoor vegetation, places of storage and processing of plant products, as well as their protection from pests, observance of technologies and regulations of application and trade in plant protection products;

the content of residual pesticides, agrochemicals and heavy metals in surface waters intended for agricultural purposes, soil on agricultural lands;

carrying out preventive and extermination measures to control pests in storage areas of plant products;

compliance with the requirements of the legislation to ensure the proper quality and safety of plant protection products (pesticides and agrochemicals), including active substances;

the activities of seedling productions, state seedling productions, greenhouses and hothouses, the activities of which are related to the circulation of plants;

conducts ecological and economic substantiation of expediency of protection of plants from harmful organisms;

organizes and exercises state control over timely implementation of plant protection measures by enterprises, institutions, organizations of all forms of ownership and citizens, compliance with regulations on the use of plant protection products, content of residual pesticides, agrochemicals and heavy metals in agricultural products and raw materials;

disseminates information to the public in the field of quarantine and plant protection;

submits proposals to the relevant executive bodies on the introduction and abolition of the quarantine regime or the special plant protection regime;

maintains a balance of needs in plant protection products according to the range and volume of their production in Ukraine and purchases on imports;

coordinates the activities of state phytosanitary inspectors;

promotes continuous training and advanced training of state phytosanitary inspectors;

The structure of the SSUFSCP Main Office in the region and in the city of Kyiv includes:

1. Office for Food Safety and Veterinary Medicine:

food safety unit;

state control unit;

unit for anti-epizootic activity organization.

2. Phytosanitary Security office:

plant quarantine unit;

unit for phytosanitary measures at the border;

unit for plant protection control;

unit for projection, phytosanitary diagnostics and risk analysis;

unit for control of seed and seedling production.

3. Office for State Supervision of Compliance with Sanitary Legislation:

Unit for sanitary and epidemiological supervision and organization of outbreak investigation;

Unit for living environment safety.

4. Consumer Protection Office:

market surveillance unit;

unit of for control of trade, activities and services;

unit for control of advertising, compliance with anti-tobacco legislation and assay control;
metrological supervision sector.

5. Unit for agricultural machinery registration;

6. Sector for regulated prices control;

7. Office for economics, accounting and reporting.

8. Office for organisational and management support.

9. HR unit.

10. Legal support unit.

11. Corruption prevention sector.

12. Internal audit sector.

13. District and municipal offices of the SSUFSCP Main office in the region.

14. Regional, district and municipal state hospitals of veterinary medicine.

15. Regional and inter-regional state laboratories of the SSUFSCP.

SSUFSCP Main office in the region and in the city of Kyiv interacts with local state administrations and local self-government bodies, as well as with enterprises, institutions and organizations during the performance of the tasks assigned to it on the territory of the respective administrative-territorial unit.

Inter-regional main offices of the SSUFSCP at the border

The main task of Inter-regional main office is to implement the powers of the SSUFSCP in the field of veterinary medicine and food safety.

The powers of Inter-regional main office cover service areas determined by the SSUFSCP.

Inter-regional main office in accordance with its tasks:

1) ensures the implementation of state control at the state border of Ukraine on the compliance of consignments imported (sent) to the customs territory of Ukraine with legislation on food, feed, animal by-products, animal health and welfare;

2) performs documentary checks of consignments imported (sent) to the customs territory of Ukraine, including checks of international certificates for compliance with the requirements of the legislation;

3) performs identity checks of consignments imported (sent) to the customs territory of Ukraine;

4) performs physical checks of consignments imported (sent) to the customs territory of Ukraine;

5) detains consignments and, in the manner prescribed by law, decides on the handling of consignments that do not comply with the law;

6) ensures the application of the frequency of checks of consignments imported (sent) to the customs territory of Ukraine, approved by the SSUFSCP;

7) provides the customs authority with the information necessary for the implementation of customs formalities, including the use of a single state information web portal «Single window for international trade»;

8) interacts with the customs authorities, other state bodies, institutions and organisations authorised to implement authorisation or control functions regarding the movement of commodities and transport means for commercial purposes through the customs border of Ukraine and with other stakeholders during the performance of state control of consignments imported to the customs territory of Ukraine (transit purposes included) using the “single window” mechanism;

9) uses the information and telecommunication system of the SSUFSCP;

10) applies veterinary and sanitary measures to protect Ukraine’s territory from the introduction of animal diseases from the territories of other countries or quarantine zones;

11) ensures implementation of disinfection of transport means crossing the border from territories posing the threat of high risk of introduction of agents of notifiable animal diseases;

12) conducts extended and selective veterinary and sanitary control of commodities;

13) conducts standard border veterinary and sanitary control of commodities;

14) provides administrative services in accordance with the law;

15) provides fee-based services in cases envisaged by the law;

16) ensures keeping of international certificates and other documents required by the law in the original as well as copies of Common Veterinary Entry Document at designated border inspection post;

17) ensures the issuance of Common Entry Document and Common Veterinary Entry Document in accordance with the law;

18) restricts, bans or suspends circulation, including transportation (movement) of objects of state veterinary and sanitary control and supervision in accordance with the law in case of infringement of veterinary and sanitary measures established by the law, should such infringements potentially cause direct threat to life and/or health of humans and animals;

19) informs the SSUFSCP on all identified cases of animals transported (moved) to be sick and suspected to be sick or die of infectious diseases, and on adopted decisions regarding the detention of objects of state veterinary and sanitary control and supervision, emergence of outbreaks of infectious animal diseases, mass poisonings of animals during transportation (movement);

20) ensures non-disclosure of information with limited access obtained in connection with the performance of state control;

21) generalises practice of the application of legislation on matters within the scope of its powers, prepare proposals regarding its improvement and submit them for consideration to the SSUFSCP;

22) organizes work and equips designated border inspection posts and designated checkpoints on the state border of Ukraine;

23) exercises other powers specified by law.

Inter-regional main office interacts with local state administrations and local self-government bodies, as well as enterprises, institutions and organizations during the performance of the tasks assigned to it within the service area.

Inter-regional main office is headed by a head, who is appointed by the Head of the SSUFSCP in accordance with the legislation on the civil service. The Head of Inter-regional main office has deputies who are appointed by the Head of the SSUFSCP in accordance with the legislation on the civil service.

Employees of Inter-regional main office, who are responsible for performing the functions of state control, are ex officio state inspectors and state veterinary inspectors.

Local executive bodies

Executive power in regions (oblasts) and districts (rayons), the cities of Kyiv and Sevastopol is exercised by local state administrations.

The local state administration is a local executive body and is part of the system of executive bodies.

The local state administration, within its powers, exercises executive power on the territory of the respective administrative-territorial unit, as well as exercises the powers delegated to it by the relevant council.

In the field of food safety, veterinary medicine, quarantine and plant protection, local state administrations within the relevant administrative-territorial unit provide:

- implementation of the Constitution, laws of Ukraine, acts of the President of Ukraine, CMU, other executive bodies of the highest level;

- interaction with local governments.

The powers of local state administrations are:

in accordance with the Law of Ukraine «On animal by-products not intended for human consumption»:

- organization of development and implementation of regional and local programs for the handling of animal by-products;

- organization of measures to ensure the elimination of unauthorized and uncontrolled landfills of animal by-products;

- exercise of other powers provided by law;

in accordance with the Law of Ukraine «On plant protection»:

- control over the implementation by establishments, institutions, organizations of all forms of ownership and citizens of measures for plant protection and assistance to state phytosanitary inspectors in the performance of their official duties;

- creation of emergency commissions to combat particularly dangerous pests in the event of their mass reproduction and spread;

introduction within the competence of a special regime of plant protection for the period of mass reproduction and spread of especially dangerous pests.

Local governments

Local self-government is carried out by the territorial community in the manner prescribed by law, both directly and through local governments: village, urban-type settlement, town councils and their executive bodies.

District and regional councils are local authorities representing common interests of territorial communities of villages, urban-type settlements and towns.

The powers of local governments are:

in accordance with the Law of Ukraine «On protection of animals from cruel treatment»:

establishment of the Rules of keeping pets by local self-government bodies;

decision-making on the organization and implementation of measures to protect animals from cruel treatment (exclusive competence of village, urban-type settlement, town councils);

in accordance with the Law of Ukraine «On local self-government in Ukraine»:

taking measures and ensuring compliance with the ban on the activities of mobile menageries, mobile zoos, mobile exhibitions of wild animals and other activities prohibited by the Law of Ukraine «On protection of animals from cruel treatment» within the relevant administrative-territorial unit;

solving issues of household waste management, disposal and burial of animal carcasses (this issue belongs to the executive bodies of village, urban-type settlement, town councils);

only at the plenary sessions of the district and regional councils decisions are made to impose a ban on business entities conducting mobile circuses with animals, mobile menageries, mobile zoos, mobile exhibitions of wild animals, which contain signs of animal cruelty, within the relevant administrative territorial unit;

only at the plenary sessions of the district, regional council decisions are made to approve the list of species of animals that are not listed in the Red Book of Ukraine, but are rare or have special scientific, environmental and other value, or are endangered and subject to special protection on the territory of the relevant council;

in accordance with the Law of Ukraine «On Plant Protection»:

local self-government bodies exercise powers in the field of plant protection in accordance with the Law of Ukraine «On local self-government in Ukraine».

2. Please describe the legislative competences in the fields of food safety, veterinary and phytosanitary legislation:

a) specification of the competent authorities (for legislation) and how legislation is passed (primarily through parliamentary procedure or ministerial orders or decrees);

b) explanation of how co-ordination is ensured in terms of alignment, implementation, and policy-making to ensure that the food chain is fully covered;

c) legal possibility to adopt legislation which will be implemented progressively and which can incorporate EU notions and cross-reference to other pieces of EU legislation.

a) A detailed analysis of the existing Laws in the field of food safety and quality indicators, veterinary medicine and animal welfare, plant quarantine, their scope, powers of the Cabinet of Ministers of Ukraine, central executive bodies will be given in the respected questions below.

The Verkhovna Rada (the Parliament) of Ukraine is responsible for passing laws proposed by the President, the Government or deputies.

The Cabinet of Ministers of Ukraine (the Government) as the highest body in the system of executive bodies is responsible for passing regulations, decisions and conclusions upon proposal of competent ministries.

Ministries as the central bodies of executive power adopt orders and guidelines for enforcement of laws and other regulations.

Oblast state administrations/ Local governments – ensure implementation of local activities in the field of animal by-products, monitor and analyse situations in fields associated with their scope of work, examine consequences of analysed situations, prepare analyses, reports, information and other materials and, depending on the competence.

Preparation of food safety legislation falls within the competence of the Ministry of Agrarian Policy and Food and the Ministry of Health of Ukraine.

Activities for **preparing laws** in the field of food safety, veterinary and phytosanitary policy by the Government:

- Establishment of a law-drafting working group, consisting of representatives of competent public administration authorities and external experts in respective fields: representatives of scientific institutions, laboratories, professional organisations, NGOs and others. The group is formed by the minister of the competent authority.

- Working group prepares and submits the text of the draft law to competent authorities and stakeholders for consideration (public debates).

- Upon completion of public debates, the working group finalises the text of the Draft Law by reasonably accepting or rejecting the proposed amendments.

- Following adjustments and receipt of positive opinions, the responsible authority submits the text of the Draft Law to the Government for consolidation.

- The Government submits consolidated Draft Law to the Verkhovna Rada of Ukraine.

- The Draft Law and possible amendments are subject to further review by competent committees of the Verkhovna Rada of Ukraine.

- The Verkhovna Rada of Ukraine votes either to adopt or to reject the Law in accordance to its internal procedures.

- If the draft law is adopted, then the law is signed by the Chairman of the Verkhovna Rada of Ukraine and immediately sent to the President of Ukraine.

- Within fifteen days after receiving the law, the President of Ukraine shall sign it, accept it for implementation, and officially promulgate it or return the law with his motivated and formulated proposals to the Verkhovna Rada of Ukraine for reconsideration

- Once it has been signed by the President, the Law is published in the Official Gazette of Ukraine and the newspaper "Governmental Courier".

Drafting of legislation falling into the competence of the ministries comprises the following activities:

- Establishment of a working group to provide prepare draft legal acts falling into the competence of the respective ministries.

- Working group consists of representatives of competent ministries, holders of public authorisations and outside experts: representatives of scientific institutions, laboratories, professional organisations, NGOs and others.

- Working group finalises the text of draft legal acts and, upon receipt of positive opinions of competent authorities and stakeholders, submits it to the Minister for signature and adoption.

- Once it has been signed by the Minister, the Ministry submits the proposal for registration in the Ministry of Justice of Ukraine.

Name of the document	Sphere of regulation	Features of acceptance	Reference
Laws	Establishes the relevant principles of legal regulation of public relations, is the basis of the legal system of Ukraine	1) legislative initiative in the Verkhovna Rada of Ukraine - belongs to the President of Ukraine, People's Deputies of Ukraine and the Cabinet of Ministers of Ukraine 2) The Verkhovna Rada of Ukraine adopts laws, resolutions and other acts by a majority of its constitutional composition.	Constitution of Ukraine https://zakon.rada.gov.ua/laws/show/254к/96-бп#Text

		<p>The law shall enter into force ten days after its official publication, unless otherwise provided by law, but not earlier than the day of its publication.</p>	
<p>Resolutions of the Cabinet of Ministers</p>	<p>2. Resolutions of the Cabinet of Ministers are issued on the following basis:</p> <ul style="list-style-type: none"> - approval of regulations, statutes, procedures, rules, methods and in other cases where public relations require legal regulation; - approval, acceptance of an international agreement or accession to it. 	<p>Acts of the Cabinet of Ministers of a normative nature are issued in the form of resolutions.</p> <p>A resolution of the Cabinet of Ministers shall enter into force on the day of its official publication, unless otherwise provided by the resolution itself, but not earlier than the day of its publication.</p> <p>Resolutions of the Cabinet of Ministers are published in official publications - the Official Gazette of Ukraine and the newspaper "Governmental Courier".</p>	<p>Section 5. Preparation of draft acts of the Cabinet of Ministers</p> <p>Chapter 1. Acts of the Cabinet of Ministers</p> <p><i>Resolution of the Cabinet of Ministers of Ukraine of July 8, 2009 № 712 "On approval of the Regulations of the Cabinet of Ministers of Ukraine"</i></p> <p>https://www.kmu.gov.ua/npas/228286390</p>

<p>Decree of the Cabinet of Ministers</p>	<p>2. Orders of the Cabinet of Ministers are issued in order to:</p> <ul style="list-style-type: none"> - approve the program, action plan, concept of state policy implementation in the relevant field, concept of state target program and concept of law, directives, government statement, letter, appeal, declaration, memorandum, etc.; - forma and approve the composition of advisory, consultative, other subsidiary bodies and working groups; allocation of funds from the reserve fund of the state budget; - delegate powers of the Cabinet of Ministers to 	<p>Acts of the Cabinet of Ministers on organizational and administrative and other current issues are issued in the form of decrees.</p> <p>A decree of the Cabinet of Ministers shall enter into force upon its adoption, unless the decree itself sets a later date for its entry into force.</p> <p>The date of issuance of the act of the Cabinet of Ministers is the date of its adoption at a meeting of the Cabinet of Ministers.</p>	<p>Section 5. Preparation of draft acts of the Cabinet of Ministers</p> <p>Chapter 1. Acts of the Cabinet of Ministers</p> <p><i>Resolution of the Cabinet of Ministers of Ukraine of July 8, 2009 № 712 “On approval of the Regulations of the Cabinet of Ministers of Ukraine”</i></p> <p>https://www.kmu.gov.ua/npas/228286390</p>
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	central and local executive bodies; - transfer property; - organize and administrate issues of the work of CMU.		
Order	1. The Ministry within its powers, on the basis of and pursuant to the Constitution and laws of Ukraine, acts of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine issues orders signed by the Minister.	2. Orders of the Ministry issued within its powers shall be binding on central executive bodies, their territorial bodies, local state administrations, authorities of the Autonomous Republic of Crimea, local self-government bodies, enterprises, institutions and organizations of all forms of ownership and citizens. . 3. Orders of the Ministry of normative-legal content are subject to state registration by the Ministry of Justice of Ukraine and are included in the Unified State Register of	Article 15. Orders of the Ministry Law of Ukraine dated 17 March 2011 № 3166-VI “ <i>On Central Bodies of Executive Power</i> ” https://zakon.rada.gov.ua/laws/show/3166-17#Text

		<p>Normative-Legal Acts.</p> <p>4. Orders of the Ministry, which in accordance with the law are regulatory acts, are developed, considered, adopted and published taking into account the requirements of the Law of Ukraine "On Principles of State Regulatory Policy in the Sphere of Economic Activity".</p>	
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b) explanation of how coordination is ensured in terms of alignment, implementation, and policy-making to ensure that the food chain is fully covered:

The system of executive bodies in the field of food safety and certain indicators of food quality includes:

The Cabinet of Ministers of Ukraine;

the central body of executive power, which forms and ensures the implementation of state policy in the field of health care;

central body of executive power, which forms and ensures the implementation of state policy in the field of food safety and certain indicators of food quality;

central body of executive power that implements state policy in the field of food safety and certain indicators of food quality (competent authority).

Central body of executive power, which forms and ensures the implementation of state policy in the field of health care shall:

establish the appropriate level of protection of human health;

establish the procedure for notification of food poisoning;

carry out state registration and maintains state registers of the novel food, food additives, flavors, enzymes, mineral drinking water in accordance with established criteria.

The central body of executive power, which forms and ensures the implementation of state policy in the field of health care, shall approve:

indicators of food safety and other objects of sanitary measures;

criteria for assigning drinking water to the category of "mineral drinking water";

methodological guidelines and publish them on its official website the day after approval.

The central body of executive power, which forms and ensures the implementation of state policy in the field of health care, shall exercise other powers stipulated by this Law.

The central body of executive power, which forms and ensures the implementation of state policy in the field of food safety and certain indicators of food quality, shall approve:

hygienic requirements for the production and circulation of food products;

the procedure for approving export capacities, maintaining their register and making changes to it;

rules for applying a simplified approach to the development, implementation and use of ongoing procedures based on the principles of the system of hazard analysis and control at critical points (HACCP);

a list of materials, the sale and use of which for the purposes of animal feeding are restricted or prohibited;

a list of substances whose presence in feed is restricted or prohibited, and the procedure for market operators to conduct periodic research (testing) on the content of such substances in feed;

rules for slaughtering animals;

methodological guidelines and publish them on its official website the day after approval.

The central body of executive power, which forms and ensures the implementation of state policy in the field of food safety and certain indicators of food quality, shall exercise other powers stipulated by this Law.

As for SSUFSCP (competent authority) is guided by the Constitution and laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine and other legal acts. The SSUFSCP carries out:

issuance of operating permits for facilities;

state registration of facilities;

maintenance of the State Register of Forage Production and Circulation Capacities;

state registration of feed additives and maintaining the State Register of feed additives;

approval and implementation of plans for monitoring animal diseases to be notified;

the state registration of veterinary medicinal products and maintaining the State Register of Veterinary Medicinal Products of Ukraine;

approval of the forms of international veterinary certificates with the competent authorities of other states.

The Main Directorate of SSUFSCP is guided by the Constitution and laws of Ukraine, decrees of the President of Ukraine and resolutions of the Verkhovna Rada of Ukraine adopted in accordance with the Constitution and laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, orders of the Prime Minister of Ukraine, orders of ministries, orders of the Minister for development of Economy, Trade and Agriculture of Ukraine, his/her first deputy and deputies, orders of the SSUFSCP, orders of the Head of SSUFSCP and his/her deputies, acts of local state administrations, local governments, as well as this Regulation.

c) legal possibility to adopt legislation which will be implemented progressively and which can incorporate EU notions and cross-reference to other pieces of EU legislation.

Procedure of adopting the legislation is described in the paragraph a) of this point.

3. Please provide information on the control activities and enforcement in the fields of food (and feed) safety, veterinary and phytosanitary policy, including details on the organisation of the controls as regards the frequency, the choice of establishments, the procedure for sampling and procedures in case of infringements. Please specify which bodies are in charge of control activities and enforcement and their respective responsibilities. Please describe mechanisms of coordination.

Legal framework

The legal framework for control activities and enforcement in the fields of food and feed safety, veterinary and phytosanitary policy is laid down by the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) as well as the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007).

These laws establish the procedures of carrying out official controls over the compliance with the legislation on food and feed safety, veterinary and animal welfare legislation as well as the legislation on animal by-products, including:

- the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997);
- the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
- the Law of Ukraine «On animal by-products, not intended for human consumption» (№ 287 of 07.04.2007);
- the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021);
- and by-laws based on these laws.

Apart from official controls, the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) lays down the procedures of imposing penalties on businesses for the infringements of the legislation on food and feed safety, veterinary and animal welfare legislation as well as the legislation on animal by-products. The penalties for such infringements are also set out in this Law of Ukraine.

As for the official controls over the compliance with the phytosanitary legislation, which comprises the Law of Ukraine «On the protection of plants» (№ 180 of 14.10.1998), the Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993) as well as by-laws based on these laws, they are carried out in accordance with the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007).

Compliance of the Ukrainian legislation on official controls in the field of food (and feed) safety, veterinary and phytosanitary policy with the relevant legislation of the European Union

The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) is a central piece of Ukraine's legislation on official controls in the field of food and feed safety, animal health and welfare as well as animal by-products. This law was developed on the basis of Regulation (EC) № 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules as well as Regulation (EC) № 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption and a number of other pieces of the EU legislation.

The same as Regulation (EC) No 882/2004 the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) does not apply to the official controls over the compliance with phytosanitary legislation. As it has already been stated, the current legal basis for the verification of compliance with the phytosanitary legislation is the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007).

Since Regulation (EC) № 882/2004 is no longer in force, Ukraine is planning to work on bringing the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) into full correspondence with the new EU legislation on official controls, namely the 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation).

As soon as this work on updating legislation is completed Ukraine's legislation on official controls in the fields of food (and feed) safety, veterinary and phytosanitary policy will be fully aligned with the relevant legislation of the European Union.

Bodies in charge of the control activities and enforcement in the fields of food (and feed) safety, veterinary and phytosanitary policy

Under the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) the competent authority is responsible for carrying out official controls over the compliance with the legislation on food and feed safety, veterinary and animal welfare legislation as well as the legislation on animal by-products. Currently the powers of the competent authority are vested in the State Service of Ukraine for Food Safety and Consumer Protection (SSUFSCP). The same body of state power is responsible for control activities and enforcement of legislation in the field of plant health and plant protection products (phytosanitary policy).

The key powers of the SSUFSCP are as follows:

implementation of state control measures with regards to food, feed, animal by-products, veterinary medicinal products, biological products and germinal material, animal health and welfare as well as establishments and facilities used for their production, processing, storage, distribution, keeping or breeding (with regards to animals);

development and implementation of a multi-annual (long-term) plan of state control;

development and implementation of a contingency plan for food and feed;

implementation of state control over the compliance with HACCP principles;

approval of annual plans of state control as well as annual monitoring plans;

establishing the frequency of inspections, audits, sampling and laboratory analysis with regards to the establishments used for the production and distribution of food, feed, animal by-products, veterinary medicinal products as well as animal holding in an annual plan of state control;

establishing the frequency of documentary checks, identity checks, physical checks, laboratory analysis with regards to the consignments crossing into the customs territory of Ukraine;

organisation of ante-mortem and post-mortem examinations of animals as well as veterinary and sanitary examination of foodstuffs of animal origin;

organisation of sampling under the procedure of:

1) planned sampling – in pursuance with an annual state control plan and/or an annual state monitoring plan;

2) non-planned sampling – in the event of evidence-based suspicion of noncompliance or other grounds for sampling during state control implementation;

organisation of performance of monitoring analyses of residues of veterinary medicinal products and contamination of animal farming products;

issuing, suspension and revocation of operating permits and veterinary documents;

temporary suspension of the production and/or circulation of animal by-products, veterinary medicinal products, biological products and germinal material in accordance with legal requirements;

prohibition of animal slaughter, storage, transportation and sale of foodstuffs of animal origin which do not comply with veterinary and sanitary requirements;

taking measures to eliminate the infringements of the legislation on food and feed safety, veterinary and animal welfare legislation as well as the legislation on animal by-products, imposing penalties for such infringements.

The SSUFSCP has a system territorial/local bodies implementing its powers in all regions of Ukraine. This system also includes a number of research institutions and enterprises assisting the competent authority in the implementation of its powers.

Officials and other persons who are authorized to carry out measures of state control

Measures of state control are carried out by such officials as:

- state veterinary inspector – a person working in the system of competent authority and complying with qualification requirements established by this Law. The job description includes the implementation of state controls on food of animal origin, feed of animal origin, animal by-products, straw, hay, animal health and welfare;

- state inspector – a person working in the system of competent authority with higher educational background (degree at least on the level of specialist/master), at least one year of work experience in the area of application (implementation) of sanitary and/or phytosanitary and/or veterinary and sanitary measures. The job description includes the implementation of state controls;

- assistant of state veterinary inspector – veterinary medicine specialist complying with the requirements set forth by this Law and working in the system of competent authority under the management of state veterinary inspector.

Other persons, who are authorized to carry out certain measures of state control (authorized persons) include:

- official veterinary doctor – veterinary medicine specialist complying with qualification requirements established by article 13 of the referenced law with at least two years of work experience in the professional field and authorised by the competent authority to perform certain state controls at a specific facility (holding);

- authorised veterinarian – veterinary medicine specialist with at least one year of work experience in the professional field authorised by the competent authority to perform certain state controls of holdings.

Slaughterhouse employees may also be authorised to fulfill the responsibilities of an assistant to state veterinary inspector.

In addition, the list of authorized persons also includes authorised laboratories vested with powers to carry out laboratory analysis (tests).

Measures of state control

According to article 19 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) measures of state control comprise:

- audits;
- inspections;
- ante-mortem and post-mortem examinations of animals;

- sampling;
- laboratory analysis;
- clinical examination of animals;
- verification of animals' fitness for travel;
- documentary checks;
- identity checks;
- physical checks.

State monitoring is also carried out as part of state control measures.

Measures of state control are generally carried out without a prior notice, except for cases when an audit or other measures of state control cannot be effective without such a notice.

State control measures may be carried out according to the annual plan of state control (planned measures of state control) or at ad hoc basis where there is evidence of non-compliance or other legal grounds.

Risk-based approach and the frequency of state control measures

Under article 18 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) measures of state control must be carried out according to a risk-based approach. Therefore, the frequency of such measures depends on the risk, posed by a food /feed business establishment, animal holding, consignment of food/feed/animal by-products/germinal products etc.

Currently the frequency of state control measures is determined by the competent authority on the basis of the Procedure of establishing the frequency of state control measures over the compliance of business operators (establishments) with the requirements of the legislation on food, feed, animal health and welfare, carried out by the State Service of Ukraine for Food Safety and Consumer Protection as well as criteria for the assessment of risk from their activities, approved by the Resolution of the Cabinet of Ministers of Ukraine of 31 October, 2018 № 896.

Under this Procedure after the assessment of risks associated with all relevant businesses (establishments) they are assigned a certain category (degree) of risk and included into an annual plan of state control. Therefore, planned measures of state control are carried out with the following frequency depending on the degree of risk:

- a very high degree of risk - inspection - no more than four times a year, audit - no more than once a year;
- a high degree of risk - inspection - no more than three times a year, audit - no more than once a year;
- an average degree of risk - inspection - no more than twice a year, audit - no more than once a year;
- a low degree of risk - inspection - no more than once a year, audit - no more than once every two years;

- a small degree of risk - inspection - no more than once every two years, the audit is not conducted.

The criteria for assessing the degree of risk from relevant business activities are as follows:

identified risks associated with animals, food, feed, business operators (establishments), use of food or feed, processes, materials, substances, activities or operations that may adversely affect the safety of food and / or feed, animal health and welfare;

the results of previous state control measures;

the effectiveness of the procedures used by the business operator (establishment) to comply with legislation on food, feed, animal health and welfare;

information that may indicate non-compliance of economic activities with the requirements of the legislation on food, feed, animal health and welfare.

In other words, the choice of a particular establishment for a planned inspection during a certain period depends on the degree of risk it poses. All establishments are supposed to undergo planned measures of state control and are included in annual control plans. However, establishments with a lower degree of risk are included in annual control plans less often than those posing a higher risk (or the number of inspections and audits for low-risk establishments in the annual control plan is lower than the number of checks for high-risk establishments).

As for the frequency of state control measures at the border it has to be emphasized that all consignments crossing the border into Ukraine have to undergo documentary checks as well as identity checks whereas physical checks may be carried out less frequently.

Under article 44 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) the SSUFSCP can establish the frequency of physical checks at the border lower than 100 % with regards to the consignments with products and live animals:

1) coming from the country, included in the Register of countries and establishments, from which imports of products and live animals into Ukraine are allowed;

2) coming from the establishment, included in the Register of countries and establishments, from which imports of products and live animals into Ukraine are allowed;

3) accompanied by the originals of international certificates and other documents required by the law.

A lower frequency of physical checks at the border is also possible on the basis of an agreement between the competent authority of Ukraine and the competent authority of another country on the recognition of equivalence.

The planning of state control measures

Planned measures of state control are carried out in accordance with the annual plan of state control.

The annual plan of state control for the next year is developed and approved by the competent authority before December 1 of the current year.

The annual state control plan must correspond to the multi-annual (long-term) state control plan. It must be based on a risk-based approach and provide for the sampling of different types of food, feed, animal by-products, biological products, reproductive material, pathological material, veterinary drugs and their laboratory analysis (testing).

An annual state control plan may include an annual state monitoring plan.

In accordance with article 24 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) the competent authority develops and organizes the implementation of a multi-annual (long-term) plan of state control. The implementation of the multi-annual (long-term) plan of state control is ensured by drawing up, approving and implementing annual plans of state control, evaluation of their implementation, as well as by planning and implementing measures to eliminate identified shortcomings.

In accordance with articles 7 and 27 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) the SSUFSCP must also develop and implement a contingency plan for food and feed.

Sampling

The sampling requirements are laid down by article 21 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) and articles 13-18 of the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007).

The methods of sampling and basic and/or laboratory analysis of samples are established by legal acts and in the event of their absence – by the national standards of Ukraine. In the absence of the latter, the methods of sampling and basic and/or laboratory analysis of samples established by international organizations that Ukraine is a member of or those of the European Union are applied.

Sampling is done under the following procedure:

planned sampling – in pursuance of annual state control plan and/or annual state monitoring plan;

non-planned sampling – in the event of evidence-based suspicion of noncompliance during state control implementation or other grounds for sampling established by the law.

Sampling is performed by taking two legally and analytically identical samples (except where this is not possible due to the lack of material or due to the fact that foodstuffs are perishable). One sample is sent by the competent authority to the authorized laboratory for laboratory analysis (test), and another one is handed over to the business operator and has to be stored for the purposes of an arbitration laboratory analysis (test) in case it becomes necessary. At the request and at the expense of a business operator, additional legally and analytically identical samples are taken and handed over to such a business operator for possible further use in alternative laboratory tests.

If a business operator does not agree with the results of the main laboratory analysis (test) such an operator is entitled to submit to the competent authority an application for an arbitration laboratory analysis (test), indicating an authorized reference laboratory which uses reference methods and is located in Ukraine, or a reference laboratory located in the European Union, and asking to carry out an arbitration laboratory analysis (test) with relevant reference methods of analysis. An arbitration

laboratory analysis (test) may not be carried out in an authorized laboratory which carried out the main laboratory analysis (test). If within five working days from the date of receipt by a business operator of the notification of the results of the main laboratory analysis (test) this application is not submitted, the results of the main laboratory analysis (test) showing non-compliance are considered final.

Enforcement of the law on food and feed safety, animal by-products, animal health and welfare in the event of noncompliance

The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) provides for a number of measures addressing the violations of the legislation on food and feed safety, animal by-products, animal health and welfare. First of all, there is a list of such violations with penalties for each of them in article 65. According to article 66 senior officials of the SSUFSCP, such as chief state inspectors and chief state veterinary inspectors, are empowered to impose these penalties on businesses where relevant violations are found and protocolled as a result of state control measures. The powers to compile relevant protocols are vested in state inspectors and state veterinary inspectors. However, in the case of certain offences committed for the first time in three years a state inspector or a state veterinary inspector issues only an order to eliminate an offence (an improvement notice) instead of compiling a protocol.

In addition, as it stems from article 67 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017), it is also possible to enforce proper implementation of the legislation on food and feed safety, animal by-products, animal health and welfare through the mechanism of suspending the manufacture and/or distribution of food, feed, animal by-products, biological products, germinal material and veterinary medicinal products in cases where the violations of relevant legislation pose a threat to the life and/or health of humans or animals.

Overall, within the framework of enforcing the law on food and feed safety, animal by-products, animal health and welfare the competent authority (state inspectors and state veterinary inspectors) has the right to:

- compile protocols and issue improvement notices in order to address violations of the legislation and verify the state of their execution by business operators;

- impose limitations or prohibition of import (shipment) to the customs territory of Ukraine or export of consignments from this territory;

- make decisions regarding recall, withdrawal or destruction of foodstuffs and/or feed and control execution of such decisions;

- make decisions regarding the use of foodstuffs and/or feed for purposes other than those initially intended for (change of intended use);

- make decisions regarding temporary suspension of production and/or circulation of foodstuffs and/or feed;

- issue, suspend, revoke, renew and re-issue operating permit (approval) for a food or feed establishment (animal holding) and apply other measures envisaged by the law in relation to the

establishments (animal holdings) which do not comply with the legislation on food and feed, animal health and welfare.

Enforcement and official control regarding phytosanitary legislation

At the moment Ukraine's phytosanitary legislation includes the Law of Ukraine «On the protection of plants» (№ 180 of 14.10.1998) and the Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993) the Law of Ukraine «On pesticides and agrochemicals» (№ 86/95 of 02.03.1995) as well as a number of by-laws based on these laws.

The powers to enforce and verify compliance with the phytosanitary legislation are vested in the SSUFSCP.

The measures of state control over the compliance with the phytosanitary legislation are carried out in accordance with the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007). This law has a broad scope, as it is supposed to cover official control activities in various fields. In other words, this piece of legislation was not tailor-made to deal with official control activities in the phytosanitary field. However, the main concepts and provisions of this law are similar to those enshrined in the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017).

Under the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007) measures state control may be carried out according to a plan or at ad hoc basis, provided there are relevant legal grounds. The planning of state control measures takes place according to a risk-based approach. Thus, the frequency of planned measures of state control depends on the outcome of risk-assessment regarding various business activities.

In accordance with article 5(2) of the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007) measures of state control are planned to be carried out:

- less than once in two years in case of a high-risk business activity;
- less than once in three years in case of an average-risk business activity;
- less than once in five years in case of a low-risk business activity.

In the phytosanitary field of activity risk-assessment is carried out by the SSUFSCP on the basis of:

- the criteria for assessing the risk of business activity in the field of plant quarantine and establishing the frequency of planned state control measures to be carried out by the State Service of Ukraine for Food Safety and Consumer Protection, approved by the Resolution of the Cabinet of Ministers of Ukraine of 23 January, 2019 №33;

- the criteria for assessing the risk of business activity in the field of plant protection and establishing the frequency of planned state control measures to be carried out by the State Service of Ukraine for Food Safety and Consumer Protection, approved by the Resolution of the Cabinet of Ministers of Ukraine of 23 January, 2019 №34.

Hence, the frequency of state control measures with regards to the business activities involving the quarantine of plants and plant protection is determined on the basis of risk assessment performed in accordance with these criteria.

As for ad hoc state control measures, they are carried out on the basis of the legal grounds set out in article 6 of the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007). They include, in particular:

- a written request from a business operator for state control measure;
- false information provided by a business operator in its official reports to the public authorities;
- verification of a business operator's compliance with an improvement notice or any other official document requiring to eliminate irregularities discovered during previous state control measures;
- complaint of an individual about an irregularity, violating rights and legitimate interests, causing harm to the life and health of an individual, harm to the environment or harm to the national security;
- failure of a business operator to file official reports to the public authorities for two consecutive reporting periods without proper justification;
- order of the Prime Minister of Ukraine in connection with systematic irregularities;
- accident or death as a result of an accident or a professional disease in connection with the activities of a business operator;
- report of the local authorities' officials about the irregularities of a business operator.

As a measure of state control in phytosanitary area sampling is performed in accordance with articles 13-18 of the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007). Under these articles sampling implies taking two samples. One of them is used for expert examination and another one is left with a business operator. It can be used later if a business operator does not agree with the findings of an expert examination and a new expert examination (laboratory analysis) is necessary. In case of disagreement a business operator can challenge the findings of an expert examination in court. In this case a new expert examination is carried out and the dispute is resolved by the court of law.

4. Implementation: For each of the following items of the food safety, veterinary, and phytosanitary policy, listed below please give details of the measures taken to ensure proper implementation of the legislation with reference as relevant to the following activities (indicative list) as well as sanctions in case of non-implementation/non-compliance

a) laboratories used in hygiene, veterinary, phytosanitary controls, food- and feed-stuff analysis (chemical, microbiology, GMOs, etc): present or planned activities (with time-table) to comply with EU systems, timetable of accreditation according to EU law with name of accreditation body, methods of sampling and analysis (in general, for contaminants, for food contact materials etc) and chain of command; provide specific description of the system of

reference laboratories if existing; if not, indicate where Ukraine stands with preparations for relevant legislative act(s) to provide for their enforcement.

National accreditation system

In accordance with the Laws of Ukraine «On Veterinary Medicine» (hereinafter - Law 2498), «On Basic Principles and Requirements of Food Safety and Quality» (hereinafter - Law 771), «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (hereinafter - Law 2042) laboratory tests (tests) for the purposes of state control have the right to carry out only accredited laboratories authorized by the SSUFSCP to conduct laboratory tests (tests) in one or more areas of laboratory tests tests).

According to Law 2042, an accredited laboratory is a laboratory of any form of ownership located in Ukraine or another country, accredited in accordance with the requirements of the national standard DSTU EN ISO / IEC 17025: 2019 (EN ISO / IEC 17025: 2017, IDT; ISO / IEC 17025: 2017, IDT) «General requirements for the competence of testing and calibration laboratories» (hereinafter - DSTU EN ISO / IEC 17025: 2019) National Accreditation Body of Ukraine, a foreign accreditation body that is a full member of ILAC (International Organization for Cooperation in in the field of laboratory accreditation), or another foreign accreditation body whose activities meet the requirements of ISO / IEC 17011 (DSTU ISO / IEC 17011).

Article 22 of Law 2042 stipulates that laboratory tests (tests) for the purposes of state control are conducted by accredited laboratories authorized by the competent authority (SSUFSCP). The competent authority shall revoke the authorization of the laboratory if it fails to comply with the authorization criteria established by law.

The SSUFSCP is authorized to conduct laboratory research (tests) for the purposes of state control of 130 laboratories, of which 105 laboratories belong to the management of the SSUFSCP. The list of authorized accredited laboratories and reference laboratories is posted on the website of the SSUFSCP: <https://dpss.gov.ua/bezpechnist-harchovih-produktiv-ta-veterinarna-medicina/p-laboratorij/perelik-upovnovazhenih-akred>.

National Accreditation Agency of Ukraine (NAAU)

The National Accreditation Body of Ukraine is the National Accreditation Agency of Ukraine (NAAU).

Legal, organizational and economic principles of accreditation of conformity assessment bodies in Ukraine are defined by the Law of Ukraine «On Accreditation of Conformity Assessment Bodies» (hereinafter - Law 2407).

The National Accreditation Body of Ukraine is a state organization formed by a central executive body that ensures the formation of state policy in the field of economic development (MEU). The Ministry of Economy approves the regulations on NAAU.

NAAU consists of:

1) Accreditation Council;

The Council is an advisory and supervisory body of the national accreditation body of Ukraine. The Accreditation Council is formed on a parity basis with:

- representatives of central executive bodies;

- representatives of accredited conformity assessment bodies;
- representatives of scientific institutions, unions (unions, associations) of business entities, public organizations.

The main functions of the Accreditation Council are:

- development of recommendations for the formation of policy in the field of accreditation and supervision of its implementation;
- supervision over the implementation of accreditation in accordance with the principles, norms and requirements established by this Law, other regulations, standards and other documents on accreditation;
- providing recommendations on the procedure for accreditation and monitoring, on the consideration of appeals and determining the amount of payment for accreditation and monitoring;
- approval of qualification requirements, procedure and rules of attestation of accreditation personnel, composition of the attestation commission of accreditation personnel;
- approval and dismissal of members of the Board of Appeals;
- approval of the provisions on the Board of Appeals and amendments thereto;
- preparation of proposals for supervision of accreditation and organizational and financial activities of the national accreditation body of Ukraine;
- adoption of recommendations on concluding agreements on cooperation and mutual recognition of accreditation of conformity assessment bodies;
- consideration of the annual report on the activities of the national accreditation body of Ukraine and providing an opinion on the report.

Regulations on the Accreditation Council and its composition are approved by the central executive body, which ensures the formation of state policy in the field of economic development.

2) Technical committees for accreditation.

The main functions of technical committees for accreditation are:

- development of methodical recommendations on accreditation issues;
- determination of additional requirements for accreditation in relevant areas, preparation and submission of proposals to the national accreditation body of Ukraine.
- Regulations on technical committees are approved by NAAU.

3) the Board of Appeals.

The main tasks of the Appeals Board are to consider complaints, appeals and disputes regarding the accreditation of conformity assessment bodies, certification of auditors, or other related actions and decisions.

Conformity assessment bodies, executive bodies, local self-government bodies, institutions, organizations, enterprises, regardless of the form of ownership and type of activity operating in Ukraine, as well as individuals have the right to file appeals.

The commission consists of permanent and temporary members. The Secretary keeps the records of the Commission. The permanent part of the Commission consists of 5 people. The composition of the permanent part of the Commission and its Chairman are approved by the NAAU Accreditation Council on the proposal of the members of the Council. NAAU employees may not be members of the permanent part of the Commission. The term of office of the members of the Commission is 3 years. The composition of the temporary part of the Commission is formed (if necessary) on the proposals of the members of the Commission for consideration of each specific appeal and approved by the Chairman of the Commission. The formation of the temporary part of the Commission should ensure the independence of its members from the conflicting parties.

Regulations on the Appeals Commission shall be approved by the National Accreditation Body of Ukraine.

The main functions of NAAU are:

- accreditation of conformity assessment bodies, including decision-making on accreditation, denial of accreditation, extension and restriction of the scope of accreditation, temporary suspension and renewal of validity and revocation of the accreditation certificate;

- monitoring the compliance of the bodies accredited by it to assess compliance with the requirements of accreditation by conducting supervision, conducting repeated, extraordinary and other assessments;

- approval:

- the procedure for accreditation, accreditation work programs;

- the procedure for monitoring;

- the procedure for reviewing complaints related to the activities of accredited conformity assessment bodies;

- qualification requirements, procedure and rules of attestation of accreditation staff;

- composition of the attestation commission of accreditation personnel;

- organization of selection, training, preparation and certification of accreditation personnel, their involvement in the accreditation work;

- maintaining a register of accredited conformity assessment bodies and a register of accreditation personnel;

- participation in the work on harmonization of normative legal acts, national standards and other documents on accreditation with international and European rules and standards, which determine the requirements for the national accreditation body of Ukraine and accredited conformity assessment bodies;

- organization of research work in the field of accreditation;

- organization of information support on accreditation issues.

The procedure for accreditation of conformity assessment bodies is set out in Article 11 of Law 2407.

NAAU is a full member of ILAC, so accredited laboratories do not need to be accredited by European accreditation bodies.

Accreditation of laboratories for compliance with the requirements of DSTU ISO / IEC 17025.

NAAU confirms the competence of laboratories to conduct tests in accordance with the requirements of DSTU ISO / IEC 17025.

Based on the results of accreditation of conformity assessment bodies, NAAU issues a certificate of accreditation, the validity of which is 5 years. Upon expiration of the accreditation certificate, NAAU conducts an audit for the purpose of accreditation or re-accreditation of conformity assessment bodies. During the inter-accreditation period, NAAU once a year carries out monitoring checks on the compliance of the bodies accredited by it to assess compliance with the requirements of accreditation.

NAAU accredited the Test Center of the State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination (DNDILDVSE) and the Reference Center for the Diagnosis of Animal Diseases in accordance with the requirements of DSTU ISO / IEC 17025: 2006. Tests of food products, raw materials of animal, plant and biotechnological origin, feed, feed raw materials and vitamin preparations for quality and safety, molecular genetic research are carried out on 875 indicators of food and feed, 219 sanitary and hygienic indicators.

The field of accreditation contains information on: indicators under study, test methods, regulatory documentation for methods and techniques.

All laboratories of central and regional level are accredited for competence in accordance with the requirements of DSTU ISO / IEC 17025: 2006.

Laboratories of the local (district) level on a voluntary basis are subject to assessment of technical competence by the metrological service of the State research institute for laboratory diagnostics and veterinary sanitary examination.

An important aspect of testing laboratories for professionalism is their participation in proficiency testing programs (TPPs). According to the policies of the European Agency for Accreditation and NAAU, inter-laboratory tests are conducted at least once in the inter-accreditation cycle for each of the indicators.

Laboratories also participate in interlaboratory comparisons outside of proficiency testing programs.

The list of accredited laboratories is published on the website of the National Accreditation Agency of Ukraine (NAAU) in the section «Testing laboratories» <https://naau.org.ua/reyst-akreditovanix-ooov/>

Laboratories for veterinary control and safety of food products



According to Article 62 of Law № 2498, laboratory diagnostics of animal diseases and assessment of veterinary and sanitary condition of products of animal origin, inedible products of animal origin, feed additives, premixes, feed, soil, water for animals, as well as periodic control over quality and safety indicators are carried out by: Research Institute of Laboratory Diagnostics and Veterinary Sanitary Examination and its branches in the Autonomous Republic of Crimea, oblasts, as well as regional, interregional, city, district, interdistrict state laboratories of veterinary medicine and other laboratories authorized by SSUFSCP, in accordance with the criteria approved by the Resolution of the Cabinet of Ministers of Ukraine of January 10, 2019 №10.

State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination (SRILDVSE)

According to the Regulation approved by the order of MoAPFU of March 13, 2017 №120, SRILDVSE is a state research institution of veterinary medicine and is subordinated to SSUFSCP.

The structure of the Institute includes 10 research departments (RD) and 10 auxiliary departments (see the structure of the SRILDVSE in the annex).

SRILDVSE, in accordance with the tasks, performs:

1) research and participating in the development of regulations on prevention, diagnosis and identification of animal diseases, testing methods, laboratory research (testing) of safety indicators and individual quality indicators of sanitary facilities, animal by-products, feed additives, premixes, feed, reproductive material, biological and biotechnology products, soil, drinking water and animal water, plant protection products, environmental factors that have a detrimental effect on human health, quality and independent examination of goods, seed quality and planting material, as well as other research (tests);

2) organizational, methodological and metrological support of laboratory work in Ukraine;

3) arbitration research in case of disputes over the conclusions of laboratory diagnostics and laboratory research (tests). The results of arbitration research are final;

4) approbation of measuring equipment and test and auxiliary laboratory equipment, diagnostic kits, test systems, other biological products, etc. for diagnosis and/or identification of animal diseases, laboratory research (testing) of safety indicators and individual quality indicators of sanitary facilities, animal by-products, feed additives, premixes, feeds, reproductive material, biological products and biotechnology products, soil, drinking water and water for animals, plant protection products, environmental factors that have a detrimental effect on human health, quality and independent examination of goods, quality of seeds and planting material, as well as other research (tests) and providing scientifically sound recommendations for their implementation and acquisition;

5) diagnosis and/or identification of animal diseases, laboratory research (tests) of safety indicators and individual quality indicators of sanitary facilities, animal by-products, feed additives, premixes, feeds, reproductive material, biological products and biotechnology products, soil, drinking water and water for animals, plant protection products, environmental factors that have a detrimental effect on public health, quality and independent examination of goods, quality of seeds and planting material, as well as other research (tests);

6) preparation of scientifically substantiated plans for state monitoring of animal diseases taking into account the number of business operators and objects controlled by SSUFSCP, epizootic and

veterinary health status of livestock, national requirements and international standards, instructions and recommendations, their submission to SSUFSCP for approval;

7) preparation of a scientifically plan of state monitoring of residues of veterinary drugs and contaminants in live animals and unprocessed food products of animal origin and other plans of laboratory research (testing) for state laboratory control taking into account the number of business operators and controlled by SSUFSCP, epizootic and veterinary-sanitary condition of animal husbandry, national requirements and international standards, instructions and recommendations and their submission to SSUFSCP for approval;

8) carrying out works (services) related to ensuring the uniformity of measurements and technical competence in certain areas of activity in district, city, interdistrict state laboratories of SSUFSCP, state laboratories of veterinary and sanitary examination in agro-food markets and/or other laboratories individuals and legal entities in accordance with current legislation;

9) participation in interlaboratory international and national rounds of professional testing; organization of international tests for state laboratories of SSUFSCP and other laboratories of any form of ownership (in case of their application);

10) analysis and risk assessment related to the occurrence and spread of infectious animal diseases, safety and certain quality indicators of sanitary facilities, animal by-products, feed additives, premixes, feeds, reproductive material, biological products and biotechnology products, soil, water drinking and water for animals, plant protection products, human environmental factors that have a detrimental effect on public health, quality and independent examination of goods, quality of seeds and planting material, etc., including when imported into Ukraine;

11) activities on acquisition, import, export, transportation, use, storage, release and destruction of narcotic drugs, psychotropic substances and precursors in accordance with the Law of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors";

12) advanced training and internships of veterinary medicine specialists, lecturers of higher educational institutions of III-IV levels of accreditation and employees of research institutes;

13) organization and scientific support of laboratory work on safety and individual quality indicators of sanitary facilities, animal by-products, feed additives, premixes, feed, reproductive material, biological products and products of biotechnology, soil, drinking water and water for animals, plant protection products, environmental factors that have a detrimental effect on public health, quality and independent examination of goods, quality of seeds and planting material during their production and/ or circulation, including when imported into Ukraine, exported from territory of Ukraine and transit;

14) participation in the state sanitary-epidemiological examination;

15) scientific substantiation of the maximum permissible levels of safety indicators and individual indicators of food and feed quality and submission of proposals to SSUFSCP;

16) provision of expert opinions, reports, research (tests) protocols with recommendations in accordance with the legislation;

17) calibration and verification of measuring instruments, equipment of the Institute and other institutions and organizations;

The SRILDVSE test center is authorized by SSUFSCP as an accredited laboratory for the purposes of state control of food, raw materials of animal, plant and biotechnological origin, feed, feed raw materials and vitamins, water quality and safety; molecular genetic research; diagnostics of animal diseases of infectious and non-infectious etiology; any substances (including those from the environment) related to the production and circulation of food and feed, animal health and welfare.



SRILDVSE Test Center is the first testing laboratory in Ukraine to receive an accreditation certificate for compliance with DSTU EN ISO IEC 17043: 2017 "Conformity assessment. General requirements for professional level testing as a performer of the VET-TEST qualification program ". The institute is an accredited provider of chemical-toxicological, microbiological and GMO definitions.



The Department of Metrological Support and Calibration is accredited in accordance with the requirements of DSTU ISO / IEC 17025: 2006 by the National Accreditation Agency of Ukraine for measuring air parameters of industrial environment, namely: temperature, humidity, noise, light, electrostatic and electromagnetic fields, toxic substances in air workspace, other indicators.



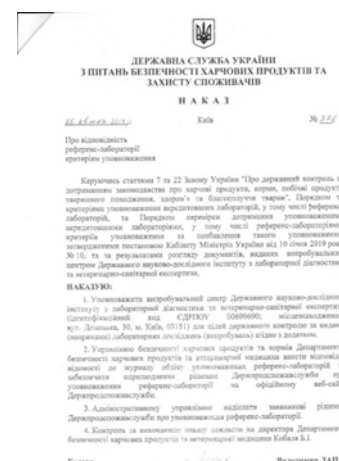
On May 22, 2019 in accordance with the Procedure for state certification of scientific institutions, approved by the Cabinet of Ministers of Ukraine from July 19, 2017 № 540, SRILDVSE successfully passed certification in the Ministry of Education and Science of Ukraine and received a Certificate of state certification of scientific institution 00130 dated 31.05.2019, valid until 31.05.2022). According to the results of the state attestation, SRILDVSE is defined as a scientific

institution that has passed the state attestation with an attestation grade of 3.55 / 3.90 for a period of 3 years. The scientific institution belongs to the II classification group.

In 2015, according to the results of scientific certification, the Institute was included in the State Register of Scientific Institutions Receiving State Support.



SRILDVSE is the only authorized national reference laboratory in Ukraine for research of food products, raw materials of animal, plant and biotechnological origin, feed, feed materials and vitamins, water in terms of quality and safety, molecular genetic research; diagnosis of diseases of infectious etiology and non-pathological pathology.



SRILDVSE is the only diagnostic institution in Ukraine that has the permission of the EU Rabies Reference Laboratory (Nancy, France) to determine the intensity of immunity against rabies in carnivores using the FAVN test in cell culture. The study is mandatory for the export of dogs and cats to European countries.

The structure of the laboratory-diagnostic network of the state veterinary medicine of Ukraine

Central level

SRILDVSE

Regional level

Regional state laboratories - 23 pcs.

Lysychansk interregional state laboratory functions as a regional one

Local (district) level

City state laboratories, State laboratory of DMSUFHP - 3

Interdistrict state laboratories state laboratories DMSHP - 83

Regional state laboratories state laboratories DSNSKP - 142

Laboratories of veterinary and sanitary examination in the markets - 829

Regional state laboratories of SSUFSCP are state institutions of veterinary medicine, established in accordance with Law 2498, Law 771, subordinated to the Main Department of the State Food and Consumer Service in the region and belong to SSUFSCP. The laboratory is a state institution for laboratory diagnostics of animal diseases and assessment of veterinary and sanitary condition of food products, animal by-products, feed additives, premixes, feeds, biological products and products of biotechnology, soil, drinking water and water for animals, as well as laboratory research (tests) indicators of safety and quality of sanitary facilities, plant protection products, environmental factors that have a detrimental effect on public health, quality and independent examination of goods, quality of seeds and planting material, as well as other research (tests) in accordance with the field of accreditation. Conducts pathological and anatomical, histological, microscopic, microbiological, bacteriological, biological, chemical and toxicological, biochemical, mycological, serological, immunological, virological, helminthological, hematological, radiological and other laboratory tests (tests).

District, interdistrict state laboratories of SSUFSCP are state veterinary institutions established in accordance with Law 2498, Law 771, subordinated to the main department of SSUFSCP in the region and belong to SSUFSCP. Methodological support for the activities of laboratories is provided by the regional state laboratories of SSUFSCP and the State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination. District, interdistrict state laboratories of SSUFSCP performs laboratory diagnostics of animal diseases and assessment of veterinary and sanitary condition of food products, animal by-products, feed additives, premixes, feeds, reproductive material, biological products and biotechnology products, soil, water, water as well as conducting laboratory research (tests) of safety and quality of sanitary facilities, plant protection products, environmental factors that have a detrimental effect on public health, quality and independent examination of goods, quality of seeds and planting material, and as well as other research in accordance with the field of accreditation and/or technical competence. Laboratories have material and technical base and conduct pathological and anatomical, histological, microscopic, microbiological, bacteriological, biological, chemical-toxicological, biochemical, mycological, serological, immunological, virological, helminthological, hematological, radiological and other laboratory tests.

The list of laboratories that can conduct laboratory research (tests) for the purposes of state control is posted on the official website of SSUFSCP (<http://dpss.gov.ua/perelik-laboratorij>).

Methods of laboratory research

According to Article 21 of Law 2042, methods of sampling and their simple and/or laboratory tests are used for state control purposes, established by legal acts and, in their absence, by national standards of Ukraine. In their absence, methods (techniques) of sampling and their simple and/or laboratory tests established by the relevant international organizations of which Ukraine is a member, or the European Union are used. In the absence of such methods, it is allowed to use methods (techniques) of laboratory tests, validated by an authorized laboratory.

Methods (techniques) of laboratory research (tests) are determined by the following criteria:

- 1) correctness;
- 2) the possibility of application (matrix and concentration interval);
- 3) the limit of detection;

- 4) measurement limit;
- 5) accuracy;
- 6) recurrence;
- 7) reproducibility;
- 8) recovery;
- 9) selectivity;
- 10) sensitivity;
- 11) linearity;
- 12) measurement error;

13) other criteria that can be defined as mandatory by the central body of executive power, which ensures the formation and implementation of state policy in the field of technical regulation, standardization, metrology and metrological activities.

The central body of executive power, which ensures the formation and implementation of state policy in the field of technical regulation, standardization, metrology and metrological activities, approves:

criteria of efficiency and parameters of laboratory researches (tests), errors of the corresponding measurements;

procedures for validation of methods (techniques) of laboratory research (tests);

rules for interpreting the results of laboratory tests.

Methods of sampling

Methods of sampling are approved by the MoAPFU as the central body of executive power, which ensures the formation and implementation of state policy in the field of safety and certain indicators of food quality and in the field of veterinary medicine.

Sampling is carried out in the following order:

1) scheduled sampling - to implement the annual plan of state control and/or annual plan of state control;

2) unscheduled sampling - if during the implementation of state control there is a reasonable suspicion of non-compliance or there are other grounds for sampling, established by this Law.

Sampling is the selection of two legally and analytically identical samples (except when this is not possible due to insufficient material or due to the fact that food is perishable), one of which is sent by SSUFSCP to an authorized laboratory for basic laboratory research (testing), and the second is handed over to business operator and stored by him in case of arbitration laboratory research (test). At the request and at the expense of business operator, additional legally and analytically identical samples are sampled, which are transferred to business operator and can be used by him for alternative laboratory tests.

Sampling is carried out within the limits established by the relevant regulations or national standards of Ukraine. The cost of samples taken for state control is not reimbursed by the state, except

for the cost of one sample taken for state monitoring. The amount of reimbursement by the state of the value of the selected sample is determined on the basis of its market value in accordance with the procedure approved by the Cabinet of Ministers.

Sampling shall be carried out on the basis of a sampling act drawn up in duplicate, one of which shall be issued to business operator. The act of sampling shall indicate the list of indicators according to which the relevant laboratory research (test) must be conducted, as well as the applied method (technique) of sampling (if any). In the case of sampling within the physical inspection of goods imported (shipped) into the customs territory of Ukraine, the act of sampling shall specify the relevant paragraph of the first part of Article 45 of Law 2042, which is the basis for such sampling.

SSUFSCP is obliged to ensure the sampling, marking, sealing and handling of samples in a way that guarantees their legal and analytical identity, as well as the possibility of conducting arbitration laboratory research (testing).

Business operator is obliged to ensure storage of the sample provided to him in case of arbitration laboratory research (testing), and handling it in a way that guarantees its legal and analytical identity, as well as the possibility of conducting arbitration laboratory research (testing). In case of loss (destruction) of the specified sample or refusal of business operator from its direction, in the order established by this Law, to the certain accredited laboratory for carrying out arbitration laboratory research (test), results of the basic laboratory research (test) are considered to be final.

Reference laboratories

According to Article 23 of Law 2042, reference laboratories may be accredited by laboratories authorized by the competent authority as reference laboratories.

The reference laboratory must meet the following criteria:

- 1) be accredited to conduct laboratory research (tests) using confirmatory (reference) methods (techniques);
- 2) have staff with experience in developing methods (techniques) of laboratory research (testing) of relevant food and feed, as well as experience in training staff of other laboratories;
- 3) have the equipment necessary to conduct appropriate laboratory tests (tests).

The main functions of reference laboratories are:

- 1) development and validation of methods (techniques) of laboratory research (tests), including confirmatory (reference) methods (techniques);
- 2) management of professional testing programs of authorized laboratories;
- 3) participation in the development of draft regulations;
- 4) coordination of the activities of authorized laboratories;
- 5) organization of comparative tests between authorized laboratories and ensuring that appropriate measures are taken based on their results;
- 6) providing the competent authorities with scientific and technical support for the implementation of its long-term plan of state control;
- 7) conducting arbitration laboratory research (tests);

8) cooperation with reference laboratories of other countries.

Arbitration laboratory tests may also be conducted by an accredited laboratory located in another country and having the status of a reference laboratory in accordance with the legislation of that country.

Authorized accredited laboratories, reference laboratories for conducting laboratory research (tests) for state control, mainly use standardized methods - approved standard methods (ISO, EN, OIE), as well as methods provided by EU law.

Authorized accredited laboratories, reference laboratories, must constantly improve technical competence, purchase modern analytical equipment to meet the requirements of EU legislation and the recommendations of EU reference laboratories.

In order to ensure a high level of accuracy and reliability of results, accredited laboratories, reference laboratories, participate in quality control programs of research, which include internal proficiency testing, interlaboratory proficiency testing and method validation programs.

The list of authorized accredited laboratories and reference laboratories is available on the website of SSUFSCP <https://dpss.gov.ua/bezpechnist-harchovih-produktiv-ta-veterinarna-medicina/p-laboratorij/perelik-upovnovazlanih-akredator>.

Laboratories used to control the implementation of phytosanitary measures

The sphere of management of SSUFSCP includes state institutions "Central Phytosanitary Laboratory" and regional phytosanitary laboratories. The Department of Phytosanitary Safety, Control in the Sphere of Seed Production and Grain Quality of the State Food and Consumer Service is responsible for directing and coordinating the activities of phytosanitary laboratories.

The main tasks and competencies of laboratories are defined in the regulations on state institutions "Central Phytosanitary Laboratory", regional phytosanitary laboratories, approved by the order of SSUFSCP of December 11, 2019 № 1194 "On approval of Regulations on phytosanitary laboratories, Odessa and Uzhgorod border control and toxicology laboratories".

As of today, there are 24 state phytosanitary laboratories in the system of SSUFSCP, which carry out state control measures. The list of state phytosanitary laboratories involved in state control is published on the website of the State Institution "Central Phytosanitary Institution" (http://cfl.gov.ua/index.php?option=com_content&view=category&layout=blog&id=12&Itemid=132&lang=ua). There are also Odesa and Uzhgorod border control and toxicology laboratories (<https://dpss.gov.ua/fitosanitariya-kontrol-u-sferi-nasinnictva-ta-rozsadnictva/prikordonni-derzhavni-kontrolno-toksikologiboiratraiborat>).

All phytosanitary laboratories are accredited in accordance with the requirements of the national standard DSTU EN ISO/IEC 17025: 2019. The list of accredited laboratories (including state phytosanitary) is published on the NAAU website in the section "Testing laboratories" <https://naau.org.ua/reystir-akreditovanix-oo/>.

State phytosanitary laboratories under the management of SSUFSCP are included in the database of diagnostics of the European and Mediterranean Plant Protection Organization (EPPO Database on Diagnostic Expertise), which contains general information about the state phytosanitary laboratory and experts of this laboratory, specializes on quarantine pests. This database is publicly available at: <https://dc.eppo.int/laboratory/lablist>.

Along with the successful operation of state phytosanitary laboratories, work is underway to prepare a legal basis for the introduction of reference laboratories.

According to the draft Law of Ukraine "On Plant Protection", registered in the Verkhovna Rada on №4600 of January 16, 2021, provides the establishment of reference laboratories, defining their powers and functions in accordance with the requirements for appointment, tasks, responsibilities and functioning national reference laboratories established in Articles 100, 101, Section III of the Implementing Regulation (EU) № 2017/625.

After the adoption of the new law, the Regulation on SSUFSCP, approved by the Cabinet of Ministers of Ukraine dated September 2, 2015 № 667, will be amended to determine the tasks of SSUFSCP (analyzes) for the purposes of state control, as well as to establish the procedure for authorization of reference laboratories.

Personnel

The number of staff in the laboratory control is presented in the table:

Laboratory	Number of staff involved *	Comments
Vinnytsia Regional Phytosanitary Laboratory	32	* The specified number is employees of all departments of laboratories, both production (those who directly perform phytosanitary examination) and financial, economic, personnel and other departments. The actual number of employees as of 01.01.2021 is indicated
Volyn Regional Phytosanitary Laboratory	55	
Dnipropetrovsk Regional Phytosanitary Laboratory	24	
Donetsk Regional Phytosanitary Laboratory	34	
Zhytomyr Regional Phytosanitary Laboratory	50	
Zakarpattia Regional Phytosanitary Laboratory	45	
Zaporizhia Regional Phytosanitary Laboratory	31	
Ivano-Frankivsk Regional Phytosanitary Laboratory	25	
Kirovohrad Regional Phytosanitary Laboratory	35	
Luhansk Regional Phytosanitary Laboratory	26	

Lviv Regional Phytosanitary Laboratory	52
Mykolayiv Regional Phytosanitary Laboratory	53
Odesa Regional Phytosanitary Laboratory	84
Poltava Regional Phytosanitary Laboratory	37
Rivne Regional Phytosanitary Laboratory	34
Sumy Regional Phytosanitary Laboratory	31
Ternopil Regional Phytosanitary Laboratory	30
Kharkiv Regional Phytosanitary Laboratory	47
Kherson Regional Phytosanitary Laboratory	25
Khmelnysky Regional Phytosanitary Laboratory	36
Cherkasy Regional Phytosanitary Laboratory	32
Chernivtsi Regional Phytosanitary Laboratory	41
Chernihiv Regional Phytosanitary Laboratory	37
Central Phytosanitary Laboratory	55
TOTAL	951

Material resources/technical equipment

To carry out these tasks, staff must be provided with material resources, namely: equipped premises with dedicated telephone lines, IT equipment, including Internet connection, software, information systems, vehicles and professional laboratory equipment. However, most public phytosanitary laboratories need to upgrade laboratory and office equipment; some laboratories need to purchase and renovate premises.

Training system

Laboratory personnel are trained in advanced training courses at higher educational institutions (Lviv and Kharkiv National Agrarian Universities) according to general professional development

programs. Practical training takes place during internships on the basis of laboratories and participation in trainings organized within international projects (for example, the EU international technical assistance project TWINNING "Approximation of Ukrainian legislation to EU legislation in the field of plant protection and plant health and strengthening of relevant inspections and laboratory services").

The director of the state phytosanitary laboratory is responsible for the organization of training and advanced training of staff.

The Department of Phytosanitary Safety, Control in the Sphere of Seed Production and Grain Quality of SSUFSCP coordinates the internships and trainings of laboratory staff.

State control measures

Phytosanitary examination (analysis) is not an independent measure of state control, but only one of the components of the overall control system in the country.

Methods and techniques of phytosanitary examination (analysis)

Legislative basis:

Articles 13, 16 of Law 3348;

Resolution of the Cabinet of Ministers of Ukraine of November 15, 2019 № 1177 "Some issues of implementation of the Law of Ukraine" On Plant Quarantine ", which approved the Procedure for inspection, phytosanitary examination (analysis), repeated phytosanitary (arbitration) examination (analysis), supervision, inspection, monitoring, disinfection of regulated objects, issuance of certificates provided by the Law of Ukraine "On Plant Quarantine", control over the inspection in terms of sampling and selective control over phytosanitary examination (analysis) - paragraph 51 of this Order;

Order of the MEU of February 22, 2021 № 343 "On approval of methods of inspection, including sampling and phytosanitary examination (analysis)", registered in the Ministry of Justice on March 12, 2021 for № 317/35939 - section V;

national standards of Ukraine: DSTU 3354-96 "Plant quarantine. Methods of entomological examination of stock products ", DSTU 4180-2003 " Plant quarantine ". Methods of mycological examination of quarantine materials ", DSTU 4709: 2006 Quarantine of plants. Methods of bacteriological examination ", DSTU 7406: 2013 Plant quarantine. Methods of phytohelminthological examination of regulated objects ", DSTU 4009-2001 " Plant quarantine ". Methods of herbological examination of quarantine materials ";

International Standards - RM 7 - Standards for Phytosanitary Measures of the European and Mediterranean Plant Protection Organizations (EOPR), Series 7 - Diagnosis: Internationally Agreed Diagnostic Protocols for Regulated Pests and Diagnostic Standards; test procedures - test procedures developed by the laboratory, validated and verified by conducting interlaboratory and intralaboratory comparisons in accordance with DSTU EN ISO/IEC 17025: 2019;

identification methods - working identification methods developed by the laboratory, validated and verified by conducting interlaboratory and intralaboratory comparisons in accordance with DSTU EN ISO/IEC 17025: 2019.

Phytopsanitary examination (analysis) of regulated objects is carried out in accordance with international standards, instructions and recommendations for the purpose of detection and/or identification of harmful organisms by a phytopsanitary laboratory at the choice of the cargo owner or his authorized person. Phytopsanitary examination (analyzes) in cases directly provided by international agreements and/or foreign economic agreements (contracts) is carried out by state phytopsanitary laboratories.

State phytopsanitary laboratories involved in state control are responsible for the choice of research method, its application and compliance with national and international legislation. Mostly standardized methods are used (methods in accordance with national standards, the order of the MEU of February 22, 2021 № 343 "On approval of methods of inspection, including sampling, and phytopsanitary examination (analysis)" and EHR standards). In the absence of such methods, local test procedures and identification methods are used. Currently, the areas of accreditation of laboratories of Ukraine involved in state control include more than 20 methods of detection in laboratory conditions and identification of plant pests.

Phytopsanitary examination (analysis) of regulated objects includes:

analysis of the phytopsanitary condition of regulated objects in order to identify pests;

determination of species of harmful organisms, their condition, stage of development and quantity;

formation of a sample document (if any).

In accordance with the Procedure for inspection, phytopsanitary examination (analysis), second (repeated) phytopsanitary (arbitration) examination (analysis), supervision, inspection, monitoring, disinfection of regulated objects, issuance of certificates provided by the Law of Ukraine "On Plant Quarantine", control over conducting a review of sampling and selective control of phytopsanitary examination (analysis), approved by the Cabinet of Ministers of Ukraine dated November 15, 2019 № 1177 "Some issues of implementation of the Law of Ukraine" On Plant Quarantine ", set all conditions for phytopsanitary examination (analyzes) by both public and private phytopsanitary laboratories.

Types of tests performed by state phytopsanitary laboratories are determined according to production needs, diagnostic capacity and availability of necessary equipment of a particular state phytopsanitary laboratory and are indicated in the field of accreditation, which is an integral part of the phytopsanitary laboratory accreditation certificate. Laboratories perform entomological, mycological, bacteriological, virological, phytohelminthological and herbological analyzes.

Methods of phytopsanitary examination (analyzes) are determined by the types of analyzes carried out to the objects of regulation and/or objects, in order to detect in the laboratory explicit or implicit infection and identification of regulated pests and/or pests at all stages of their development, respectively to Section V Methods of inspection, including sampling and phytopsanitary examination (analysis), approved by the order of the MEU of February 22, 2021 № 343 "On approval of methods of inspection, including sampling, and phytopsanitary examination (analyzes) ", which was registered with the Ministry of Justice on March 12, 2021 under № 317/35939.

The Phytopsanitary Laboratory conducts phytopsanitary examination (analysis) of regulated objects for export purposes in order to identify and identify species of harmful organisms, taking into

account the phytosanitary requirements of the importing country. Phytosanitary laboratory of private ownership for phytosanitary examination (analysis) for export purposes must have the authorization and accreditation of ISO/IEC 17025, DSTU ISO 17025 or other standards that replace them, in the field of application of pest diagnostic methods for those types of analysis (examination) required by the importing country to determine the phytosanitary status of the consignment.

Based on the results of the phytosanitary examination (analysis), the phytosanitary laboratory provides the conclusion of the phytosanitary examination (analysis), which establishes the phytosanitary condition of the entire consignment.

The validity of the conclusion of phytosanitary examination (analysis) is 14 days.

The procedure for conducting phytosanitary examination (analyzes) is approved by the Cabinet of Ministers of Ukraine.

The State Phytosanitary Inspector on the basis of the conclusion of phytosanitary examination (analysis) establishes the quarantine value of detected pests, on the basis of which decides on the application of phytosanitary measures and issuance or refusal to issue certificates provided by this Law.

The sampling procedure

In accordance with Article 13 of the Law of Ukraine "On Plant Quarantine" (hereinafter - Law 3348) sampling and formation of samples of regulated objects (including arbitration) for phytosanitary examination (analysis) are carried out by state phytosanitary inspectors or specialists of phytosanitary laboratory of private ownership, by the choice of the owner of the goods or the person authorized by him. Phytosanitary examination (analyzes) by a phytosanitary laboratory of private ownership is carried out exclusively for export purposes.

If the phytosanitary examination (analysis) is carried out by a phytosanitary laboratory of private ownership, the owner of the consignment or his authorized person is obliged not later than 24 hours before the start of sampling to notify by electronic means the relevant territorial body of the central executive implementing state policy in the field of plant quarantine, about the vehicle, consignment and the planned date and time of the beginning of sampling by specialists of such phytosanitary laboratory.

In case of phytosanitary examination (analysis) by a phytosanitary laboratory of private ownership, sampling is performed by a specialist of such laboratory, and in case of phytosanitary examination (analysis) by the state phytosanitary laboratory, sampling is performed by the state phytosanitary inspector.

Systematic (five or more times a year) violation of sampling methods is the basis for the central executive body implementing state policy in the field of plant quarantine to the National Accreditation Body of Ukraine with a written reasoned request to consider the suspension of or revocation of the certificate of accreditation of the phytosanitary laboratory.

The laboratory is authorized to conduct a review in terms of sampling and phytosanitary examination (analysis), if it:

accredited in accordance with ISO/IEC 17025, DSTU ISO 17025 or other standards, which replaced them, to carry out work to determine the phytosanitary status of plants and products of plant

origin in the field of pest diagnostics by one or more types of tests (examinations): entomology, mycology, bacteriology, phytohelminthology, virology, herbology;

has not violated during the last six months the requirements of regulations and standards ISO/IEC 17025, DSTU ISO 17025 or other standards that replace them, in accordance with which it is accredited.

The laboratory is authorized to conduct a review in terms of sampling and phytosanitary examination (analysis) on the basis of the decision of the central executive body implementing state policy in the field of plant quarantine. The decision on authorization or refusal of authorization shall be made within ten working days from the date of submission of the application by the laboratory.

The only grounds for refusal of authorization are non-compliance of the laboratory with the requirements established by Law 3348.

Phytosanitary laboratory is deprived of authorization on the basis of the decision of SSUFSCP, in the case of:

liquidation;

temporary suspension or revocation of the accreditation certificate;

repeated violations of plant quarantine legislation within 12 months in terms of phytosanitary examination (analysis), which resulted in two or more notifications of non-compliance with phytosanitary measures in accordance with the International Standard for Phytosanitary Measures № 13. Such a violation includes the detection of regulated pests in consignments for which the conclusion of phytosanitary examination (analysis) on the absence of such organisms is provided;

detection of inaccurate information in the documents submitted with the application for authorization;

privatization of the state phytosanitary laboratory.

The phytosanitary laboratory is obliged to:

comply with the requirements of regulations and standards ISO/IEC 17025, DSTU ISO 17025 or other standards that replace them, in accordance with which it is accredited;

provide state phytosanitary inspectors, at their request, with the information necessary to clarify the circumstances that led to the notification of non-compliance with phytosanitary measures.

SSUFSCP provides electronic maintenance of the Register of Authorized Phytosanitary Laboratories and is its holder.

Measures in case of non-compliance

In accordance with paragraph 7.10 "Improper work" DSTU EN ISO / IEC 17025: 2019, phytosanitary laboratories have developed and maintained the procedure for managing improper work (PSU 7.10.001 "Management of improper work"), according to which in the laboratories:

1) there are defined tasks and responsibilities for the management of improper work;

2) in case of detection of improper work, appropriate actions are taken,

in particular:

- if the non-compliance can be eliminated immediately after detection at the workplace, it is eliminated, and further processing of the non-compliance is carried out in accordance with PSU 8.5.001 "Actions on risks and opportunities";

- if the non-compliance cannot be remedied immediately after detection at the workplace, testing works (phyto expertise) are terminated as well as, if necessary, the validity of test reports;

- 3) the significance of inappropriate work is assessed;

- 4) the analysis of inappropriate work is carried out for its possible acceptance and immediate application of corrective action to prevent its recurrence;

- 5) responsibility for permission to resume work is established;

- 6) responsibility for permission to continue work has been established.

All records in relation to the above items are stored in accordance with PSU 7.10.001 "Management of improper work".

If the results of the analysis of the causes of improper work reveal the likelihood of their recurrence, the state phytosanitary laboratory introduces corrective action.

NAAU regularly (annually) inspects the implementation of the requirements of DSTU EN ISO / IEC 17025: 2019, including compliance with paragraph 7.10 "Improper work".

b) management of crisis:

In accordance with Articles 7 and 27 of the Law of Ukraine "On State Control over Compliance with the Legislation on Food, Feed, Animal By-Products, veterinary medicine and animal welfare " the SSSUFSCP shall develop and implement food and feed emergency action plan.

The food and feed emergency action plan was approved by the Resolution of the Cabinet of Ministers of Ukraine of February 3, 2021 № 80 (hereinafter - the Action Plan).

The action plan identifies measures to be taken immediately if such feed and food directly or through the environment pose a threat to human and / or animal health and such a threat cannot be prevented or eliminated or reduced to an acceptable level by usual measures.

The action plan is applied when:

- 1) The SSUFSCP receives information as a result of state control measures or notifications in accordance with paragraph 12 of the Action Plan that food and / or feed directly or through the environment pose a threat to human and / or animal health and such a threat cannot be prevented or it cannot be eliminated or reduced to an acceptable level by taking normal measures;

- 2) the hazard in a food product and / or feed (hereinafter - the hazardous factor) is established;

- 3) the hazard has not been identified, but scientific data indicate a link between the consumption of food and / or feed and the occurrence of adverse effects on human and / or animal health.

To coordinate the measures carried out within the framework of the Action Plan, the following contact points of the SSUFSCP are functioning:

- 1) the National Contact Point;

- 2) territorial contact points.

In the event of extraordinary circumstances that require measures that fall outside the powers of the SSUFSCP, the implementation of such measures involves government agencies and local governments.

The exchange of information between the National Contact Point and territorial contact points, state bodies and local self-government bodies is carried out using an electronic document circulation system or via e-mail.

The National Contact Point, after receiving a notification on the emergencies from the territorial contact points or a notification on the emergencies, shall initiate the implementation of state control measures by the territorial body of the SSUFSCP.

State control measures shall be carried out in accordance with the requirements of the Law of Ukraine "On state control over compliance with the legislation on food, feed, animal by-products, veterinary medicine and animal welfare "

The national contact point or territorial contact points shall submit proposals on the decision taken by the chief state inspectors and the chief state veterinary inspectors (in particular the chief state inspector of Ukraine and the chief state veterinary inspector of Ukraine) on withdrawal and / or recall of food and / or feed and refer, if necessary, to state bodies and local self-government bodies for appropriate measures.

c) risk management and risk assessment:

Legislative basement for risk assessment and risk management activities

At the national level, risk assessment and risk analysis activities are regulated by the Laws of Ukraine:

“On Veterinary Medicine” (Law 2498);

“On Basic Principles and Requirements for Food Safety and Quality” (Law 771);

"On state control over compliance with legislation on food, feed, animal by-products, veterinary medicine and animal welfare" (Law 2042).

The procedure for conducting risk analysis and risk management procedures are contained in Articles 23 and 24 of Law 2498.

In accordance with paragraph 3 of Part 1 of Article 15 of Law 771 it is established that in the absence or insufficiency of international standards, instructions or recommendations to ensure an adequate level of human health protection, sanitary measures are developed based on risk assessment, taking into account risk assessment methods in accordance with the standards established by relevant international organizations.

In accordance with part 2 of Article 15 of Law 771, all sanitary measures, including measures taken in emergencies, shall be reviewed and updated to ensure that such measures are applied only to the extent necessary to protect human health if:

- 1) new scientific information is received;
- 2) substantial comments are received from trading stakeholders.

Organization of risk assessment and risk analysis activities in the structure of the competent authority – SSUFSCP.

In 2016, for the first time, a relevant risk assessment unit was established within the structure of the SSUFSCP..

In order to meet the requirements of the principle of "independence" and compliance with the requirements of the Codex Alimentarius on the need for functional separation of risk assessment from risk management for optimal risk analysis with scientific credibility and prevention of any conflict of interest. On 1st October 2020, in the SSUFSCP was reorganized and formed an independent structural subdivision - the Risk Assessment Sector (hereinafter - the Sector), which reports to the Head of the Service. The activity of the Sector is controlled by the Deputy Head of the SSUFSCP in accordance with the relevant administrative document.

According to the Regulations on the Risk Assessment Sector, the principle of its activity is based on independent, objective and transparent study and scientifically sound risk assessment in the field of veterinary medicine, food safety, feed (hereinafter - the fields and areas within the competence of the SSUFSCP in terms of risk assessment).

The main tasks of the Sector:

- 1) coordination of work on conducting an independent, objective, transparent, scientific risk assessment in the field and areas within the competence of the SSUFSCP in terms of risk assessment;
- 2) coordination and ensuring cooperation with national and international projects, the activities of which are related to the competence of the Sector;
- 3) submission of a report to the management of the SSUFSCP on the risk assessment work performed and the result obtained on the determined level of risk for management decisions;
- 4) cooperation with risk managers to form appropriate requests for risk assessment conducting for the relevant unit;
- 5) Promote the continuous development of skills and knowledge on risk assessment methodologies in the fields and areas within the competence of the SSUFSCP in terms of risk assessment.

In order to introduce a structured and systematic approach which should be used for the organization and conduct of scientifically sound risk assessment in accordance with national and international legislation, the SSUFSCP developed the Standard Operating Procedure for a common approach of conducting an independent scientific risk assessment in veterinary medicine, food and feed safety (hereinafter - SOP on risk assessment).

SOP on risk assessment contains detailed information on the stages of risk assessment taking into account the structure of the State Food and Consumer Service, defines approaches to internal interaction between participants in the risk analysis process, sets requirements and approaches to planning, risk assessment, reporting.

In accordance with the requirements of the WTO Agreement (981_006) and national legislation, risk assessment is carried out taking into account the requirements established by international standards and guidelines. The methodology according to which the assessment is carried out (OIE, Codex Alimentarius or other) is agreed in the course of work for each individual request for risk assessment during the coordination meeting of the expert working group and together with the Risk Assessment Sector clear steps of the specific risk assessment process.

Ensuring the functional separation of tasks and responsibilities in risk analysis activities.

In order to comply with the requirements of the legislation and the basic principles of scientifically sound risk assessment - independence, objectivity and transparency - the roles and tasks of participants in the risk analysis process are defined, including risk assessment and their responsibilities in the SSUFSCP:

Role	Task	Prohibitions on compliance with the principles of "objectivity" and "independence"
<p>Risk manager: Head of the SSUFSCP, Deputy Heads, Heads of structural subdivisions of the SSUFSCP</p>	<ul style="list-style-type: none"> - initiating risk assessment; - clear definition of purpose / goal and type (qualitative, quantitative, fast) risk assessments, including time frames; - decision-making after risk assessment, taking into account the data identified as a result of risk assessment; - implementation of measures aimed at eliminating the identified risks or reducing its degree; - monitoring and reviewing decisions taken and implemented measures; - ensuring the delivery of management decisions based on the results of the risk assessment to stakeholders 	<ul style="list-style-type: none"> - participate in the selection of experts, be an expert or delegate subordinates to the working group of experts; - intervene in the risk assessment process; - hide information and data necessary for a comprehensive risk assessment; - influence the results and make any adjustments to the risk assessment report.
<p>Risk Assessment Coordinator: Head and specialists of the Sector</p>	<ul style="list-style-type: none"> - organization and coordination of the risk assessment process; - joint work with the risk manager on the formation of risk issues in accordance with the mandate (request); - formation of a working group of experts and their involvement in risk assessment; 	<ul style="list-style-type: none"> - carry out non-transparent and subjective selection of experts; - influence the opinion of experts when assessing risks; - hide the information and data necessary for a comprehensive assessment;

	<ul style="list-style-type: none"> - coordinating the process of collecting data necessary for risk assessment; - providing a report on the risk assessment to risk managers; - ensuring the publication of the results of the risk assessment. 	<ul style="list-style-type: none"> - change the results of the risk assessment in the risk assessment report.
<p>Risk assessor:</p> <p>Expert Working Group (Scientific Expert Groups on Risk Assessment, specialists who have experience and expertise in certain topics)</p>	<ul style="list-style-type: none"> - developing of the risk pathways and determining the need for data; - collection and analysis of necessary data; - coordination and implementation of processes of synthesis of expert knowledge (elicitation) for the purpose of data collection; - risk assessment; - preparation of a report on the results of the risk assessment and recommendations for eliminating the identified risk or reducing its degree; - submission of a report to the coordinator; - facilitating the preparation of articles and other types of risk communication. 	<ul style="list-style-type: none"> - influence the risk assessment process for self-interest; - provide inaccurate data and information; - unreasonably ignore data due to its own subjective beliefs; - disseminate confidential information obtained in the process of risk assessment outside this context.

The reports on the results of risk assessment must be published on the official web portal of the State Food and Consumer Services to ensure the principle of "transparency" and access to the scientific basis for the adoption and application of sanitary and phytosanitary measures of all key parties.

Capacity development and development of risk assessment and risk analysis activities

The MEU Order "On approval of the long-term plan of state control in certain areas of state control, the implementation of which belongs to the competence of the State Service of Ukraine on Food Safety and Consumer Protection for 2022-2026" that was approved on 05 January, 2022 by №

10-22 provides the main directions of the development of certain activities which are within the competence of the relevant service.

The development of risk assessment activities includes expanding the network of experts and organizations to implement such cooperation.

The process of conducting a sound risk assessment requires the involvement of independent scientific experts to prepare an objective and documented basis for decision-making by risk managers, including decisions that require urgent decision or must take into account commitments from different parties (policies and policy, international obligations, society and interest groups and others).

The Sector initiates the formation of scientific expert groups on risk assessment (hereinafter - SEGRA) and their involvement in risk assessments procedure in accordance with the requests received from risk managers.

SEGRA functions as a permanent working group and meets at the request of the State Food and Consumer Service, if necessary.

The selection of SEGRA members is carried out every three years according to the standard operating procedures (hereinafter - SOP) selection procedure for the general approach to risk assessment.

The list of SEGRA according to scientific directions:

- Animal health and welfare;
- Biological hazards;
- Contaminants in the food chain;
- Food, the latest foods and food allergens;
- Food additives and flavors;
- Feed and feed additives for animals;
- Materials in contact with food, enzymes, technological substances;
- Genetically modified organisms.

SEGRA consists of independent scientific experts working in higher education institutions, research institutes and other scientific institutions.

All members are selected through an open selection procedure based on proven scientific achievements and expertise. Experience in conducting risk assessments, the number of publications in the field of SEGRA is also taken into account.

The composition, purpose and tasks of SEGRA are published on the web portal of the SSUFSCP.

Creating a network of scientific organizations (NSO)

As risk assessment requires collection and analysis of scientific data and information and in accordance with Article 60 of Law 2498 scientific support of veterinary medicine is provided by scientific institutions of the National Academy of Sciences of Ukraine, Ukrainian Academy of Agrarian Sciences, Ministry of Agrarian Policy of Ukraine, other scientific institutions and faculties of veterinary medicine, the Sector initiates the creation of a network of scientific organizations

(hereinafter - NSO), which is the basis for scientific cooperation, exchange of information and knowledge, identification of common challenges with optimal use of resources and expertise.

The main purpose of the NSO is the exchange of scientific information and data for the purpose of conducting an independent scientifically sound risk assessment in the field of veterinary medicine, food and feed safety.

SSUFSCP actively cooperates with leading scientific, research and educational organizations of Ukraine in the field of food safety and animal health in order to select the best experts and create NEGOR and a database of experts, as well as create a network of scientific organizations for exchange scientific data and information.

A number of Memorandums of Cooperation on risk assessment were signed between the SSUFSCP and 8 scientific or research institutions of the national level, in particular with:

In order to establish international cooperation in risk assessment, a Memorandum of Cooperation was signed by the Center for Risk Assessment food chain of Bulgaria and prepared for signing a Memorandum of Cooperation with the European Food Safety Authority.

Risk assessment activities are also carried out with the participation of enterprises, institutions and organizations belonging to the sphere of management of SSUFSCP, in particular:

- State Research Institute for laboratory diagnostics and veterinary-sanitary examination;
- State Research Control Institute of veterinary medicinal products and feed additives;
- State Research and Control Institute biotechnology and strains of microorganisms.

d) setting up of the Rapid Alert System for Food and Feed (RASFF)

According to Article 7 of the Law 2042 state control measures may be carried out unscheduled in case of detecting incompliance or justified suspicion of incompliance, as well as in other cases established by law.

Upon receipt of a notification through the Rapid Alert System for Food and Feed (RASFF) regarding food incompliance, the SSUFSCP shall be guided by the «Guidelines for consistent action in case of receiving a notification through the Rapid Alert System for Food and Feed (RASFF system)» approved by the Head of SSUFSCP in 2018.

Upon receipt of a RASFF information message, the contact person of the SSUFSCP shall check the availability of information on the country of origin, destination, address and name of the producer (capacity) and exporter of food and feed, the reason for identified incompliance with the requirements, and check if RASFF information messages in respect of a particular economic operator and / or hazard and / or country of origin have been received before.

The Chief State Veterinary Inspector of Ukraine is notified of the receipt of the RASFF information message and within 1 working day (24 hours) is sent by electronic means to the territorial bodies of the SSUFSCP in oblasts and Kyiv, interregional main departments of the SSUFSCP at the state border, State fiscal service of Ukraine (if needed).

Territorial bodies of the SSUFSCP in oblasts and Kyiv, interregional main departments of the SSUFSCP at the state border, the State Fiscal Service of Ukraine inform the SSUFSCP on importation

into the customs territory of Ukraine and the introduction into circulation of the food or feed specified in the RASFF information message.

If dangerous foods or feeds, specified in the RASFF information message, are imported into the customs territory of Ukraine and put into circulation, the market operator (importer) shall recall such products and take measures to return them to the exporting country or dispose of them in Ukraine in accordance with requirements of the legislation, and inform the SSUFSCP and its territorial bodies thereof.

In case the RASFF information message is related to the detection of unsafe and unsuitable food or feed of Ukrainian production, the SSUFSCP shall immediately after receipt (24 hours) inform the relevant territorial body of the SSUFSCP in the region (place of origin of food or feed), and within two days shall order to investigate the causes, factors and duration of their action that have caused contamination of products of animal or plant origin and feed.

If the SSUFSCP receives additional information related to the previously received RASFF information message, such information is provided to the territorial bodies of the SSUFSCP in oblasts and the city of Kyiv immediately by electronic means of communication with receipt confirmation.

The territorial body of the SSUFSCP in the oblast shall conduct an investigation taking into account information on:

- traceability, establishing the source of non-compliance (hazard);
- establishing the full volume of the lot that is considered dangerous;
- initiating the procedure for recall of a dangerous lot (if necessary);
- the effectiveness of the HACCP system implemented by the market operator;
- keeping records of raw material suppliers;
- the results of incoming control of raw materials for the production of dangerous lot;
- the results of laboratory control of finished food products recognized as dangerous;
- the results of laboratory control for the purposes of state control in authorized accredited laboratories;
- the existence of appropriate acts on the further handling of foodstuffs in which incompliance has been identified, which may have a harmful effect on human or animal health;
- the producer's explanation of the identified inconsistencies that led to the urgent RASFF notification.

In the event of established inconsistencies in foodstuffs of animal and plant origin and feed that pose a threat to human or animal health, the owner is obliged to ensure the processing, disposal or destruction of such products in the manner prescribed by law.

In the future, the relevant market operator for the export of food and feed shall conduct laboratory analyses (tests) in authorized accredited laboratories to confirm the absence in exported batches of detected contaminants specified in the RASFF information message.

The territorial body of the SSUFSCP in the oblast shall inform the SSUFSCP on the results of the investigation and the measures taken to prevent the circulation of dangerous and unfit food and feed, as well as the further handling of such products.

II. VETERINARY POLICY

General

5. Please provide information on the legislative framework on veterinary policy;

The architecture of the legislative framework on veterinary policy

The legislation on veterinary medicine and animal welfare includes:

1) Law of Ukraine "On veterinary medicine" of June 25, 1992 № 2498-XII (in force, the Law will cease to apply on March 21, 2023 in connection with the commencement of application of Law № 1206);

2) Law of Ukraine "On veterinary medicine" of February 4, 2021 № 1206-IX (the Law will start to apply on 21.03.2023);

3) Law of Ukraine "On by-products of animal origin, not intended for human consumption" (Law № 287);

4) Law of Ukraine "On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and welfare of creatures" (Law № 2042);

other by-laws issued on the basis of the above Laws of Ukraine, namely:

resolutions of the Cabinet of Ministers;

orders of the Ministry of Agrarian Policy and Food of Ukraine.

The title of the framework legal act in the field of veterinary medicine	Scope
the Law of Ukraine «On Veterinary Medicine» of February 4, 2021 № 1206-IX (will start to apply on March 21, 2023) (Law № 1206)	<p>This Law defines the legal and organizational principles of activities in the areas of protection of animal health and welfare, veterinary practice, production, circulation and use of veterinary drugs, as well as the circulation of animal by-products.</p> <p>This Law applies to public relations in relation to:</p> <ol style="list-style-type: none"> 1) ensuring animal health; 2) ensuring animal welfare; 3) veterinary practice;

	<p>4) circulation of by-products of animal origin;</p> <p>5) production, circulation and use of veterinary medicinal products, active substances (active pharmaceutical ingredients), medicated feeds and intermediates for the production of medicated feeds, as well as substances with anabolic, antimicrobial, antiparasitic, anti-inflammatory, hormonal or psychotropic properties that can be used as veterinary preparations.</p> <p>This Law does not apply to public relations regarding:</p> <p>1) food products of animal origin;</p> <p>2) feed of animal origin (except medicinal feed).</p> <p>This Law applies to veterinary medicinal products of extemporaneous formulation only in the part of the requirements for the possession, appointment, sale and use of appropriate medicinal products.</p> <p>The provisions of Section X of this Law shall not apply to the production and circulation of autogenous immunobiological veterinary medicinal products, biocides and diagnostic agents used in vitro.</p> <p>The production and circulation of autogenous immunobiological veterinary drugs, biocides and diagnostic agents used in vitro are regulated in accordance with the requirements approved by the central executive body, which ensures the formation and implementation of state policy in the field of veterinary medicine.</p>
<p>the Law of Ukraine «On animal by-products, not intended for human consumption» (Law № 287)</p>	<p>This Law defines the organizational and legal principles of activities of individuals and legal entities related to the formation, collection, transportation, storage, processing, processing, disposal, disposal of animal by-products not intended or declared unfit for human consumption, processed products, processing animal by-products not intended for human consumption.</p>

	<p>This Law applies to by-products of animal origin, products of processing, processing of by-products of animal origin.</p> <p>This Law shall apply to by-products of animal origin formed as a result of measures to eliminate infectious and / or invasive animal diseases, unless otherwise provided by the legislation on veterinary medicine and animal welfare.</p> <p>This Law does not apply to the following by-products of animal origin:</p> <ol style="list-style-type: none"> 1) all carcasses or parts of carcasses of wild animals, except for hunting prey, which are not suspected of infection or exposure to an infectious disease transmitted to humans or animals, except aquatic organisms (aquatic organisms) caught for marketing; 2) reproductive material intended for breeding and reproduction purposes; 3) shells of mollusks with removed soft tissues and flesh; 4) by-products of animal origin from vessels caught in the course of their fishing and discharged into the sea, except for material obtained from evisceration of fish on board, which showed signs of disease, including parasites dangerous to humans; 5) unprocessed pet food in retail chains, where separation and storage are carried out solely for the purpose of delivery to the consumer directly on the spot; 6) unprocessed feed obtained at home or animals killed on the farm where they were kept, intended for feeding domestic animals, unless such products show signs of infection with infectious agents dangerous to humans and animals; 7) raw milk, colostrum and products derived from raw milk and colostrum obtained, stored, disposed of or used on the farm of origin; 8) products of animal origin, radiation pollution of which exceeds the maximum permissible level in accordance with the legislation; 9) wastes of public catering establishments, except for wastes which:
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	<p>originate from vehicles used for international transport;</p> <p>intended for feeding animals;</p> <p>intended for processing by sterilization under pressure or processing by other methods specified by the legislation on animal by-products;</p> <p>intended for conversion into biogas or compost;</p> <p>10) excrement and / or urine, except manure and non-mineralized guano.</p>
<p>the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare»</p> <p>(Law № 2042)</p>	<p>This Law applies to public relations related to state control over the activities of market operators engaged in the production and / or circulation of food, other sanitary facilities, feed, animal by-products, biological products, veterinary drugs, reproductive material and / or keeping, rearing, breeding, circulation of live animals in order to verify this activity for compliance with the legislation on food, feed, animal by-products, veterinary medicine and animal welfare. This Law also applies to public relations related to the exercise of state control over the activities of market operators engaged in organic production and / or circulation of organic products, including import (shipment) to the customs territory of Ukraine, in order to verify these activities on compliance with legislation on food and feed, animal health and welfare, as well as legislation on organic production, circulation and labeling of organic products.</p> <p>This Law does not apply to public relations regarding: 1) protection of plant life and health; 2) food, feed, by-products of animal origin, intended (produced) for own consumption (use).</p>

Law № 1206 was developed on the basis of the new EU legislation on animal health, veterinary medicinal products and medicated feed. In particular, this law takes into account the provisions of such major pieces of the EU legislation as:

- 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 ('Animal Health Law');

- Regulation (EU) 2019/6 of the European Parliament and of the Council of 11 December 2018 on veterinary medicinal products and repealing Directive 2001/82/EC;

- Regulation (EU) 2019/4 of the European Parliament and of the Council of 11 December 2018 on the manufacture, placing on the market and use of medicated feed, amending Regulation (EC) No 1831/2003 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC.

Apart from provisions on animal health, veterinary medicinal products and medicated feed, Law № 1206 also includes a number of legal requirements on animal welfare, which are based on the provisions of the following EU legal acts:

- Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes;

- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directive 609/609/EEC and 93/119/EC and Regulation (EC) No 1255/97;

- Council Regulation (EC) No 1099/2009 of 24 September on the protection of animals at the time of killing.

Besides, Law № 1206 introduces a number of amendments to Law № 2042. In particular, these amendments reflect some provisions of 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, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation). These amendments mainly deal with the official controls of animal health as well as official controls at the border. Another important framework legal act in the field of veterinary medicine is the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (Law № 2042). While Law № 1206 establishes basic requirements for the protection of animal health, animal disease control, veterinary medicinal products and animal welfare Law № 2042 lays down the procedures for the verification of compliance with the requirements set out in Law № 1206 and by-laws, based on this law.

Law № 287

Since animal health can have an impact on the safety of animal by-products and animal by-products in turn can have influence on animal health (for instance, by facilitating the spread of animal diseases) in certain cases the Law of Ukraine «On animal by-products, not intended for human consumption» (№ 287 of 07.04.2007) can also be regarded as part of veterinary legislation. In particular, the the Law of Ukraine «On animal by-products, not intended for human consumption» (№ 287 of 07.04.2007) applies to animal by-products created as a result of taking measures aimed at the eradication of infectious and/or invasive animal diseases.

These laws of Ukraine form the primary legislation on veterinary medicine, which in turn is supplemented with the secondary legislation consisting of by-laws based on the relevant provisions of the above-mentioned laws.

Law № 1206 provides legal grounds for the adoption of more than 80 by-laws, the most important of which include:

Resolutions of the Cabinet of Ministers of Ukraine

- Regulation on the state registration of veterinary medicinal products;
- Procedure of approving animal establishments (holdings) for the purposes of export, import and high-risk activities;
- Procedure of the state registration for animal establishment (holdings) and business operators;
- Procedure of establishing maximum residue limits for active substances (active pharmaceutical ingredients) used in veterinary medicinal products;

Orders of the Ministry of Agrarian Policy and Food of Ukraine (MoAPFU)

- Procedure of veterinary pharmacovigilance;
- Rules on the manufacture, distribution and use of medicated feed and intermediate products for the production of medicated feed;
- Qualification requirements for the qualified person, responsible for the manufacture and import of veterinary medicinal products;
- Qualification requirements for the qualified person, responsible for pharmacovigilance;
- Requirements for the establishments used for the production, processing and storage of germinal material, animal donors of germinal material, collection, processing, storage, transport and labelling of germinal material;
- Requirements for keeping animals in quarantine;
- Requirements for animal collection centers;
- Special requirements for establishments (holdings) where farming animals are kept;
- Types of animal establishments (holdings) posing a high risk in terms of spreading animal disease;
- Requirements of good manufacturing practice for veterinary medicinal products;
- Requirements of good pharmacovigilance practice for veterinary medicinal products;
- List of animal diseases that have to be notified;
- Model and rules of issuing veterinary prescriptions;
- Procedure of withdrawal and disposal of veterinary medicinal products that do not comply with the requirements of legislation or whose shelf-life expired.

All the by-laws based on the Law of Ukraine «On veterinary medicine» (№ 1206 of 04.02.2021) have already been drafted and will come into effect along with this law.

6. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities, in particular regarding rules on control.

Organisation of executive bodies in the field of veterinary medicine:

Under Law № 1206 public administration in the field of veterinary medicine is performed by:

- the Cabinet of Ministers of Ukraine - CMU;
- the central body of executive power, ensuring the formation and implementation of state policy in the field of veterinary medicine - MoAPFU;
- the central body of executive power, implementing state policy in the field of veterinary medicine (competent authority) - SSUFSCP;
- the state emergency anti-epizootic commission of the CMU and local state emergency anti-epizootic commissions;
- the State Pharmacological Commission of Veterinary Medicine;
- the National Institution of Ukraine for Veterinary Medicinal Products.

Veterinary units may also be created within other central executive bodies. They act on the basis of the provisions approved in conjunction with the MoAPFU. The activities of such units are subject to the legislation on veterinary medicine and animal welfare.

According to the Law of Ukraine "On veterinary medicine" (№ 1206 of 04.02.2021) the powers of the Cabinet of Ministers of Ukraine in the field of veterinary medicine include:

- 1) ensuring the implementation of state policy in the field of veterinary medicine;
- 2) development and implementation of national programs in the field of veterinary medicine;
- 3) direction and coordination of the activities of executive bodies in the field of veterinary medicine;
- 4) approval of regulations in the field of veterinary medicine:

regulations on the State Emergency Anti-Epizootic Commission under the Cabinet of Ministers of Ukraine;

model regulations on local state emergency anti-epizootic commissions;

regulations on the State Pharmacological Commission of Veterinary Medicine;

the procedure for compensation of damages (losses) caused to individuals and legal entities as a result of the introduction of quarantine measures (quarantine restrictions) or in connection with the procedures and works on the elimination and prevention of quarantine animal diseases;

procedure for payment for works and services provided and / or performed by persons involved in the performance of works and services in the process of quarantine measures (quarantine restrictions) and persons whose property was used to prevent the spread or eradication of notifiable animal diseases in connection with which quarantine measures (quarantine restrictions) were introduced;

the procedure for approval of livestock facilities for the purposes of export, import and implementation of high-risk activities;

the procedure for the state registration of livestock facilities and market operators;

methods of calculating the fee for the issuance of veterinary documents;

provisions on postgraduate education and other forms of advanced training of veterinary medicine specialists;

the procedure for establishing the maximum limits of residues of active substances (active pharmaceutical ingredients) that are part of veterinary medicines;

regulations on state registration of veterinary medicinal products and regulations on the National Institution of Ukraine for Veterinary Medicinal Products;

the amount and procedure for payment of fixed amounts of remuneration for found carcasses of wild animals that pose a threat of spreading diseases of animals subject to notification;

the procedure and amount of payment of monetary compensation for the use for official purposes of state veterinary inspectors, other officials and officials working in the system of the competent authority, passenger transport or own vehicles or means of communication;

the regulation on the state registration of veterinary medicinal products and the regulation on the National Institution of Ukraine for Veterinary Medicinal Products;

the amount and procedure for payment of fixed amounts of remuneration for found carcasses of wild animals that pose a threat of spreading diseases of animals subject to notification;

the procedure and amount of payment of monetary compensation for the use for official purposes of state veterinary inspectors, other officials and officials working in the system of the competent authority, passenger transport or own vehicles or means of communication;

the procedure for providing uniforms to state veterinary inspectors, other officials and officials working in the system of the competent authority and participating in the implementation of veterinary and sanitary control and samples of uniforms and insignia;

the size of salaries and the procedure for setting allowances for state veterinary inspectors and other officials working in the system of the competent authority;

the procedure for providing temporary or permanent housing (buildings, apartments) to state veterinary inspectors and other officials working in the system of the competent authority;

the procedure for purchasing or building own housing at the expense of the state budget provided to state veterinary inspectors, other officials and officials working in the system of the competent authority, on a revolving basis as a soft (reduced interest rate) or interest-free loan for 25 years or more;

the procedure for involving licensed veterinary institutions and licensed veterinary specialists in the implementation of measures to eliminate outbreaks of notifiable animal diseases, other anti-epizootic measures, plans for monitoring and / or elimination of animal diseases;

5) determination of the central body of executive power and its structural subdivision as the Center for processing inquiries and notifications, which will provide information on veterinary and sanitary measures;

6) exercising other powers in accordance with this Law.

In accordance with the Law of Ukraine "On animal by-products not intended for human consumption" (№ 287 of 07.04.2007) the powers of the Cabinet of Ministers of Ukraine in the field of veterinary medicine include:

- 1) ensuring the implementation of state policy in the field of treatment of animal by-products;
- 2) ensuring the development and implementation of national and interstate programs for the treatment of animal by-products;
- 3) direction and coordination of the work of central and local executive bodies in the field of handling of animal by-products;
- 4) approval of regulations on animal by-products:
 - the procedure for issuing, reissuing, issuing a duplicate and revoking an operating permit, as well as forms of operating permit for capacity (facilities) for the circulation of animal by-products and products of their processing, processing;
 - the procedure for state registration of facilities (facilities) for the circulation of animal by-products and products of their processing;
 - the procedure for using the funds provided in the State Budget of Ukraine to finance measures related to the disposal and disposal of animal by-products.
- 5) exercising other powers under the law.

In accordance with the Law of Ukraine "On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare" (№ 2042 of 18.05.2017) the powers of the Cabinet of Ministers of Ukraine in the field of veterinary medicine include:

- 1) ensuring the implementation of state policy in the field of state control;
- 2) direction and coordination of the work of executive bodies in the field of state control;
- 3) approval of the list of designated border inspection posts;
- 4) approval of the list of designated checkpoints on the state border of Ukraine;
- 5) approval of the criteria by which the degree of risk from economic activity is assessed, and the procedure for determining the frequency of implementation of planned measures of state capacity control;
- 6) approval of the procedure and criteria for authorization of accredited laboratories, including reference laboratories, the procedure for verification by the competent authority of their compliance with the relevant criteria of authorization and deprivation of such authorization;
- 7) approval of the procedure for conducting arbitration laboratory tests (tests) and taking into account their results for the purposes of state control;
- 8) approval of the procedure for conducting an audit of the competent authority and its territorial bodies;
- 9) approval of regulations in the field of veterinary medicine:
 - the procedure for conducting an audit of the competent authority and its territorial bodies;

the procedure for determining and reimbursing the value of one sample, which is selected for state monitoring;

contingency plan for food and feed;

the form of the general veterinary document for import;

limits on the total weight / quantity of food per person, which form part of the personal luggage of passengers and are intended for personal consumption, originate in a country from which import is not prohibited, or are sent to individuals, provided that the relevant products are not intended for further use in business;

a list of designated border inspection posts indicating their location, types of products and live animals moving through such posts;

the procedure for conducting inspections carried out when receiving and dispatching goods with products that do not comply with the law to customs warehouses, free customs zones, the procedure for transportation and destruction of such goods, storage and handling conditions

the procedure for exercising state control in exporting countries;

the procedure for establishing special conditions for the import of food and feed;

the procedure for approving the amount of fees for state control over compliance with legislation on food, feed, animal by-products, animal health and welfare, financed by market operators;

10) exercising other powers under this Law.

According to the Law of Ukraine "On veterinary medicine" (№ 1206 of 04.02.2021) the MoAPFU in the field of veterinary medicine:

1) determines the development priorities in the field of veterinary medicine;

2) provides regulatory and legal regulation in the field of veterinary medicine, in particular, approves:

requirements for the production and circulation of autogenous immunobiological veterinary medicinal products, biocides and diagnostic agents used in vitro;

criteria for determining the existence of a significant impact of the proposed veterinary-sanitary measure or approved emergency veterinary-sanitary measure on the export potential of foreign countries;

list of notifiable animal diseases, changes to the list of notifiable diseases in respect of species or groups of species susceptible to such diseases;

instructions for the prevention and control of notifiable animal diseases, emergent and other animal diseases;

the procedure for monitoring notifiable animal diseases, zoonoses and other animal diseases;

the procedure for zoning, regionalization and compartmentalization of certain territories of Ukraine, taking into account their veterinary and sanitary status;

the procedure for notifying the competent authority of the detection or suspicion of the presence of notifiable animal diseases;

the procedure for notifying the state veterinary inspector and veterinary medicine specialist who performs veterinary services at an animal establishment (holding) about cases of atypical death of animals, other symptoms of animal diseases and significant decline in animal productivity for unknown reasons to conduct an epizootic investigation;

the list of records that are not required to be kept by business operators whose activities pose a low risk of spreading animal diseases;

requirements for the labeling of reproductive material;

animal quarantine requirements;

requirements for ensuring the welfare of farm animals during their breeding, keeping, transportation and slaughter;

special requirements for the establishments (animal holdings) at which farm animals are kept;

types of establishments (animal holdings) for keeping domestic animals that pose a high risk of spreading animal diseases;

types of establishments (animal holdings) for keeping and raising aquaculture animals that pose a high risk of spreading animal diseases;

requirements for establishments (animal holdings) that raise aquaculture animals for human consumption and supply such aquaculture animals directly to final consumers and / or local retailers and do not require an approval;

an application form for the approval of an animal establishment (animal holding) / business operator;

the procedure for forming and maintaining the State Register of Animal Establishments and Business Operators;

special requirements for the movement of domestic terrestrial and other animals, in particular for the movement of animals intended for scientific purposes, circuses, zoos, pet stores, animal shelters, wholesale, exhibitions, sports, cultural and other entertainment and educational activities;

requirements for animal collection centers;

requirements for the establishments used for the production, processing and storage of reproductive material, animals - donors of reproductive material, for the collection, processing, processing, storage and transportation of reproductive material;

the procedure for forming and maintaining the State Register of Animal Establishments and Business Operators;

the procedure for authorizing licensed veterinarians to issue veterinary certificates and veterinary passports for animals;

the procedure for issuing veterinary documents and maintaining the Single State Register of Veterinary Documents;

the procedure for authorizing a scientific institution to perform the functions of the National Institution of Ukraine for Veterinary Medicinal Products for various types of veterinary medicinal products;

the method of determining the amount of fees payable for the provision of services for the scientific evaluation of a veterinary medicinal product;

the procedure for using the funds received as payment for post-registration monitoring of veterinary medicinal products;

a list of documents on the balances of generic veterinary medicinal products (generics), which are submitted as part of the registration dossier for state registration of such veterinary medicinal products;

the procedure for issuing permits for clinical trials (trials) of veterinary medicinal products and requirements for their conduct;

rules for the production, circulation and use of medicated feed, intermediate products for the production of medicated feed, and the maximum limits of cross-contamination of feed with active substances (active pharmaceutical ingredients) of veterinary medicinal products and methods of analysis of these substances in feed;

the requirements of good manufacturing practice to be complied with by business operators engaged in the production and / or circulation of active substances;

the procedure for inspecting and entering the market operators of veterinary drugs that manufacture and / or trade active substances in the State Register of Veterinary Medicinal Products Business Operators;

the procedure for maintaining the State Register of Veterinary Medicinal Products Business Operators;

the procedure for inspecting production sites and warehouses for the purposes of licensing the production and import of veterinary medicines;

licensing conditions for the production of veterinary medicinal products and licensing conditions for the import of veterinary medicinal products;

qualification requirements for persons responsible for the production and import of veterinary medicinal products;

licensing conditions for the wholesaling and retailing of veterinary medicinal products;

the procedure for production, accounting, storage, transportation and confirmation of compliance (authorization) with the requirements for safety, quality and effectiveness of veterinary medicinal products which are not registered in Ukraine and intended for export;

the procedure for maintaining the list of veterinary medicinal products business operators that have the right to sell veterinary medicinal products remotely, and the inclusion of business operators in the list;

on approval of the model and rules for issuing veterinary prescriptions;

on approval of cases when veterinary medicinal products may not be used in accordance with the conditions of their state registration;

the procedure for providing a report by veterinarians who use antimicrobial veterinary medicinal products for the treatment of animals on the amount of antimicrobial veterinary medicinal products used by them;

the procedure for providing information on the volume of sales of the veterinary medicinal products by the market authorization holders;

the procedure for carrying out veterinary pharmacovigilance;

requirements for the form and content of the description of the corporate pharmacovigilance system for each veterinary medicinal product placed on the market;

requirements for good pharmacovigilance practice for veterinary medicinal products;

qualification requirements for the person responsible for pharmacovigilance;

the procedure for withdrawal from circulation, disposal or destruction of veterinary medicinal products that do not meet the requirements of the legislation on veterinary medicine and animal welfare or whose expiration date has expired;

methods of setting tariffs for services related to the implementation of measures for the prevention and elimination of animal diseases, laboratory analysis (tests), veterinary examination and other veterinary measures by state enterprises, institutions, organizations that are part of the competent authority's system;

the list of obligatory or necessary anti-epizootic measures, performed by veterinarians who conduct veterinary practice, that have to be paid for by the state;

the scope and procedure for submitting information that is part of veterinary reports;

the procedure for keeping records on veterinary care, preparing veterinary reports and submitting them to the competent authority by licensed veterinarians and licensed veterinary institutions;

the procedure for keeping up-to-date information contained in registration dossiers and marketing authorization certificates for veterinary medicinal products;

the procedure for supplementing registration dossiers for veterinary medicinal products registered in accordance with the Law of Ukraine "On Veterinary Medicine" (№2498 of 25.06.1992) with the information that is necessary to comply with the Law of Ukraine "On Veterinary Medicine" (№1206 of 04.02.2021).

3) exercises other powers under this Law.

In accordance with the Law of Ukraine "On animal by-products not intended for human consumption"(№ 287 of 07.04.2007) the MoAPFU:

1) establishes requirements for feeding animals by-products of animal origin;

2) establishes veterinary and sanitary requirements for the handling of animal by-products;

3) establishes veterinary and sanitary requirements for facilities (facilities) for processing, processing of animal by-products;

4) approve the procedure for maintaining the State Register of Establishments (Facilities) for the Circulation of Animal By-products and Products of their Processing;

5) provides regulatory and legal regulation in the field of veterinary medicine, in particular, approves:

requirements for feeding animals with animal by-products;

veterinary and sanitary requirements for the handling of animal by-products;

veterinary and sanitary requirements for the establishments (facilities) processing of animal by-products;

the procedure for forming and maintaining the State Register of Establishments (Facilities) for the Circulation of Animal By-products and Products of their Processing;

the procedure for handling animal by-products belonging to categories I-III,

the procedure for special treatment of animal by-products and products of their processing;

the procedure for conducting an official inspection of compliance with the requirements established by the country of destination to which market operators intend to export animal by-products, the procedure for approving export facilities for handling animal by-products, the procedure for maintaining a register of approved export facilities for handling with by-products of animal origin;

requirements for the traceability of animal by-products;

6) exercises other powers under this Law.

In accordance with the Law of Ukraine “On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare” (№ 2042 of 18.05.2017) the MoAPFU in the field of veterinary medicine:

approves:

forms of acts of state control used by state inspectors and state veterinary inspectors during inspections and audits, as well as forms of acts of sampling;

multi-annual plan of state control;

methods of zoonosis control;

requirements for the import (shipment) of food products of animal origin, feed, hay, straw, animal by-products and products of their processing, as well as live animals, biological products and reproductive material to the customs territory of Ukraine;

the procedure for defining and applying the frequency of documentary checks, identity checks, physical checks, laboratory analysis (tests) of products imported (shipped) into the customs territory of Ukraine in accordance with the requirements of Section VII of this Law;

maximum limits (volumes) of sampling;

the procedure for taking samples and transporting them (forwarding) to the authorized laboratories for the purposes of state control;

the procedure for granting the status of official veterinarian, authorized veterinarian, slaughterhouse employee, authorized to perform the duties of assistant state veterinary inspector, and the implementation of their activities;

the procedure for conducting practical training of state veterinary inspectors and determining its scope;

requirements for the training of assistant state veterinary inspectors;

methods (techniques) of sampling;

requirements for ante-mortem and post-mortem examination of animals, including those slaughtered outside slaughterhouses;

the procedure for determining slaughterhouses and processing facilities for wild animals for which the presence of a state veterinary inspector is not required;

the procedure for authorizing slaughterhouse employees to perform the duties of assistant state veterinary inspector within the state control of fresh poultry and hare meat in accordance with certain conditions, as well as their deprivation of such authorization;

requirements for the mark of suitability, identification mark and the procedure for their application;

requirements for the content, form and procedure for providing information about the food chain;

requirements for the production and circulation of live bivalve molluscs, live echinoderms, live intestinal and living marine gastropods;

the procedure for conducting inspections of hunting and fishing grounds;

the procedure for defining and applying the frequency of state control measures in relation to veterinary medicinal products, active substances and means of veterinary medicine;

a list of products and a list of live animals (indicating their code in accordance with the UKT FEA, names and, if necessary, other characteristics) that are subject to state control at designated border inspection posts;

rules for handling products imported (shipped) into the customs territory of Ukraine as trade (exhibition) samples or objects for scientific research;

the procedure for reloading cargo with products in case of failure of the vehicle or the impossibility of its use for other valid reasons, which necessitates the reloading of products onto another vehicle;

the procedure for approving customs warehouses, warehouses in free customs zones intended for storage of products that do not comply with the legislation, and maintaining their register;

the procedure for destruction, special treatment and change of the intended use of goods imported (shipped) to the customs territory of Ukraine, which do not comply with the law;

list of quarantine stations;

the procedure for carrying out preventive quarantine of animals imported into the territory of Ukraine;

models of international certificates accompanying consignments with products or live animals imported (shipped) to the customs territory of Ukraine;

list of food products of non-animal origin and feed of non-animal origin (indicating their code according to UKT FEA, names and, if necessary, other characteristics), consignments with which when imported (shipped) into the customs territory of Ukraine are subject to enhanced state control;

special conditions for the import of food, feed, animal by-products, biological products, reproductive material and live animals;

list of live animals posing a minor risk to the veterinary and sanitary status of Ukraine;

the procedure for maintaining, updating and publishing the register of countries and establishments from which the import (shipment) of products and live animals to the customs territory of Ukraine is permitted;

the procedure for recognizing the equivalence of state control system in exporting countries;

the amount of fees for state control over compliance with the legislation on food, feed, animal by-products, animal health and welfare, financed by business operators;

the form of the protocol and the procedure for administrative (pre-trial) appeal against the decision on violation of the Law of Ukraine "On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare", legislation on food, feed, by-products products of animal origin, veterinary medicine and animal welfare;

exercises other powers under this Law.

The system and powers of the competent authority (State Service of Ukraine for Food Safety and Consumer Protection – the SSUFSCP)

The system of the competent authority comprises:

- competent authority - the SSUFSCP;
- territorial bodies of the SSUFSCP;
- state institutions, enterprises and organizations subordinated to the SSUFSCP.

In accordance with the Law of Ukraine "On veterinary medicine" (№ 1206 of 04.02.2021) the SSUFSCP:

- 1) implements state policy in the field of veterinary medicine;
- 2) participates in the development, organizes and implements veterinary and sanitary measures aimed at ensuring veterinary and epizootic welfare, protection of the territory of Ukraine from penetration from other countries or quarantine zones of pathogenic agents of animal diseases, quarantine of animals;
- 3) ensures and performs state control over compliance with the legislation on veterinary medicine and animal welfare;
- 4) takes measures within its powers to eliminate violations of the legislation on veterinary medicine and animal welfare;
- 5) approves and implements plans for monitoring animal diseases subject to notification;
- 6) carries out the state registration of veterinary medicinal products and maintains the State Register of Veterinary Medicinal Products of Ukraine;
- 7) approves the models of international veterinary certificates together with the competent authorities of other states;
- 8) exercises other powers under this Law.

According to the Law of Ukraine “On animal by-products, not intended for human consumption” (№ 287 of 07.04.2007), the powers of the SSUFSCP in the field of handling animal by-products include:

- 1) implementation of state control over the activities of market operators who carry out the circulation of animal by-products and products of their processing, processing;
- 2) approval of technical conditions, technological instructions for processing, processing, disposal and removal of animal by-products;
- 3) taking immediate measures in case of deterioration of the epizootic situation related to the handling of animal by-products;
- 4) maintaining the State Register of facilities (facilities) for the circulation of animal by-products and products of their processing;
- 5) establishment of restrictions on the circulation of animal by-products;
- 6) taking measures within its powers to eliminate violations of this Law and bringing the perpetrators to justice in accordance with the law;
- 7) exercise of other powers under the law.

According to the Law of Ukraine “On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare” (№ 2042 of 18.05.2017), the SSUFSCP in the field of state control:

- 1) organizes and performs state control, including control at the state border of Ukraine;
- 2) develops and implements a multi-annual plan of state control, annually reports to the Cabinet of Ministers of Ukraine on the progress of its implementation;
- 3) develops and implements a contingency plan for food and feed;
- 4) approves annual plans of state control and annual plans of state monitoring;
- 5) ensures the conduct of ante-mortem and post-mortem examinations of animals at the appropriate facilities, as well as post-mortem examinations of animals killed during hunting;
- 6) performs state control over the implementation of permanent procedures based on the principles of HACCP;
- 7) authorizes the persons specified in this Law to carry out certain measures of state control, controls the legality and effectiveness of their activities, strips them of such powers on the grounds specified by the law, and keeps records and publishes information about authorized persons on the official website;
- 8) ensures the legality and efficiency of the activities of its structural subdivisions, territorial bodies and their officials;
- 9) establishes in the annual plan of state control the frequency of inspections, audits, sampling and laboratory analysis (tests) for the establishments used for the production and / or circulation of food, feed, animal by-products, veterinary medicinal products and keeping livestock;
- 10) approves the frequency of documentary checks, identity checks, physical checks, laboratory analysis (tests) of products imported (shipped) to the customs territory of Ukraine;

11) involve, if necessary, law enforcement agencies in the implementation of state control within the powers granted to them by law;

12) takes measures within its powers to eliminate violations of this Law, legislation on food, feed, animal by-products, veterinary medicine and animal welfare, brings offenders to justice for such violations;

13) exercises other powers under this Law.

According to the Law of Ukraine “On animal by-products, not intended for human consumption” (№ 287 of 07.04.2007), local state administrations and local bodies of self-government are also involved in public administration in the field of handling animal by-products.

The powers of local state administrations in the field of handling animal by-products include:

1) organization of development and implementation of regional and local programs for the treatment of animal by-products;

2) organization of measures ensuring the elimination of unauthorized and uncontrolled landfills of animal by-products;

3) exercise of other powers under the law.

Local bodies of self-government in the field of handling animal by-products provide:

1) approval of local and regional programs for the treatment of animal by-products and control over their implementation;

2) elimination of unauthorized and uncontrolled landfills of animal by-products;

3) proper arrangement of burial places of animal by-products;

4) exercise of other powers under the law.

State emergency anti-epizootic commissions (SEaEC) are collegial bodies. They are established at the level of:

the Government (central level);

the regional state administrations (regional level);

the cities/towns and local communities (local level).

As it stems from the provisions of article 9 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021), these collegial bodies are responsible for the control, management and coordination of the activities of central, regional and local authorities aimed at the prevention and eradication of animal disease outbreaks and mass poisoning of animals. That's why these collegial bodies comprise representatives of different government agencies and local authorities such as the SSUFSCP, the ministry of agrarian policy and food, the ministry of health, the ministry of environmental protection, the ministry of agrarian policy and food, the ministry of finance, police etc.

Under article 32 of this law SEaECs are vested with a wide range of powers in case of animal disease outbreaks. In particular, they are empowered to make decisions on the following measures:

- sampling, laboratory analysis and diagnostics;

- separation or isolation of animals with symptoms of a disease from other animals;

- listing of animals suspected of having a disease that has to be notified as well as the listing of feed, animal by-products, manure if there is a suspicion that they may be infected;
- prohibition or restriction of movement within and/or out of the site of animal disease outbreak, protection zone, surveillance zone for animals, feed, products of animal or plant origin, manure etc;
- stamping out by humane methods;
- removal and safe disposal of animal carcasses, products of animal and plant origin, etc.;
- prohibition on the functioning of fairs, exhibitions, auctions and other public events involving animals;
- emergency vaccination, clinical examination and treatment of animals;
- prohibition or restriction of mating as well as collection, storage and use of germinal material originating from the infected zone;
- restriction of movement for persons who were in contact with infected animals or animals suspected of having an infectious disease as well as products coming from such animals;
- closure or blocking of ways to the infected zone, installation of warning signs informing of the presence of an animal disease, implementation of control measures;
- disinfection, deratization, disinsection of animal holdings, pens, yards and other places where infected animals are kept or where there are animals suspected of having a disease;
- surveillance over the populations of wild animals, susceptible to listed diseases, including sampling of their blood and pathological material for laboratory analysis;
- application of other biological safety measures aimed at the prevention of listed diseases.

Having such a wide range of powers, SEaECs play a crucial role in the control and eradication of animal diseases.

The State Pharmacological Commission of Veterinary Medicine is also a collegial body consisting of leading experts in the field of veterinary medicine responsible for providing expertise and advice to the competent authority on the issues of safe and effective use of veterinary medicines.

Under article 10 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) the State Pharmacological Commission of Veterinary Medicine is supposed to provide recommendations regarding:

- state registration (authorization) of veterinary medicinal products;
- the designation of veterinary medicinal products to be sold on veterinary prescription;
- requirements for clinical and pre-clinical trials of veterinary medicinal products.

The National Institution of Ukraine for Veterinary Medicinal Products is a state-run scientific establishment, authorized by the competent authority to carry out scientific assessment of veterinary medicinal products. As it stems from the provisions of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021), the National Institution of Ukraine for Veterinary Medicinal Products plays an important role in the process of state registration (authorization) of veterinary medicinal products, since a veterinary medicinal product can be registered (authorized) only after its scientific assessment.

It is also worth mentioning that according to the law the functions of the National Institution of Ukraine for Veterinary Medicinal Products can be performed by different scientific establishments with regards to different types of veterinary medicinal products.

Under the Constitution of Ukraine and the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) the CMU (the Government of Ukraine) as a higher body of executive power is responsible for ensuring the implementation of state policy in the field of veterinary medicine. In the course of state policy implementation, the Government of Ukraine is supposed to approve the most important regulations, required by the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021), in particular the Regulation on the state registration of veterinary medicinal products. The CMU is also empowered to develop and implement national development programs in the field of veterinary medicine. Such programs are approved by the Parliament of Ukraine. One the most important managerial functions of the Government of Ukraine is to direct and coordinate the activities of various bodies of executive power in the field of veterinary medicine.

There are two bodies of executive power at the central level with responsibilities in the field of veterinary medicine. One of them is a central body of executive power, ensuring the formation and implementation of state policy in the field of veterinary medicine. Currently the powers of this central body of executive power are vested in the MoAPFU. This ministry has two main responsibilities in the field of veterinary medicine. One of them is to determine development priorities in this field. Another one is to provide legal regulation, in other words, to establish rules in this area. To this end the ministry develops and adopts its own orders and develops draft laws that are subsequently adopted by the Parliament of Ukraine.

At the same time, it has to be pointed out that the ministry is not directly involved in operational management in the field of veterinary medicine. It does not implement the state policy in this field itself. The ministry represents the upper tier at the central level of executive power, responsible for setting development priorities and ensuring legal coverage for the implementation of veterinary policy.

The lower tier is at the central level is represented by a central body of executive power, implementing state policy in the field of veterinary medicine. It is referred to as the competent authority in the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021). Currently the powers of the competent authority are vested in the SSUFSCP.

In order to implement state policy in the field of veterinary medicine the SSUFSCP has the power to approve certain categories of animal establishments (holdings) after checking them for compliance with the veterinary legislation as well as the power to register other animal establishments (holdings) that are not subject to approval.

Another important function of the SSUFSCP is the state registration (authorization) of veterinary medicinal products. In addition to that, the SSUFSCP has the responsibility to ensure the functioning of the national pharmacovigilance system for veterinary medicinal products.

Performing the state registration of veterinary medicinal products, the SSUFSCP can use the expertise and advice provided by the State Pharmacological Commission of Veterinary Medicine.

When making decisions on the registration (authorization) of veterinary medicinal products the SSUFSCP relies on the scientific assessment of such products performed by the National Institution of Ukraine for Veterinary Medicinal Products.

It is also the responsibility of the SSUFSCP to issue veterinary documents such as:

- international veterinary certificates (for the movement of animals, animal by-products, biological products, germinal material out of Ukraine);
- veterinary certificates (for the movement of animals, animal by-products, biological products, germinal material within Ukraine);
- veterinary passport for animals.

State veterinary inspectors of the SSUFSCP issue these veterinary documents, although veterinary certificates and veterinary passports can also be issued by private veterinarians, provided they are authorized to do that by the SSUFSCP.

Another important area of responsibility for the SSUFSCP is state control over the compliance with the requirements of the veterinary legislation. Performing the function of state control the SSUFSCP has the powers to:

impose restrictions or prohibition on imports (shipments) to the customs territory of Ukraine or export of consignments with animals of animal products from this territory;

- make decisions regarding temporary suspension of the production and/or circulation of animal by-products, biological products, germinal material and veterinary medicinal products;
- revoke approval for animal establishments (holding);
- change the terms, suspend or revoke the state registration (authorization) of veterinary medicinal products;
- compile protocols and issue improvement notices in order to address the violations of the veterinary legislation and verify the state of their execution by business operators;
- apply penalties for the violations of the veterinary legislation.

In addition, the SSUFSCP performs some important technical functions, like maintaining various registers, including:

- the State Register of Animal Establishments (Holdings) and Business Operators;
- the State Register of Veterinary Medicinal Products of Ukraine;
- the Single State Register of Veterinary Documents.

Despite the fact that the SSUFSCP is not responsible for drafting or making rules in the field of veterinary medicine and is only responsible for implementing them, it still can have some impact on the development of legislation in this field by making its proposals to the drafts of various pieces of legislation.

As a competent authority in the field of veterinary medicine, the SSUFSCP includes the Department of food safety, veterinary medicine and organic production control, ensuring the execution of its responsibilities in this field.

In addition, the SSUFSCP has a system of territorial bodies implementing its powers in different regions of Ukraine as well as state-run enterprises, establishments and institutions assisting the SSUFSCP in the discharge of its functions in the field of veterinary medicine (regional, district and municipal state hospitals of veterinary medicine, regional and inter-regional state laboratories etc.).

At the regional level the territorial bodies of the SSUFSCP include offices for food safety and veterinary medicine, comprised of food safety units, state control units and units for antiepidemiological activity organisation.

In case of an emergency when there is an outbreak of an animal disease state emergency epizootic commissions come into play. These commissions have a lot of emergency powers with regards to animal disease outbreaks and mass poisonings of animals. As they consist of the representatives of all public authorities involved in disease control and eradication efforts, they become major management, coordination and control centers in the fight against animal disease within the administrative borders of their regions, districts cities, towns and local communities.

Therefore, it is up to the state emergency epizootic commissions to define the borders of infected zones, inform local population about the spread of an animal disease, take all necessary measures to fight the spread of a disease (sampling, laboratory testing, separation and isolation of animals, prohibition or restriction of movement for animals, animal products, feed etc., restriction of movement for people, stamping out by humane methods, clinical examination, treatment of animals, disinfection, deratization, disinsection etc.)

7. Please provide information on the control system in the internal market:

- a) Live animals; semen, ova and embryos;**
- b) Animal products;**
- c) Certification;**
- d) Mutual assistance** – not relevant for Ukraine;
- e) Safeguard measures**
- f) Computer system (TRACES);**
- g) Funding of checks.**

Regarding live animals, semen, ova and embryos, animal products:

Framework legal act that regulates issues related to organization and carrying out of state control is the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) (the Law). General date of coming into force of the Law is 04.04.2018. In 2021 the Law was amended¹, and its subject matter was expanded in terms of controls of live animals, germinal material², animal by-products, veterinary preparations. General date of coming into effect of mentioned amendments is 21.03.2023.

Regarding the issues, related to official control on internal market of live animals, semen, ova, embryos and animal products the Law is based on general control principles, established by:

¹ Amendments, introduced by the Law No 1206 of 04.02.2021.

² «**Germinal material** means semen, oocytes, embryos intended for artificial reproduction, hatching eggs and other biological material intended for reproduction» (Article 1 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021)).

- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

- Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

For more detailed information on key provisions of the Law, **see answers to the questions No 3 and No 14.**

For more detailed information in respective fields of responsibilities of competent authorities on official controls **see answers to the questions No 6 and 15.**

For more detailed information on implementing sub-legal acts in the sphere of state control – **see Tables under the questions No 16 (b)(c)-17.**

The Law of Ukraine «On Veterinary Medicine» regulates measures for the prevention, control and eradication of animal diseases and the relevant instructions approved in accordance with this Law.

Measures to prevent, localize, if necessary, eliminate animal diseases, laboratory and diagnostic and regular radiological analyses of goods, material and technical provision with specialized equipment and transport, creating of the necessary reserve of biological, therapeutic and disinfection means, reimbursement of transportation and storage of veterinary preparations, other veterinary and sanitary measures are determined by the Cabinet of Ministers of Ukraine.

The list of infectious and parasitic animal diseases, measures for prevention, localization and, if necessary, liquidation carried out at the expense of the state budget and the procedure for using funds provided in the state budget for anti-epizootic measures are adopted by resolution of the Cabinet of Ministers of Ukraine No 413 of 23 April 2008 "On approval of the Procedure for the use of funds provided in the state budget for anti-epizootic measures and of the list of services of veterinary specialists who conduct veterinary practice for the implementation of mandatory or necessary anti-epizootic measures and the amount of their payment".

The procedure for compensation of property damage (losses) caused to persons as a result of quarantine (quarantine restrictions) of animals or in connection with procedures and works to eliminate particularly dangerous (quarantine) diseases is adopted by resolution of the Cabinet of Ministers of Ukraine No 1003 of 31 October 2012.

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Ministers of Ukraine No 1003 of 31 October 2012.

In order to ensure a stable epizootic situation in the country, the Department for Animal Health and Welfare of the SSUFSCP develops and monitors the implementation of plans for anti-epizootic, treatment and prophylactic, veterinary and sanitary measures for animal protection:

- plan of anti-epizootic measures for the prevention of major infectious and parasitic animal diseases in Ukraine;
- state monitoring plan for infectious diseases in poultry on the territory of Ukraine;
- programme for determining the status of Ukraine as a country with a controlled risk of bovine spongiform encephalopathy;
- programme for state veterinary and sanitary control of broiler salmonellosis at poultry holdings of Ukraine;
- programme for state veterinary and sanitary control of salmonellosis in meat turkeys at poultry holdings of Ukraine;
- programme for state veterinary and sanitary control of salmonellosis in laying hens at poultry holdings of Ukraine;
- programme for state veterinary and sanitary control of salmonellosis in breeding poultry (chicken and turkeys) at poultry holdings of Ukraine.

In order to ensure the epizootic welfare in animal husbandry the SSUFSCP and its territorial bodies annually draw up and adopt anti-epizootic measures plans.

The anti-epizootic measures plan is developed in the first half of the year for the next year taking into account the epizootic situation of the service area in terms of farms and localities.

To draw up the anti-epizootic measures plan data on livestock available at the beginning of the year are used and the growth of herd as a result of breeding is taken into consideration.

Based on the data above, territorial bodies of the Main office jointly with veterinary specialists of holdings draw up the anti-epizootic measures plan for each individual farm and locality.

Plans for anti-epizootic measures for each farm and locality are the basis for drawing up a consolidated plan for the district. The consolidated anti-epizootic plan is reviewed by the territorial body of the Main office.

Consolidated anti-epizootic action plans are reviewed by the SSUFSCP Main office in the region.

Given the epizootic situation in adjacent districts and regions, certain adjustments may be made by the Main office in the region. The consolidated plan for the region is approved by the regional state administration and submitted for consideration to the SSUFSCP.

When considering regional plans by specialists of the Office for animal health and welfare, the epizootic situation in the neighbouring countries is taken into account and additions are made.

Due to the constant change in the number of animals in the regions during the year and the change in the number of farms that keep animals, the Office for animal health and welfare makes adjustments to the anti-epizootic plans in the IV quarter of each year with their subsequent adoption.

Based on the approved plans of the regions, the SSUFSCP forms the Anti-epizootic measures plan for the prevention of major infectious animal diseases in Ukraine for respective year, which is then approved by the Ministry of Economy and the State Emergency Anti-Epizootic Commission of the Cabinet of Ministers of Ukraine.

Regarding certification:

According to Article 32 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997):

- food certification is optional (this does not apply to the procedure for issuing an international certificate provided by this Law);

- foodstuffs exported to Ukraine shall comply with the requirements of Ukrainian legislation on safety and specific quality parameters of food except for cases when: 1) such requirements for foodstuffs are established by the country to which foodstuffs are exported; or 2) such requirements for foodstuffs are established by bi-lateral agreements of Ukraine with the country to which foodstuffs are exported.

According to Article 60 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997):

- if required by the importing country, consignments of exported foodstuffs must be accompanied by originals of international certificates or other documents required by the legislation of the country of destination issued by the competent authority;

- international certificates are issued only at the request of business operator and are filled in Ukrainian and / or English or the language of the country of destination. International certificates for consignments of certain types of foodstuffs of non-animal origin are issued in the form agreed by the competent authority of Ukraine and the competent authority of the country of destination, or in the form established by the country of destination. The competent authority shall develop, adopt and publish on its official website guidelines for the export of consignments of certain types of food of non-animal origin and the procedure for issuing (completion) of relevant international certificates;

- unless otherwise provided by the law, the amount of fee charged to business operator in favour of the competent authority for the issuance of international certificate for a consignment of food of non-animal origin equals 0.05 of monthly minimum wage established by law as of the date of respective application of business operator;

- unless otherwise provided by law, the international certificate for a consignment of food of non-animal origin shall be issued by the state inspector no later than one working day from the date of the business operator's application to the territorial body of the competent authority (not taking into consideration the time required for the performance of laboratory analysis (tests), should those be required by the country of destination), provided that the inspection of the consignment established its compliance with the requirements of the country of destination.

According to Article 49 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) (the Law):

- the movement within the territory of Ukraine of animals, animal by-products, germinal material, biological products should be accompanied by veterinary certificate. According to Article 1 of the Law *«veterinary certificate means a document issued by the state veterinary inspector,*

official veterinarian or licensed veterinarian, confirming the veterinary and sanitary condition of a batch of animals, germinal material, animal by-products, biological materials (products) during their movement in Ukraine, in which, if necessary, are indicated the results of their inspection, laboratory and / or other diagnostic tests, information on vaccination, preventive quarantine of animals, as well as veterinary and sanitary status of the establishment (territory) of origin of animals».

- the movement outside the territory of Ukraine of animals, animal by-products, germinal material, biological products should be accompanied by international veterinary certificate. International veterinary certificates are issued by state veterinary inspectors and official veterinarians.

- To identify the animal, a veterinary passport is issued, which contains information about the owner of the animal, description of the animal, information about its identification, health status, diagnosis, vaccination, treatment, other anti-epizootic measures against the animal, as well as veterinary-sanitary health status of the holding, where the animal is kept.

- Veterinary certificates and veterinary passports for animals are issued by state veterinary inspectors, official veterinarians and licensed veterinarians authorized to issue such certificates and passports.

Procedure for the issuing of veterinary documents is approved by resolution of the Cabinet of Ministers of Ukraine No 857 of 21 November 2013. Rules for the completion, keeping, writing off veterinary documents and requirements for their registration are approved by order of the Ministry of Agrarian Policy and Food of Ukraine No 288 of 01.08.2014.

Regarding safeguard measures:

The Law of Ukraine «On Veterinary Medicine» (No 1206 of 04.02.2021), as well as instructions on the prevention, control and elimination of animal diseases establish protection mechanisms in case of suspicion or confirmation of an outbreak of animal diseases. These mechanisms are aimed at preventing the spread of animal diseases on the territory of Ukraine, the circulation of infected animals and products dangerous to human life and health. In particular, in case of outbreak of animal diseases conditions and restrictions on the movement of animals and products of animal origin are established, a special procedure for the treatment of animals and products of animal origin originating from infected areas (territories) is established. Also, zoning / regionalization / compartmentalization mechanisms are provided.

Regarding computer system (TRACES):

The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) (the Law) foresees the functioning of «information and telecommunication system of the competent authority». Regarding control system for the internal market, according to Article 33 of the Law, the results of the state control of fresh meat shall be entered by the state veterinary inspector in the registers and/or information and telecommunication system of the competent authority.

The control on internal circulation of controlled consignments is ensured by accompanying certain categories of consignments with respective veterinary documents. Issuance, record-keeping and control of compliance with the requirements in this process is carried out using the automated system "Single state register of veterinary documents".

TRACES NT system is used by the SSUFSCP to maintain lists of Ukrainian enterprises approved for the right to export to the EU of foodstuffs, products not intended for human consumption and to keep up-to-date information in them. This system is currently not used for electronic certification of consignments.

Therewith, specialists in the relevant fields took part in specialised trainings on the use of TRACES NT interface, record-keeping of business operators in the system, completion of model health certificates etc.

Having regard to the above, the introduction of this system into the functionality of SSUFSCP can be carried out in a relatively short time, as required.

Regarding funding of checks:

The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) (the Law) establishes framework legal requirements for financing of state controls. These requirements were developed on the basis of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Articles 63-64 of the Law lay down general principles of financing of state control and cases, when state control is financed at the cost of business operators.

According to Article 63 of the Law:

- funding of state control is carried out at the expense of the state budget, except for cases provided by this Law;

- the cost of state control funded by business operators, shall not exceed the amount of expenditures on:

- payment for the work of employees of the competent authority and its territorial bodies that directly exercise state control, as well as related costs for the payment of taxes and other payments that are mandatory by law;

- maintenance (operation) of premises, tools, equipment necessary for state control implementation;

- stationery used during state control implementation;

- business trips of employees of the competent authority and its territorial bodies who directly exercise state control;

- sampling and performance basic and laboratory analysis (tests).

- payment amount for state control funded by business operators is adopted by the central executive body ensuring the formation and implementation of state policy in the field of safety and specific quality indicators of food and in the field of veterinary medicine jointly with the central executive body ensuring the formation and implementation of state financial and budgetary policy in accordance with the procedure established by the Cabinet of Ministers of Ukraine. The central executive body, which ensures the formation and implementation of state policy in the field of safety and specific quality indicators of food and in the field of veterinary medicine annually publishes on

its official website the calculation of fees for state control and the report on the use of funds received from business operators as payment for state control implementation.

- payment for the state control performed by the competent authority on goods, vehicles imported into the customs territory of Ukraine, including for transit purposes, at crossing points (control points) on the state border of Ukraine in an amount not exceeding the fee for checking documents for goods and vehicles (containers) is included in the single fee in accordance with the Law of Ukraine "On single fee charged at crossing points on the state border of Ukraine".

According to Article 64 of the Law state control is financed by business operators or their authorized persons in the following cases:

- carrying out of state control of consignments imported (sent) into the customs territory of Ukraine, including for the purpose of transit, or exported (sent) from it, except for state control carried out within the annual state monitoring plan;

- carrying of out ante-mortem and post-mortem inspection in accordance with the legislation;

- implementation of unscheduled measures of state control, except for unscheduled measures carried out:

- at the request of an individual on the violation by the business operator of its legal rights, if the results of these measures have not confirmed such violations;

- on the basis of a reasonable suspicion of non-compliance, if the results of these measures have not confirmed such non-compliance.

For the implementation of the Law the following sub-legal acts were adopted:

- CMU Resolution «On certain issues of forming fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 148 of 27.02.2019).

- MDETA Order «On approval of fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 2836/835 of 31.12.2020).

Financial, material and technical support of the SSUFSCP activities is ensured from the state budget of Ukraine.

Conditions for the payment of work of officials and employees, their material and welfare support are established by the laws of Ukraine and acts of the Cabinet of Ministers of Ukraine.

The state budget of Ukraine envisages funding under the following budgetary programmes:

Management in the field of food safety and consumer protection;

Antiepidemiological measures and the OIE membership;

Organisation and regulation of the activity of institutions in the SSUFSCP system;

Performance of laboratory analysis, measurements, research and examination in the framework of state control (supervision) implementation.

8. Please provide information on the control system for imports:

- a) Live animals;
- b) Products including food, feed and animal by-products;
- c) Safeguard measures
- d) Border Inspection Posts (BIPs);
- e) Computer system (TRACES);
- f) Funding of checks;

In order to prevent the introduction into the custom territory of Ukraine of infectious animal diseases, as well as dangerous and low-quality products, today Ukraine has a system of legal requirements governing state control of consignments imported (sent) into customs territory of Ukraine.

The main framework laws that currently regulate the organization and conducting of state control at the border of consignments with live animals and products are:

- The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare » (No 2042 of 18.05.2017) (*the Law on state control*) - control of imports of products (food products of animal origin (including composite products), feed of animal origin, hay, straw, animal by-products), food products and feed of non-animal origin. Procedures, established by the Law were developed on the basis of the following EU legislation: Regulation (EC) Nos 882/2004, 136/2004, 669/2009, Council Directive 97/78/EC and Commission Decision 2007/275/EC.

- The Law of Ukraine «On veterinary medicine» (No 2498 of 25.06.1992)³ establishes procedures of state veterinary and sanitary control of live animals, germinal material, biological products, pathological material, veterinary preparations, substances. According to the Law, import into the territory of Ukraine and transit of mentioned goods is carried out exclusively through designated border inspection posts, which have quarantine stations and are intended for import and transit of goods.

In 2021 the Law on state control was amended⁴, and its subject matter was expanded by adding requirements for controls of import of live animals, germinal material and biological products. Mentioned new import requirements come into effect on 21.03.2023. **For the purpose of this Questionnaire new import requirements are described.**

The list of Ukrainian legislation, which lays down requirements for organization and conducting of control of consignments with live animals and products, imported (sent) into the custom territory of Ukraine **is provided in the below Table:**

Live animals

³ Date of end of validity of the Law - 21.03.2023.

⁴ Amendments introduced by the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021). The Law comes into effect on 21.03.2023.

Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC	Adopted Valid	Date of coming into effect: 21.03.2023
	Commission Decision 97/794/EC of 12 November 1997 laying down certain detailed rules for the application of Council Directive 91/496/EEC as regards veterinary checks on live animals to be imported from third countries		
	Commission Regulation (EC) No 282/2004 of 18 February 2004 introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community		
Products including food, feed and animal by-products			
Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of	Adopted Valid	The Law is implemented by numerous sub-legal acts, list of which is provide below in this Table.

welfare» (No 2042 of 18.05.2017)	compliance with feed and food law, animal health and animal welfare rules		
	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries		
	Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries		
	Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC		
	Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC		
CMU Resolution «On approval the Procedure of conducting state control in	Regulation (EC) No 882/2004 of the European Parliament and of the	Adopted Valid	Date of coming into force: 13.07.2019

exporting countries» (No 589 of 05.07.2019)	Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules		
CMU Resolution «On approval the form of Common Veterinary Entry Document and the form of Common Entry Document» (No 570 of 18.07.2018)	<p>Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries</p> <p>Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC</p>	Adopted Valid	Date of coming into force: 24.07.2018
MoAPFU Order «On approval the Procedure for the determination and application of frequency of documentary checks, identity checks, physical checks, sampling (analysis) of consignments, that are imported (sent) to the custom territory of Ukraine» (No 501 of 19.10.2018)	<p>Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules</p> <p>Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering</p>	Adopted Valid	Date of coming into force: 11.12.2018

	the Community from third countries		
MDETA Order «On approval forms of international certificates» (No 1329 of 14.07.2020)	Please see the list of EU legislation indicated in the answer to the question «Import requirements for live animals and animal products»	Adopted Valid	Date of coming into force: 24.08.2020 Order approves 72 forms of international certificates for import into Ukraine of main categories of: - food products (including composite products) - feed of animal origin - animal by-products - derived products - hay and straw.
MoAPFU Order «On approval the Procedure for conducting state control of establishments located in the exporting countries from which the import (sending) of products into the customs territory of Ukraine is authorized and the procedure for keeping of State Register of the countries and establishments, that are authorized for importation (sending) of products into the customs territory of Ukraine» (No 262 of 01.06.2018)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	Date of coming into force: 10.08.2018

MoAPFU Order «On approval of the list of products subject to state control at designated border inspection posts» (No 159 of 26.03.2018)	Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC	Adopted Valid	Date of coming into force: 18.05.2018
MDETA Order «On approval Procedure for destruction, special treatment and change of the intended use of consignments that are imported (sent) to the customs territory of Ukraine and which don't comply with the legislation» (No 893-21 of 29.04.2021)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	Date of coming into force: 25.06.2021
MoAPFU Order «On approval the list of food products and feed of non-animal origin, subject to increased level of official controls during importation (sending) into the custom territory of Ukraine» (No 158 of 26.03.2018)	Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC	Adopted Valid	Date of coming into force: 04.05.2018
Order of Head of State Service for Food Safety and Consumer Protection «On adoption frequency of checks of consignments, that are introduced into the custom territory of Ukraine» (No 1019 of 12.12.2018)	Commission Decision 94/360/EC of 20 May 1994 on the reduced frequency of physical checks of consignments of certain products to be implemented from third countries, under Council Directive 90/675/EEC	Adopted Valid	

MoAPFU Order «On adoption of the Requirements for importation (sending) to the customs territory of Ukraine of live animals and their germinal material, food of animal origin, feed, hay, straw, animal by-products and derived products» (No 553 of 16.11.2018)	Please see the list of EU legislation indicated in the answer to the question «Import requirements for live animals and animal products»	Adopted Valid	Date of coming into force: 24.11.2019 For additional information on the Order please see answer to the question «Import requirements for live animals and animal products»
MDETA Order «On Approval Rules of handling of the products imported (sent) to the customs territory of Ukraine as trade (exhibition) samples or objects of scientific research» (No 601 of 23.03.2021)	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries	Adopted Valid	Date of coming into force: 23.06.2021
MDETA Order «On Approval the Procedure for reloading of consignment with products in case of failure of the vehicle or impossibility of its use for other valid reasons that causes necessity of reloading of products on other vehicle» (No 2043 of 13.10.2020)		Adopted Valid	Date of coming into force: 01.03.2021
Safeguard measures			
Title of legal act	Relevant EU Aquis legislation	Status	Comments (if any)
The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering	Adopted Valid	According to article 53 of the Law in the event of an outbreak in another country of diseases listed by the World Organization for Animal

welfare» (No 2042 of 18.05.2017)	the Community from third countries		Health or other diseases that pose a threat to human and / or animal health, or in the event of the detection of such diseases in a consignment the competent authority has the right to take one of the following measures, depending on the level of threat: -to prohibit the import (sending) of consignments with products and live animals from the whole territory of the specified country or its separate part (zone or compartment) and, if necessary, from the country of transit; - to establish special conditions for consignments with products and live animals coming from this country or its separate territory (zone or compartment).
	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules		
CMU Resolution «On approval the Procedure of establishment of special import conditions for food products and feed» (No 869 of 09.10.2019)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	Date of coming into force: 12.10.2019 Establishing special import conditions is a means of eliminating or reducing to an acceptable level the threat to human and / or animal health associated with the risk of a dangerous factor in the cargo imported (shipped) to the customs territory of Ukraine.
Border Inspection Posts (BIPs)			

Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)	Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries	Adopted Valid	The Law establishes basic approved requirements for BIPs that are in line with corresponding requirements of Council Directives Nos 97/78/EC and 91/496/EEC
	Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC		
CMU Resolution «On approval the list of Designated Border Inspection Posts and Designated Points of Entry through the state border» (No 68 of 05.02.2020)	<p>Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries</p> <p>Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC</p>	Adopted Valid	Date of coming into force: 05.07.2022

CMU Resolution «On approval the Procedure of the use of funds provided in the state budget for the implementation of measures for the construction of border inspection posts and improve access of agricultural small and medium enterprises to export markets» (No 528 of 26.05.2021)		Adopted Valid	Date of coming into force: 01.06.2021
Computer system (TRACES)			
Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)	Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries	Adopted Valid	According to Article 47 of the Law: - the competent authority shall provide access to the designated border inspection posts and designated points of entry to the information and telecommunication system of the competent authority, which shall ensure the exchange of information with the information and telecommunication system of the customs authority; - information on the results of state control at designated border inspection posts and designated points of entry shall be entered into the information and telecommunication

			<p>system of the competent authority.</p> <p>The full functionality of TRACES NT is not currently used in import operations. However, all forms of veterinary certificates currently generated in this system are acceptable for consignments subject to import controls. A separate area of use of TRACES NT system is to keep track of business operators who carry out export-import operations between Ukraine and the EU and confirm their status in order to generate health certificate using the system's functionality.</p>
Funding of checks			
Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	<p>According to Article 64 of the Law: state control of consignments imported (sent) into the customs territory of Ukraine, including for the purpose of transit, or exported (sent) from it, except for state control carried out within the annual state monitoring plan – is financed by business operators or their authorized persons.</p> <p>Financial, material and technical support of the SSUFSCP activities is</p>

			<p>ensured from the state budget of Ukraine.</p> <p>Conditions for the payment of work of officials and employees, their material and welfare support are established by the laws of Ukraine and acts of the Cabinet of Ministers of Ukraine.</p> <p>The state budget of Ukraine envisages funding under the following budgetary programmes:</p> <p>Management in the field of food safety and consumer protection;</p> <p>Antiepidemiological measures and the OIE membership;</p> <p>Organisation and regulation of the activity of institutions in the SSUFSCP system;</p> <p>Performance of laboratory analysis, measurements, research and examination in the framework of state control (supervision) implementation.</p>
CMU Resolution «On certain issues of forming fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 148 of 27.02.2019)		Adopted Valid	<p>Date of coming into force: 06.03.2019</p>

MDETA Order «On approval of fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 2836/835 of 31.12.2020)		Adopted Valid	Date of coming into force: 22.01.2021
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The system of authorities responsible for implementing state control at the border:

State border control, performed by representatives of SSUFSCP, includes control of import and transit of food of animal origin (including composite products), feed of animal origin, hay, straw, animal by-products, biological products, food of non-animal origin, feed of non-animal origin, live animals and germinal material. SSUFSCP also conducts state control in free zones, free warehouses and customs warehouses.

The SSUFSCP Office for state control at the border (hereinafter – the Office) on the central level and the SSUFSCP Inter-regional main offices at the state border (4 offices) are responsible for state control.

Central level (1st level):

At the central level, Head of the Office is responsible for coordinating the activities of the Inter-regional main offices of SSUFSCP at the state border in the field of state control, implementation of legal acts applicable to import operations and compiling annual data on import control results.

The SSUFSCP Office for state control at the border consists of:

Unit for state border control on food safety, veterinary medicine and organic production control;

Unit for state control in exporting countries;

Unit for phytosanitary measures at the border.

The Office plans, organises and coordinates activities in the field of official control of compliance with the legislation on control of food of animal origin (including composite products), animal feed, hay, straw, animal by-products, biological products, food of non-animal origin and feed non-animal origin; assesses efficiency of the competent authorities of other countries and inspects the facilities from which the import of sanitary objects is carried out, maintains the Register of countries and facilities from which the import (shipment) of products to the customs territory of Ukraine is authorised and the List of countries and facilities from which live animals and germinal material can be imported to the customs territory of Ukraine.

The SSUFSCP is responsible for the approval and supervision of customs warehouses, free warehouses or warehouses in free zones, as defined in Article 49 of the Law on state control.

The customs authorities are not actively involved in food control procedures, but are responsible

for the final release of imported consignments on the market.

Regional/local level (2nd level)

The SSUFSCP territorial bodies include Northern, Southern, Western inter-regional main offices of the SSUFSCP on the state border.

The work of designated border inspection posts (BIPs) is managed by BIP heads and supervised by Inter-regional main offices of the SSUFSCP at the state border (Main office).

Coordination of activity and exchange of information between the Main office and BIP is performed by means of orders, procedures, instructions and website. Coordination of the activities of the central level units and the Main offices is carried out by telephone, e-mail or electronic document management system. BIPs maintain daily contacts with the Main offices to coordinate the decisions made in terms of consignments.

State control of imported live animals and products⁵ is performed according to the following requirements, established by the Law on state control:

- Carrying out state control of products and live animals imported (sent) to the customs territory of Ukraine is ensured *by the competent authority* in accordance with the legislation.

- Unless otherwise provided by law, consignments with products and live animals imported (sent) into the customs territory of Ukraine are subject to state control measures carried out by the state veterinary inspector *in the form of checks at the designated border inspection post (BIP)*.

- Measures of state control of products and live animals imported (sent) into the customs territory of Ukraine *must cover all requirements of the legislation* on food, feed, animal by-products, veterinary medicine and animal welfare, requirements for safety and hygiene, labeling, traceability, requirements for food and feed additives, requirements for food contact materials, requirements for animal health and welfare, etc.).

- MoAPFU approves the *list of products* and the *list of live animals* which are subject to state control at BIPs.

- Consignment with products or live animals is accepted for checks by the state veterinary inspector if the business operator or the person responsible for the consignment has sent at least one working day *prior notification* to the appropriate BIP.

- Consignment with products or live animals imported (sent) to the customs territory of Ukraine through the BIP must be accompanied by *originals of the international certificate (international veterinary certificate for live animals)* and other documents required by law, as well as the original of *Common Entry Veterinary Document (CVED)*⁶.

⁵ Food products of animal origin (including composite products), feed of animal origin, hay, straw, by-products of animal origin, biological products, germinal material.

⁶ «**Common Entry Veterinary Document** - a document of the established form, consisting of two parts, in the first of which the business operator indicates (declares) information on the consignment with products or live animals to be imported (sent) to the customs territory of Ukraine through a designated border inspection post, including the type, country and establishment of origin, destination of the goods, and in the second part of which the state veterinary inspector shall indicate information on the results of state control of such consignments» (Article 1 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)).

●The state veterinary inspector of the BIP carries out *the following checks* of consignments with products and live animals imported (sent) to the customs territory of Ukraine:

- *documentary check* – consists of checking the international certificate and other documents required by law and / or other documents required by customs rules and containing information on the compliance of consignments with the legislation on food, feed, animal by-products, veterinary medicine and animal welfare;

- *identity check* – consists of a visual inspection and is carried out to verify whether the international certificate (certificates) and / or documents accompanying the consignments comply with labeling (marking) and content of consignment imported (sent) to the customs territory of Ukraine;

- *physical check* – may include check of vehicles, packaging, marking, temperature, sampling, simple⁷ and / or laboratory tests to verify the conformity of consignments imported (sent) to the customs territory of Ukraine with requirements of legislation on food, feed, animal by-products, veterinary medicine and animal welfare. In case of live animals physical check includes a check of the animal itself, possibly including sampling and laboratory testing and, where appropriate, additional checks during quarantine.

●There is a clear list of cases and conditions where the *frequency* of checks of consignments with products and live animals *may be reduced*.

●Laboratory tests of samples taken during the physical check of the consignment is carried out only if:

- the last previous consignment, coming from the same establishment, is recognized as dangerous according to the results of laboratory testing;

- the competent authority has received official information, including through the Rapid Alert System for Food and Feed (RASFF), the Animal Disease Notification System - ADNS), the World Animal Health Information System (WAHIS), on the occurrence (presence) in the exporting country of a dangerous factor that may be present in the consignment imported (sent) to the customs territory of Ukraine;

- laboratory testing is provided by the annual plan of state monitoring, annual plan of state control or the decision of the competent authority to approve the frequency of laboratory testing of consignments imported (sent) to the customs territory of Ukraine.

- the results of examinations, including clinical examination of animals, organoleptic studies or simple physical and chemical tests of the consignment, have a reasonable suspicion of non-compliance;

- special import conditions provide for laboratory testing of relevant consignments.

⁷«**Simple tests** – organoleptic tests (odor, color, texture, taste), simple physical and chemical tests (cutting, thawing, heating, etc.), tests using rapid diagnostic methods that do not require referral of selected samples to the laboratory and are carried out in the cases specified by this Law at the place of state control measures» (Article 1 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)).

- Detailed procedures are established for:

- *transit (movement)* of consignments with products and live animals through the territory of Ukraine;

- consignments with the products intended for clearance in the mode of a *customs warehouse/a free customs zone*;

- *customs warehouses, warehouses in free customs zones*, intended for storage of products that do not comply with the legislation;

- *re-import* of consignments with products;

- consignments with *unacceptable international certificates*;

- *restrictions on the import (sending)* of consignments with products and live animals to the customs territory of Ukraine in the event of an outbreak in another country of diseases listed by the OIE, or other diseases that pose a threat to human and / or animal health, or in the case of detection of such diseases in consignment;

- handling of consignments with products and live animals that do not comply with the law;

- isolation of consignments with live animals and quarantine of animals imported into the customs territory of Ukraine;

- requirements for the international certificate accompanying the consignments with products or live animals imported (sent) to the customs territory of Ukraine.

State control of imported food and feed of non-animal origin is performed according to the following requirements, established by the Law on state control:

- The competent authority shall ensure the implementation of regular measures of state control of consignments with food of non-animal origin and feed of non-animal origin, which are imported (sent) to the customs territory of Ukraine. These measures are carried out on the basis of a risk-oriented approach in accordance with the annual plan of state control or unscheduled in cases specified by the legislation on state control. The system of measures of state control of consignments with food of non-animal origin and feed of non-animal origin should cover all aspects of the legislation on food and feed.

- State control of consignments with food of non-animal origin and feed of non-animal origin may be carried out at any checkpoint on the state border of Ukraine or in the customs control zone on the customs territory of Ukraine, unless otherwise provided by this Law.

- The state control measures include documentary checks, identity checks and physical checks, which shall be carried out with frequencies approved by the competent authority.

- The competent authority shall approve the frequency of documentary checks, identity checks, physical checks, laboratory tests of consignments of food of non-animal origin and feed of non-animal origin, taking into account:

- risks associated with different types of food and feed;

- risks that take into account the history of import (sending) of relevant consignments to Ukraine, including information on the number of detected consignments that do not comply with the

legislation on food and feed, in terms of countries and establishments from which such consignments originate, and business operator who import (send) them;

- control measures carried out by the business operator that imports (sends) food and / or feed to the customs territory of Ukraine;

- guarantees provided by the competent authority of the exporting country (country of origin).

Increased level of official controls on imports of certain feed and food of non-animal origin is performed according to the following requirements, established by the Law on state control:

- *The competent authority* shall ensure the implementation of increased state control of consignments with food of non-animal origin and feed of non-animal origin at the designated checkpoints on the state border of Ukraine.

- MoAPFU approves the *list of food products of non-animal origin and feed of non-animal origin* consignments with which at import (sending) to the customs territory of Ukraine are subject to the increased state control.

- *Import (sending)* to the customs territory of Ukraine of consignments with food of non-animal origin and feed of non-animal origin, which are subject to increased state control, *is allowed only through designated checkpoints.*

- Consignments with food of non-animal origin and feed of non-animal origin, which are subject to increased state control, must be accompanied by a *Common Entry Document*⁸, form of which is approved by CMU.

- The state inspector during the increased state control of consignments with food products of non-animal origin and feed of non-animal origin carries out the following actions:

- *conducts a documentary check* no later than two working hours from the moment the goods arrive at the designated checkpoint;

- *conducts identity checks and physical checks* with the frequency approved in accordance with the legislation in a way that does not allow to predict which consignment will be subjected to these checks.

Interaction of the competent authority with other authorities

Interaction of the competent authority with the customs authorities, other state bodies, institutions and organisations authorised to implement authorisation or control functions regarding the movement of commodities and transport means for commercial purposes through the customs border of Ukraine and with other stakeholders during the performance of state control of

⁸ «**Common Entry Document** - is a document of established form, consisting of two parts, in the first of which the business operator indicates (declares) information on consignment with food of non-animal origin or feed of non-animal origin, which in case of import (sending) to the customs territory of Ukraine is subject to increased state control, including the type, country and establishment of origin, place of destination of consignments, and in the second part the state inspector notes information on the results of state control of such consignment at the designated checkpoint on the state border of Ukraine» (Article 1 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)).

consignments imported (shipped) to the customs territory of Ukraine (transit purposes included) is performed with the use of “single window” mechanism in accordance with the Customs Code of Ukraine.

State control of the exporting country:

The competent authority exercises state control in countries planning to import (send) into the customs territory of Ukraine live animals, products, food products of non-animal origin or feed of non-animal origin in order to verify compliance (equivalence) of system of state control of the exporting country with Ukrainian legislation.

Special import conditions for food products, feed, animal by-products, biological products, germinal material and live animals:

Special import conditions for food products, feed, animal by-products, biological products, germinal material and live animals shall be established on the basis of a risk assessment confirming the existence of a relevant risk to human and / or animal health and may include:

- approval of the list of exporting countries from which the import (sending) to the customs territory of Ukraine of goods with certain types of food products, feed, animal by-products, biological products, germinal material and live animals is allowed;

- approval of special forms of international certificates;

- special conditions for the import.

Register of the countries and establishments from which import (sending) of products and live animals to the customs territory of Ukraine is allowed

Products and live animals may be imported into the customs territory of Ukraine if they originate from a country or its separate territory (zone or compartment), which is included in the register of countries and establishments from which import (sending) of products and live animals to the customs territory of Ukraine is allowed. This requirement does not apply to live animals that:

- intended for scientific or diagnostic purposes, circuses, entertainment or educational events, exhibitions, shows, for closed facilities

- move in transit

- intended for temporary grazing in the territories in the immediate vicinity of the state border of Ukraine

- pose a minor risk to the veterinary and sanitary status of Ukraine and the list of which is approved by MoAPFU.

Products and live animals may be imported (sent) into the customs territory of Ukraine only if they originate from establishments entered in the register of countries and establishments from which the import (sending) of products and live animals to the customs territory of Ukraine is allowed. This requirement does not apply to live animals originating from establishments that do not require approval in accordance with the legislation of Ukraine, as well as the following live animals that:

- intended for scientific or diagnostic purposes, circuses, entertainment or educational events, exhibitions, shows, for closed facilities

- move in transit

- intended for temporary grazing in the territories in the immediate vicinity of the state border of Ukraine

- pose a minor risk to the veterinary and sanitary status of Ukraine and the list of which is approved by MoAPFU.

Equivalence of state control systems

In case of proper implementation of the agreement on equivalence and / or obtaining satisfactory results of state control of the exporting country, the competent authority has the right to decide on recognizing the equivalence of the system of state control of the exporting country (a separate part of such a system) and the system of state control of Ukraine.

Border inspection posts (BIPs)

Import (sending) to the customs territory of Ukraine of products and live animals is allowed only through designated border inspection posts (BIPs) in accordance with Article 41 of the Law on state control.

All BIPs through which import is allowed are included in the list of designated border inspection posts and designated crossing points on the state border adopted by resolution of the Cabinet of Ministers of Ukraine No 68 of 5 February 2020:

1. Designated border inspection posts and designated crossing points on the state border with the Republic of Poland:

road vehicles – Krakivets, Yahodyn;

railway – Volodymyr-Volynskyi, Mostyska.

2. Designated border inspection posts and designated crossing points on the state border with the Slovak Republic:

road vehicles – Uzhhorod;

railway - Chop (Strazh).

3. Designated border inspection posts and designated crossing points on the state border with Hungary:

road vehicles - Chop (Tysa);

railway - Batevo – for Salovka crossing point.

4. Designated border inspection posts and designated crossing points on the state border with Romania:

road vehicles - Porubne;

railway - Vadul-Siret.

5. Designated border inspection posts and designated crossing points on the state border with the Republic of Moldova:

road vehicles – Platonove, Kuchurgan, Reni, Mamaliga, Starokozache;

railway - Mohyliv-Podilskyi.

6. Designated border inspection posts and designated crossing points on the state border with the Russian Federation:

road vehicles - Bachivsk, Senkivka, Gremyach;

railway – Zernove, Topoli.

7. Designated border inspection posts and designated crossing points on the state border with the Republic of Belarus:

road vehicles – Vystupovychi, Novi Yarylovychi;

railway – Korosten – for Vystupovychi crossing point.

8. Designated border inspection posts and designated crossing points on the state border for air connection – Boryspil, Dnipro, Lviv, Odesa, Kharkiv.

9. Designated border inspection posts and designated crossing points on the state border for sea connection – Berdyansk sea trade port, Black Sea sea port, Black Sea fishing port, Mariupol sea trade port, Pivdennyi sea port, Odessa sea trade port.

10. Designated border inspection post and designated crossing point on the state border for ferries – Black Sea sea port.

11. Designated border inspection post and designated crossing point on the state border for river connection – Mykolaiv river port.

Currently, BIPs are not built and equipped in accordance with the Law on state control, but their construction is planned in the coming years.

Currently, in accordance with Final and transitional provisions of the Law on state control within five years from the date of publication of this Law designated border inspection posts and designated crossing points on the state border of Ukraine for the purposes of this Law are all crossing points on the state border of Ukraine and customs control zones on the customs territory of Ukraine determined in accordance with the customs legislation, including if they do not meet the requirements of this Law.

9. Please provide information on the identification of animals and registration of their movements:

a) Bovine animals (including central bovine database);

b) Ovine and caprine animals;

c) Porcine animals;

d) Equidae.

The system of identification and registration of animals implemented at the state level is one of the main methods used in the world to trace the origin of animal products from their production throughout the animal lifespan until reaching the consumer's table in the form of products.

Animal identification and registration was introduced in Ukraine to:

- provide the country's population with safe food of animal origin;

- control epizootic situation in the state;
- ensure early identification and notification of disease outbreaks;
- control animal movements, their record-keeping and origin traceability.

Animal identification and registration is aimed at the fulfilment of the following strategic tasks:

- increase food safety;
- improve animal health;
- improve herd management;
- improve product quality;
- facilitate access to international markets and trade;
- implement the “responsible owner” concept.

The main purpose of introducing animal identification is to create in Ukraine a proper system of traceability of animals, improve effective and efficient means of detection and localisation of diseases, provide the population of Ukraine with high quality and safe meat and dairy products, obtain reliable information about their production, increase consumer confidence in product quality.

Only if all animals located or kept in the country are entered into the state automated database of the Single state animal register and are under constant veterinary and sanitary control it will be possible to guarantee the safety of food of animal origin and consequently the health safety of the people.

Identification and registration of animals is regulated by the following framework Laws of Ukraine:

- «On veterinary medicine» (No 1206 of 04.02.2021)
- «On identification and registration of animals» (No 1445 of 04.06.2009)
- The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)

Article 27 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) establishes general obligation for business operators to comply with requirements of legislation on identification and registration of animals. According to Article 45 of the Law the movement of kept terrestrial animals from one establishment to another establishment is permitted only if the animals meet the requirements of the legislation on the identification and registration of animals.

The Law of Ukraine «On identification and registration» (No 1445 of 04.06.2009) (*the Law on identification and registration*) determines the organizational and legal framework for the identification and registration of animals in order to obtain prompt and reliable information on livestock by sex, age, breed and their location to improve the management and forecasting of livestock markets and control of the epizootic situation in Ukraine. In 2014 amendments to the Law on identification and registration were adopted⁹ in order to bring its requirements in line with EU legislation, as well as to establish a system of continuous monitoring of animal health and veterinary

⁹Amendments introduced by the Law No 1648 of 14.08.2014.

health of all farms in the country, introduce mandatory identification and registration of all farm animals.

This Law on identification and registration applies to legal entities and individuals engaged in breeding and keeping animals, selling, slaughtering, disposing of them, providing artificial insemination services and organizing animal exhibitions.

According to Article 4 of the Law on identification and registration the objects of identification and registration are farm animals - *cattle, horses, pigs, sheep, goats*. An individual identification number is unique within one animal species. Only individual numbers are assigned to cattle, sheep, goats and horses. The group identification number can be assigned to a group of animals within one farm and is unique to a farm within Ukraine.

The Law on identification and registration is implemented by numerous sub-legal acts that recently were brought in line with EU legislation¹⁰. The list of mentioned sub-legal acts is provided in the **Table** below:

Title of legal act	Relevant EU Aquis legislation	Status	Comments (if any)
Bovine animals			
MoAPFU Order «On establishing procedure on identification and registration of cattle» (No 642 of 04.12.2017)	Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97	Adopted Valid	Date of coming into force: 13.03.2018 Order establishes the procedure for identification and registration of cattle, the procedure for registration and issuance of a passport of cattle, requirements for deadlines for submission, entry of data into the Register of Animals, registration of
	Commission Regulation (EC) No 911/2004 of 29 April 2004 implementing Regulation (EC) No 1760/2000 of the European Parliament and of the Council		

¹⁰Animal identification and registration legislation has been developed in accordance with the requirements of the European Union legislation provided for in paragraphs 52-55 of the Comprehensive Strategy for the implementation of Chapter IV (Sanitary and Phytosanitary Measures), Title IV “Trade and Trade-related Matters” 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 approved by resolution the Cabinet of Ministers of Ukraine No 228-r of 24 February 2016.

	as regards eartags, passports and holding registers		identification documents which are based on requirements of Regulation (EC) No 1760/2000, 911/2004, Commission Decision 2006/28/EC, Commission Regulation (EC) No 494/98
	Commission Decision 2006/28/EC of 18 January 2006 on extension of the maximum period for applying eartags to certain bovine animals		
	Commission Regulation (EC) No 494/98 of 27 February 1998 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals		
Ovine and caprine animals			
MoAPFU Order «On approval Procedure for identification and registration of ovine and caprine animals» (No 20 of 16.01.2018)	Council Regulation (EC) No 21/2004 of 17 December 2003 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC	Adopted Valid	Date of coming into force: 13.03.2018 Order establishes procedures for identification, registration and movement of sheep and goats, the deadlines for submission of registration documents and entry of data to the Common State Register of Animals, establishes requirements for tags for the identification of animals, their markings and the material from which
	Commission Regulation (EC) No 1505/2006 of 11 October 2006 implementing Council Regulation (EC) No 21/2004 as regards the minimum level of checks to be carried out in relation to the identification and registration of ovine and caprine animals		

			they are made. Mentioned procedures have been developed on the basis of Council Regulation (EC) No 21/2004 and Commission Regulation (EC) No 1505/2006
MoAPFU Order «On approval amendments to Procedure for identification and registration of ovine and caprine animals» (No 263 of 22.05.2019)	Commission Decision 2006/968/EC implementing Council Regulation (EC) No 21/2004 as regards guidelines and procedures for the electronic identification of ovine and caprine animals	Adopted Valid	Date of coming in force: 01.01.2022 Order establishes detail requirements for identifiers and readers that are based on provisions of Commission Decision 2006/968/EC
Porcine animals			
MoAPFU Order «On approval procedure for identification and registration of pigs» (No 639 of 01.12.2017)	Council Directive 2008/71/EC of 15 July 2008 on the identification and registration of pigs	Adopted Valid	Date of coming into force: 02.03.2018 Order establishes new rules for identification, registration and movement of pigs, the deadlines for submission and entry of data into the State Register of Animals, requirements for registration documents, and tags for the identification, their markings and the material from which they are made. Mentioned rules are based on the requirements of Council Directive 2008/71/EC,
	Commission Decision 2000/678/EC of 23 October 2000 laying down detailed rules for registration of holdings in national databases for porcine animals as foreseen by Council Directive 64/432/EEC		

			Commission Decision 2000/678/EC
Equidae			
MoAPFU Order «On the introduction of identification and registration of horses» (No 496 of 31.12.2004)	-	Adopted Valid	Date of coming into force: 17.04.2005
MDETA Draft Order «On approval amendments to Regulation on identification and registration of horses»	Commission Implementing Regulation (EU) 2015/262 of 17 February 2015 laying down rules pursuant to Council Directives 90/427/EEC and 2009/156/EC as regards the methods for the identification of equidae	Draft has been developed	Among other provisions Draft Order adopts new form of equidae passport which complies with requirements of Commission Implementing Regulation (EU) 2015/262
General organizational issues			
CMU Resolution «On establishing the regime of price regulation of the cost of services for the identification and registration of animals» (No 392 of 24.06.2016)		Adopted Valid	Date of coming into force: 12.07.2016
CMU Resolution «On approval of the Procedure for the use of funds provided in the state budget to reimburse the costs of payment for identification and registration of animals to individuals - owners of these animals» (No 506 of 08.08.2016)		Adopted Valid	Date of coming into force: 23.08.2016

MoAPFU Order «On approval of the Regulations on the Unified State Register of Animals» (No 578 of 25.09.2012)		Adopted Valid	Date of coming into force: 26.10.2012
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Identification and registration of bovine animals in Ukraine was introduced in 2003; for porcine, equine, ovine and caprine animals – since 2004.

State administration in the field of identification and registration of animals is carried out by the Cabinet of Ministers of Ukraine, the Ministry of Agrarian Policy, within the powers defined by law.

In accordance with legislation of Ukraine, public enterprise "Agency for animal identification and registration" performs the functions of organising and performing work to ensure the functioning of the system of identification and registration of animals, namely:

- fulfilment of activities related to animal identification and registration;
- maintenance of the Single state animal register;
- entering data to the Single state animal register;
- distribution of identification numbers;
- manufacture, ordering from manufacturer and supply of ear tags and means of their fixation etc;
- ordering from manufacturer and supply of registration forms and identification documents;
- record-keeping and control on the use of animal identification means.

As of 01 January 2022 the number of identified and registered farm animals in accordance with the data from the Single state animal register constitutes:

Animal species	Number of animals registered in Animal register
Bovine animals	2 140 097
Ovine/caprine animals	439 522
Breeding porcine animals	138 472
Equidae	18 800

Public enterprise “Agency for animal identification and registration” provides services to animal owners, legal entities and natural persons, throughout the territory of Ukraine (except the temporarily occupied territories).

Structure	Number of staff
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Main office of PE “Agency for animal identification and registration”	76
Regional offices of PE “Agency for animal identification and registration”	129

Regional offices of the Public enterprise “Agency for animal identification and registration” are fully provided with computer equipment, animal identification means and human resources necessary for the implementation of animal identification and registration measures in the regions.

In accordance with the requirements of Article 5 of the Law on identification and registration, basic principles of identification and registration of animals, rights and obligations of legal entities, natural persons and the Administrator of the Single state animal register are:

legal entities and natural persons implementing activities related to animal breeding and keeping shall:

submit for registration data on identified animals, holdings of their breeding and keeping, movement, slaughter, disposal, death;

identify all animals on the holding;

keep records for all animals on the holding, including on their birth, identification numbers, all movements of animals between holdings, as well as slaughter, disposal and death of animals;

keep information about the animal for three years after its death (slaughter, death, disposal) or movement from the holding;

move animals with identification documents;

submit data to the central executive body implementing state policy in the field of veterinary medicine on all movements of animals, entry of new animals into the holding, as well as slaughter, disposal, death of animals within 5 working days from the date of such actions or events;

perform slaughter, disposal of identified and registered animals only;

legal entities and natural persons implementing the activity related to animal slaughter and disposal shall:

submit for registration data on slaughter, disposal of animals, as well as data on holdings which carry out such slaughter and disposal;

keep records of animals subjected to slaughter, disposal;

subject only identified and registered animals to slaughter, disposal;

legal entities and natural persons implementing the activity related to the sale of animals, provision of artificial insemination services and organisation of animal exhibitions shall:

submit for registration data on holdings engaged in the sale of animals, provision of artificial insemination services and organization of animal exhibitions;

keep records of animals;

sell, hold exhibitions and perform artificial insemination of identified and registered animals only.

Movement of animals which do not comply with the requirements of legislation on animal identification and registration by legal entities and natural persons shall be prohibited.

Legal entities and natural persons have the right to:

choose an electronic or paper form of keeping animal records and submission of data established by this Law;

authorise third parties to perform the duties set forth in this article.

Administrator of the Single state animal register has the right to send a request to the owner or keeper of the animal for information about the origin, identification, destination of the animal and the owner or keeper of the animal shall provide information under the request within 10 working days of receiving such a request.

Administrator of the Single state register of animals shall:

enter into the Single state animal register the data established by this Law, in particular, on the identification, registration and record-keeping of animals, as well as on veterinary and sanitary measures carried out in relation to them, within 10 working days from their receipt from legal entities and natural persons, for equidae - within 25 working days;

issue identification documents within 5 working days from the date of receipt of animal registration data;

provide the issued identification documents at the request of animal owner/keeper or their authorised person;

Animal identification and registration includes the following processes:

registration of the holding and provision (if necessary) of access to animal register to the owner;

placing an order for identification and registration of animals;

identification of animals;

record-keeping of animals identified on the holding;

registration of identified animals in the Single state animal register (hereinafter – animal register);

issuance and provision of identification document;

registration of information on breeding and productive qualities of the animal in the animal register, issuance of certificate of breeding (genetic) resources (provided that data are available);

registration of information on the movement, death, slaughter, disposal of animals etc in the animal register.

Animal identification and registration terms are provided in table below:

Animal species	Terms and method of identification	Registration terms in the animal register	Identification document
Bovine animals	By two tags within 7 days since birth	Within 10 working days since the receipt of registration card	Bovine animal passport

Ovine and caprine animals	By one tag within 7 days since birth	Within 10 working days since the receipt of registration card	Registration certificate of ovine/caprine animals
Equidae	Prior to weaning but no later than one year since birth	Within 25 working days since the receipt of registration card	Horse passport, donkey / mule / foal passport

Terms of identification and registration of porcine animals are contained in the table below:

	Identification object	Identification method	Terms of identification	Identification document
Legal entities	Breeding porcine animals	Application of two tags with individual identification number (13 characters)	No later than 60 days since the birth of animal but before it leaves the holding	Registration certificate of porcine animal
	Productive porcine animals	Application of one tag with group identification number (10 characters)	For animals up to four months of age before leaving for other legal entity or for slaughter	Animal movement document
		Application of tattoo with group identification number (10 digits)	For animals up to four months of age before leaving to other legal entity or for slaughter	Animal movement document
		Application of one tag with individual identification number (9 digits)	Before leaving for natural person	Registration certificate of the productive porcine animal with individual identification number
Natural persons	Productive animals	Application of one tag with individual identification number (9 digits)	No later than 60 days since birth of the animal but before it leaves the holding	Registration certificate of the productive porcine animal with individual identification number

The control system for the circulation of animals is carried out in accordance with the established and approved procedures for the identification and registration of animals by species.

Any owner / keeper has the right to move the animal only if the animal is identified, registered in the Single state animal register and has an issued identification and relevant veterinary document.

The main actions of the animal owner in accordance with the established requirements of legislation:

When the animal leaves the holding the owner/keeper shall:

1) enter data on withdrawal from the holding into the animal registration book in paper form, fill-in the reverse side of identification document for the animal and two copies of information on the movement of animals;

2) apply to the state institution (establishment) of veterinary medicine together with the identification document of the animal and the completed copies movement document of animals to obtain relevant veterinary documents in the prescribed manner;

3) at the time of departure of the animal from the holding – check the presence of tags attached to the animal, the compliance of identification numbers on the tags with the identification documents and hand identification document and second copy of movement document over to legal entity or natural person of the holding of destination, or to the transporter.

In case of application of the owner / holder, the specialist of the state institution (establishment) of veterinary medicine enters in the passport of the animal data on veterinary analysis, vaccinations, treatments, welfare of the holding and certifies them and data on movement with signature and seal. Specialist of the state institution (establishment) of veterinary medicine certifies the animal movement document in paper form with signature and seal.

The owner / keeper shall notify the Animal register administrator on the departure of animal from the holding by sending the first copy of movement document within five working days from the date of departure.

Legal entity or natural person of the holding of destination shall:

1) at the time of arrival of the animal to the holding – check the presence of tags attached to the animal, the compliance of identification numbers on the tags with the data of identification document of the animal;

2) enter the data on arrival to the holding into the book of animal registration in paper form and the identification document of the animal, certifying in it the data on arrival with the specialist of state institution (institution) of veterinary medicine;

3) enter data on the arrival of animal into the second copy of movement document of animals, certify them with the signature and seal of specialist of the state institution (establishment) of veterinary medicine and send it to Animal register administrator within five working days from the date of arrival of the animal.

Data on identified animals, their movement, legal entities and individuals engaged in breeding and keeping animals, their sale, slaughter, disposal, provision of artificial insemination services and organisation of animal exhibitions are registered in the Animal register.

The content of information submitted for entry into the Animal register, the procedure for maintaining the Animal register and its use, the procedure for submitting data for entry into the Animal register are determined by Regulation on the Single state animal register adopted by MoAPFU order No 578 of 25 September 2012 registered in the Ministry of Justice on 10 October 2012 under No 1713/22025, (as amended) (hereinafter - Regulation).

According to Regulation, the administrator of Animal register is the central executive body that implements state policy in the field of identification and registration of animals, organizes the identification and registration of animals, issues registration and issuance of identification documents, performs other functions provided by the law.

The MoAPFU is the holder of Animal register. Animal register contains the following information:

- on identified animals:
- data on animal owner or keeper;
- data on the holding where the animal was identified;
- identification number of the animal;
- name (if available);
- breed, breeding and productive qualities of the animal (if available);
- sex;
- date of birth of the animal;
- origin of the animal;
- health status of the animal and epizootic status of the holding where the animal is kept;
- data of identification documents of the animal: series, number, date of issue;
- data on completion of the registration document of the identified animal;
- data on death, slaughter, disposal: date, reason, registration number, name and address of the holding where the animal died, was subjected to slaughter or disposal etc;
- on animal movements:
- identification number of the animal;
- data on the holding of the animal's departure and the holding of the animal's arrival (registration number of the holding, address and location);
- data on the animal owner of the holding of departure and on the holding of arrival (economic entity, name and code in accordance with the Single state register of holdings and organisations of Ukraine);
- data on transporter (name);
- date and reason for departure/arrival from/to the holding(-s);
- data of completion of the movement document;
- code and name of country where the animal is exported (in case of export);
- The following information is entered additionally for equidae:

- name in accordance with the state book of breeding horses (if available);
- coat colour;
- data on the place of birth of animal;
- data on the change of identification signs;
- data on geographical and written description of marks and signs of animals;
- data on vaccination, laboratory analysis, administration of veterinary medicinal products.

10. Please provide information on the animal disease control legislative framework and implementing mechanisms, including respective fields of responsibilities, organisation and powers of the competent authorities and institutions. Also please provide information on animal disease control measures:

At the moment all measures of animal disease control are carried out in accordance with the Law of Ukraine “On veterinary medicine” of 25 June, 1992 № 2498-XII and by-laws, adopted on its basis. However, this Law of Ukraine is considered obsolete and is going to be replaced with the new Law of Ukraine “On veterinary medicine”, adopted on the 4th of February, 2021 № 1206-IX. With regards to animal disease control the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) reflects the provisions of 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 (‘Animal Health Law’). Legal provisions relating to animal disease control can be found in the following sections of this Law:

IV. Protection of animal health

V. Quarantine of animals

VII. State regulation of keeping and circulation of animals, production and distribution germinal material, animal by-products and biological products

IX. Diagnostics and laboratory analysis (testing)

The Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) along with over 80 by-laws, adopted on its basis, shall enter into force on the 23rd of March, 2023. Among other things, one of the most important by-laws, based on this Law, is the List of animal diseases that have to be notified. It is going to be adopted by the Ministry of Agrarian Policy and Food of Ukraine (MoAPFU). This list of animal diseases as well as animal species susceptible to such diseases will be aligned with the relevant list of the EU, set out in Annex II of 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 (‘Animal Health Law’) and Commission Implementing Regulation (EU) 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases.

This list of notifiable animal diseases is crucial for the whole mechanism of infectious animal disease control. This mechanism is based on the procedures of disease notification involving animal owners (keepers), veterinarians and the competent authority (the SSUFSCP) as well as making

decisions by the state emergency anti-epizootic commissions (SEaECs) on the application of animal disease control measures and their practical implementation.

The organizational framework of animal disease control involves:

- the Cabinet of Ministers of Ukraine (CMU);
- the Ministry of Agrarian Policy and Food of Ukraine (MoAPFU), as a central body of executive power, ensuring the formation and implementation of state policy in the field of veterinary medicine;
- the State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP), as a central body of executive power, implementing state policy in the field of veterinary medicine (competent authority);
- the state emergency anti-epizootic commissions (SEaECs);
- laboratories, authorized by the competent authority to provide testing for diagnostic purposes.

The powers as well as the areas of responsibility of the CMU, the MoAPFU, the SSUFSCP and the SEaECs with regards to animal disease control are described in point 6 of Chapter II: Veterinary policy.

a) Notification of animal diseases; Foot and Mouth disease; Classical swine fever; African swine fever; African horse sickness; Avian influenza; Newcastle disease; Fish and mollusc diseases; Bluetongue disease; Transmissible Spongiform Encephalopathies; Zoonosis and other diseases;

NOTIFICATION OF ANIMAL DISEASES

Measures to control infectious diseases of animals are provided by the Law of Ukraine «On veterinary medicine» No 1206 of 04.02.2021 (will entry into force on 21.03.2023).

In accordance with paragraph 6 of the first part of Article 20, paragraphs 3 and 4 of the second part of Article 25 of the Law was developed the MoAPFU Draft Order «On approval of the list of diseases of animals to be notified and procedures for notification the presence of notifiable animal diseases and cases of atypical animal deaths and instructions for the prevention and control of notifiable animal diseases» based on the following EU legislation:

- Regulation (EU) No 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 (Animal Health Law);
- Commission Delegated Regulation (EU) 2018/1629 of 25 July 2018 amending the list of diseases set out in Annex II to Regulation (EU) No 2016/429 of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health (Animal Health Law) (Text with EEA relevance);
- Commission Implementing Regulation (EU) No 2018/1882 of 3 December 2018 on the application of certain disease prevention and control rules to categories of listed diseases and establishing a list of species and groups of species posing a considerable risk for the spread of those listed diseases.

Animal diseases subject to notification in accordance with this Law are animal diseases included in the list approved by the central executive body that ensures the formation and implementation of state policy in the field of veterinary medicine, taking into account Ukraine's international obligations and recommendations of the OIE.

The list of notifiable animal diseases includes:

- foot and mouth disease;
- classical swine fever;
- african swine fever;
- plague (highly pathogenic influenza) of birds;
- African horse sickness;

● other animal diseases, the list of which is determined by the MoAPFU Draft Order «On approval of the list of diseases of animals to be notified and procedures for notification the presence of notifiable animal diseases and cases of atypical animal deaths and instructions for the prevention and control of notifiable animal diseases», taking into account international obligations Ukraine and the recommendations of the OIE.

Prevention and control of notifiable animal diseases is carried out in accordance with the instructions. For the prevention and control of emergent animal diseases, if necessary, instructions are approved, as well as monitoring plans and plans for the elimination of animal diseases (quarantine measures). Also, the requirements of the legislation on such measures apply to species or groups of animal species that are susceptible to such diseases.

List of Instructions for the prevention and elimination of infectious animal diseases (Annex 4)

Suspicion of disease outbreak

Livestock operators, other natural and legal persons keeping and/or handling animals, state veterinary inspectors, official veterinarians, licensed veterinarians, authorized veterinarians must immediately notify the relevant territorial authority of the competent authority of the detection or suspicion of disease or suspicion notifiable animals or animal diseases not previously registered in Ukraine.

Livestock operators, other natural and legal persons keeping and/or handling animals are obliged to inform veterinary specialists who perform veterinary care of the relevant facilities (animals) about atypical death of animals, other symptoms of serious animal diseases or significant decline productivity of animals due to unknown reasons for further investigation, which may include sampling and laboratory tests (tests).

The laboratory is obliged to immediately notify the relevant territorial body of the competent authority of the notifiable animal diseases identified by it as a result of laboratory tests.

An official or official working in the system of the competent authority, in case of receipt of a notification of detection or suspicion, immediately notifies the Chief State Veterinary Inspector of the relevant administrative-territorial unit, which:

- immediately notifies the Chief State Veterinary Inspector of Ukraine;

- issues orders on conducting epizootic investigations, as well as on the application of all or some quarantine measures (quarantine restrictions).

In case of suspicion of an animal disease that has not been previously registered in Ukraine, the Chief State Veterinary Inspector of Ukraine shall notify the Chairman of the SEaEC under the CMU.

If the results of the epizootic investigation indicate that the potential source of the notifiable animal disease is in the territory of a foreign State, the competent authority shall immediately inform the competent authority of that State and cooperate with it in further epizootic investigations and veterinary measures. with such an animal disease.

Confirmation of the outbreak

In case of confirmation of an outbreak of an animal disease listed in the OIE (or emergent animal disease) in Ukraine, in accordance with state obligations and provisions of the Terrestrial Animal Health Code of the OIE, SSUFSCP through the World Information System for Animal Health (WAHIS) sends:

- urgent notification (within 24 hours) of the first registration in the country or area of animal disease or of the first registration of a new strain of a pathogenic agent;
- further reports on the development of the situation;
- final notification of the official end of the outbreak (s) and the lifting of quarantine restrictions.

In addition, SSUFSCP through the European Information System for Animal Diseases (ADIS) sends to the European Union urgent notifications on the registration in Ukraine of animal diseases that affect international trade.

In the above-mentioned reports, SSUFSCP states:

- pathogen and subtype;
- relevant dates, including dates of suspicion and confirmation of the outbreak;
- place of outbreak;
- related outbreaks;
- number and species of animals at the site of the outbreak;
- outbreak control measures taken;
- diagnostic methods, etc.

Within the first 24 hours after confirmation of an outbreak of a notifiable animal disease, the Chief State Veterinary Inspector of Ukraine shall notify the circumstances of the outbreak, the probable source of infection, the veterinary measures used to control the outbreak and the planned veterinary and sanitary measures. measures to the relevant international organizations and competent authorities of neighboring states. During this period, the competent authority shall ensure that citizens are informed about the relevant quarantine measures (quarantine restrictions) through its official website and/or through the media.

In case of detection or suspicion of human disease, the natural source of which is animals, the doctor of the medical medical or diagnostic institution is obliged to immediately notify the state veterinary inspector of the relevant administrative-territorial unit.

Disease notification

If the case is confirmed, the head of the structural unit of the territorial body of the competent authority shall immediately notify the Chief State Veterinary Inspector, who shall immediately notify the Chief State Veterinary Inspector of Ukraine.

The message must contain the following information:

- date and time of sending pathological (biological) material to the authorized laboratory;
- region, district, settlement, farm, on the territory of which pathological (biological) material from animals was selected;
- the date of suspicion of the disease;
- the date of diagnosis of the disease;
- the method used by the authorized laboratory to conduct a study to confirm the case;
- the actual location of sick animals and / or carcasses (carcasses) of animals - farm, slaughterhouse or vehicle, etc.;
- the number of cases of the disease, the number of animals suspected of having the disease at the site of the disease;
- the number of dead animals on the farm, in the slaughterhouse or in the vehicle, etc. ;
- the prevalence of the disease and the number of animals in which the disease was confirmed - for each group of animals;
- the epidemiological link between the case of the disease and each contact farm or the reasons that led to the suspicion of confusion in each farm with a suspicion of the disease;
- results of laboratory tests of pathological (biological) material taken from animals after slaughter.

Elimination of the outbreak

The Chief State Veterinary Inspector of Ukraine must immediately notify the relevant international organizations of the elimination of the outbreak of the notifiable animal disease and the end of the quarantine of animals.

FOOT AND MOUTH DISEASE (FMD)

Suppression and eradication measures are provided by the MoAPFU Order approving the Instruction «On prevention and elimination of foot-and-mouth disease in animals» No 431 of 07.08.2017.

Measures in case of suspicion

In case of suspicion of foot-and-mouth disease, the owner (keeper) and / or veterinary specialists serving the farm must immediately notify the chief state inspector of veterinary medicine of the territory and take measures to prevent the spread of the pathogen before the arrival of specialists of the competent authority.

The Chief State Inspector of Veterinary Medicine of the relevant territory after receiving the notification of suspected animal disease of foot-and-mouth disease is obliged to:

- immediately issue an order to establish quarantine restrictions;
- ensure state veterinary and sanitary supervision of the farm in which the suspicion arose;
- inform the Chief State Inspector of Veterinary Medicine of the region about the suspicion;
- send veterinary specialists to clarify the circumstances on the spot, conduct an epizootic investigation to clarify the diagnosis and mandatory sampling required for laboratory tests, identify sources and ways of possible introduction of the pathogen, determine the boundaries of possible epizootic foci and use measures to prevent the spread of the pathogen.

The Chief State Inspector of Veterinary Medicine of the region is obliged to immediately report this to the Chief State Inspector of Veterinary Medicine of Ukraine upon receipt of a report of suspected foot-and-mouth disease.

Upon receipt of information on suspected animal foot-and-mouth disease in the wild, the competent authority shall take measures to carry out an epidemiological investigation and sampling of biological material for laboratory testing of all wild ungulates hunted or killed in the area. The head of the competent authority sends a report of suspicion of foot-and-mouth disease to the Ministry of Agrarian Policy and sends specialists from the competent authority and the State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination and / or other diagnostic institutions. thorough epizootiological investigation, clinical examination of animals, selection of pathological material for laboratory tests, identification of probable sources and ways of introduction of the pathogen, assistance in organizing a set of measures to prevent the spread and elimination of foot and mouth disease.

Disease notification

Within 24 hours from the time of confirmation of each outbreak of the disease, the Chief State Inspector of Veterinary Medicine of the region shall submit information to the competent authority.

Measures to eliminate foot and mouth disease

After receiving information about the diagnosis of foot and mouth disease DNPK appropriate level decides to declare a farm, farm, settlement, district or several districts (depending on the epizootic situation), hunting, where the disease occurred, unfavorable for foot and mouth disease and quarantine, which informs owners (keepers) of animals. The decision shall specify the exact epizootic boundaries of the outbreak of foot-and-mouth disease, unfavorable point, protection and surveillance zones (supervision) with quarantine posts and determine the main measures to eliminate the disease in the epizootic focus of foot-and-mouth disease and prevent foot-and-mouth disease in the affected area.

- protection and quarantine - ensuring the localization of the source of infection, the implementation of quarantine measures to prevent the spread of the disease;
- epizootic - examination of epizootic foci and infected objects, analysis of the epizootic situation, development and control of measures to eliminate the disease;
- diagnostic - selection of pathological material and its delivery to State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination and/or other authorized accredited state laboratories of veterinary medicine;

- material and technical - provision of disinfection equipment, means for elimination of the center of infection (machinery, equipment, etc.), means of individual protection of persons working in the epizootic center of foot-and-mouth disease.

The Chief State Veterinary Inspector of the territory concerned shall promptly monitor animals dispatched from the surveillance zone for a period of at least 21 days before the approximate date of detection of infection in the holding located in the surveillance zone and inform the competent authority of the results of animal surveillance.

During vaccination, the competent authority must:

- ensure that the public is informed about the safety of meat, milk and dairy products derived from vaccinated animals and intended for human consumption;
- notify the World Organization for Animal Health and the European Commission of the decision taken and provide information on control measures.

CLASSICAL SWINE FEVER

Suppression and eradication measures are provided by the MoAPFU Order approving the Instruction «On measures to prevent and eradicate classical swine fever» No 5 of 15.03.94.

Measures in case of suspicion

In case of suspicion of classical swine fever in pigs, farm managers, animal owners, veterinary specialists who serve farms or settlements, must immediately notify the chief veterinarian of the district, city, district in the city. Upon receiving a report of suspected swine fever, the chief physician must immediately arrive at the scene, determine the epizootic condition, take measures to diagnose and prevent the spread of the disease and notify the higher state veterinary service.

Elimination measures

When diagnosing classical swine fever, the chief veterinarian of the district, city, district in the city urgently submits materials to local governments, local state executive authorities to determine the farm or settlement unfavorable for classical swine fever and draft decision on quarantine and identification of the endangered area. At the same time reports the establishment of the disease to the state veterinary services of the region and neighboring districts.

AFRICAN SWINE FEVER (ASF)

Suppression and eradication measures are provided by the MoAPFU Order approving the Instruction «On the prevention and control of African swine fever» No 111 of 07.03.2017.

Measures in case of suspicion

If ASF is suspected, the owner and / or veterinary specialists who serve the farm must immediately notify the Chief State Inspector of Veterinary Medicine of the district (city) and before the arrival of specialists of the competent body for veterinary medicine of the district (city) on the farm. take measures to prevent the spread of the pathogen (ban on the movement of animals, raw materials and products of animal origin, as well as staff).

The chief state inspector of veterinary medicine of the district (city) after receiving the notification on suspicion of ASF disease is obliged:

- immediately report the suspicion of ASF disease and the measures taken by the Chief State Inspector of Veterinary Medicine of the region and specialists of the State Food and Consumer Services of neighboring districts, the head of the district state administration;

- urgently send veterinary specialists to clarify the epizootic situation on the spot and conduct an epizootic investigation to clarify the diagnosis, identify sources and ways of possible introduction of the pathogen, determine the boundaries of possible epizootic outbreaks and take measures to prevent the spread of the pathogen;

- conduct an epizootic investigation into:

- the length of time the ASF virus may have been present on the holding before the disease was reported or suspected;

- movement of people, vehicles, pigs, carcasses, meat or other materials that may have been contaminated;

- a possible source of introduction of the pathogen into the holding and identification of other holdings where pigs may have been infected or contaminated by a single source;

- the presence of pigs on the farm (settlement).

If the results of the epizootic investigation indicate that the ASF virus may have been introduced into the territory of farms in other regions, they should be informed immediately. The Chief State Inspector of the district (city) makes an order to establish the diagnosis.

The Chief State Inspector of Veterinary Medicine of the region is obliged to immediately report this to the Chief State Inspector of Veterinary Medicine of Ukraine and, if necessary, to send veterinary specialists, including specialists of the authorized state laboratory of veterinary medicine, to the outbreak. diagnosis, thorough epizootic examination, clinical examination of animals, selection of pathological material for laboratory tests, identification of probable sources and ways of introduction of the pathogen, determination of the boundaries of the presumed epizootic focus, organization of a set of measures to prevent spread and eliminate the disease.

For the same purpose, according to the decision of the Chief State Inspector of Veterinary Medicine of Ukraine, specialists of the State Food and Consumer Service, the State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination and other scientific institutions may be sent to the disease center.

Disease notification

Within 24 hours from the time of confirmation of each case of domestic pigs, wild boars or in case of detection of the disease at the slaughterhouse or during transportation, the Department of the SSUFSCP in the district (city of regional importance) provides to the relevant SSUFSCP.

Measures to eliminate ASF

After receiving information about the diagnosis of ASF SEaEC decides to declare an outbreak of ASF in the farm, hunting farm, town, district or several areas (depending on the epizootic situation) and quarantine them, determines the boundaries of the outbreak (unfavorable point), protection zones and observation (supervision) and organizes the following anti-epizootic measures in them:

security and quarantine - ensuring the localization of the source of infection, the implementation of quarantine measures to prevent the spread of the disease;

epizootological - examination of epizootic foci and infected objects, analysis of the epizootic situation, development and control of measures to eliminate the disease;

diagnostic - selection of pathological material and its delivery to State Research Institute for Laboratory Diagnostics and Veterinary Sanitary Examination and other scientific institutions and / or other authorized accredited state laboratories of veterinary medicine;

material and technical - provision of disinfection equipment, means for elimination of the center of infection (machinery, equipment, etc.), means of individual protection of persons working in the outbreak.

In order to prevent the spread and eliminate the disease, the DNPC determines the boundaries of the ASF outbreak and two territorial zones - protection and surveillance. The size of the zones, which are determined depending on the geographical location, should ensure the non-spread of the disease.

SEaEC publishes messages in the media, which should contain information about the boundaries of the outbreak (unfavorable point) of ASF, protection and surveillance zones (surveillance) and, if necessary - about the veterinary and sanitary measures applied in each of these zones and the necessary preventive measures.

AFRICAN HORSE SICKNESS

Suppression and eradication measures are provided by the MDETA Order approving the Instruction «On the prevention and control of African horse sickness» No 124 of 22.01.2021 developed according to the Council Directive 92/35/EEC laying down control rules and measures to combat African horse sickness.

Prevention measures

In case of confirmation of the case of AHS during quarantine of animals, owners and keepers of animals are obliged to immediately notify the head of the structural unit of the territorial body of the competent authority. Suspicion messages can be provided in any form, including by e-mail.

Measures in case of suspicion

The head of the structural subdivision of the territorial body of the competent body, which has received a notification of suspicion of AHS, shall immediately notify the Chief State Veterinary Inspector and take measures to confirm or eliminate the suspicion of AHS.

Disease notification

In case of confirmation of the AHS case, the head of the structural subdivision of the territorial body of the competent body shall immediately notify the Chief State Veterinary Inspector, who shall immediately notify the Chief State Veterinary Inspector of Ukraine.

Elimination measures

After the diagnosis of AHS, the state emergency anti-epizootic commission of the appropriate level (hereinafter – SEaEC of the appropriate level) must decide on quarantine restrictions, as well as

establish the boundaries of the disadvantaged point, unfavorable zone, protection zone, observation zone, where anti-epizootic measures are organized.

SEaEC in order to prevent the spread and elimination of AHS:

- approves the action plan for the elimination of AHS, the scheme of information exchange to ensure operational communication and coordination of actions;
- organizes the allocation of the necessary equipment, vehicles, other technical and insecticides for the relevant works;
- identifies slaughterhouses for slaughter of animals for which AHS cases have been confirmed, as well as animals for which AHS is suspected, within the restricted area;
- creates special detachments (groups), which work under the leadership of the head of the SEaEC of the appropriate level and carry out the measures approved by the SEaEC of the appropriate level.

AVIAN INFLUENZA

Suppression and eradication measures are provided by the MoAPFU Order approving the Instruction «On prevention and elimination of avian influenza» No 547 of 17.10.2011.

Preventive measures for biosafety

In order to prevent avian influenza, owners of private farms whose activities are related to keeping poultry are obliged to inform veterinary specialists about all cases of bird death or non-behavior.

Measures in case of suspected avian influenza

The following set of measures is taken to localize and prevent the spread of influenza virus:

- bird isolation is carried out;
- the number of poultry by species, other poultry kept in captivity and other species of animals on the farm is recorded;
- daily veterinary and sanitary supervision over the clinical condition, the dynamics of the disease and the death of birds is established;
- the number of infected birds and animals is determined, etc.;

The received information is transferred to the state bodies of veterinary medicine.

Veterinary and sanitary measures upon confirmation in the protection zone

In case of increased disease / death of the bird, a sharp decrease in its productivity, it is urgent to notify veterinary specialists to conduct appropriate diagnostic tests.

Veterinary and sanitary measures upon confirmation in the surveillance zone

All cases of increase in death or disease of birds or a sharp decrease in its productivity are immediately reported to the state veterinary authorities, which conduct appropriate examinations and diagnostic tests.

Elimination measures

When establishing a bird disease for highly pathogenic influenza, the heads of poultry farms, veterinary specialists who serve the data of poultry farms, poultry owners immediately inform the Chief State Inspector of Veterinary Medicine of the territory.

NEWCASTLE DISEASE

Suppression and eradication measures are provided by the MoAPFU Order approving the Instruction «On prevention and elimination of poultry disease in Newcastle disease» No 548 of 17.10.2011.

Measures in case of suspicion

In case of suspicion of infection or contamination of birds, the relevant Chief State Inspector of Veterinary Medicine may impose quarantine restrictions and apply all or some veterinary measures, but not longer than 72 hours.

Pending the final laboratory opinion on the properties of the pathogen, the relevant chief state inspector of veterinary medicine declares the poultry farm (farm, poultry house), yard unfavorable and imposes quarantine restrictions.

Elimination measures

When establishing Newcastle disease in poultry, poultry farm managers, regardless of ownership, veterinary specialists who serve these farms, poultry owners immediately inform the relevant Chief State Inspector of Veterinary Medicine of the district, city, region.

SEaEC declares the poultry farm (farm, poultry house, yard) in which Newcastle disease has been diagnosed to be unsuccessful and imposes quarantine.

FISH AND MOLLUSC DISEASES

According to the Commission Implementing Decision (EU) 2015/1554 of 11 September 2015 laying down rules for the application of Directive 2006/88/EC as regards requirements for surveillance and diagnostic methods - measures to prevent and control fish diseases are regulated by:

1. MDETA Order approving the Instruction «On prevention and control of infectious hematopoietic necrosis of fish» No 895-21 of 29.04.2021 (Registered in the Ministry of Justice of Ukraine No 815/36437 of 18.06.2021)
2. MDETA Order approving the Instruction «On prevention and control of viral hemorrhagic septicemia of fish» No 895-21 of 29.04.2021 (Registered in the Ministry of Justice of Ukraine No 816/36438 of 18.06.2021)
3. MDETA Order approving the Instruction «On prevention and control of infectious salmon anemia» No 895-21 of 29.04.2021 (Registered with the Ministry of Justice of Ukraine No 817/36439 of 18.06.2021)

Prevention measures

Import and / or transit of fish of susceptible species and reproductive material from it to the territory of Ukraine is possible only from disease-free countries / zones.

Fish health is monitored in accordance with anti-epizootic action plans approved in accordance with the procedure established by law in order to obtain and maintain the status of a country / zone free from this disease:

- measures of state control in the form of inspection of fish farms and / or other facilities where fish of susceptible species are kept (hereinafter - inspection);
- laboratory diagnosis.

Measures in case of suspicion

In case of suspicion, in writing, the structural unit of the territorial body of the competent authority shall be notified immediately. The head of the independent structural subdivision of the territorial body of the competent body shall immediately notify the chief state veterinary inspector of the suspicion and organize the following measures in the fishery and / or other facilities:

- inspection of all facilities where fish of susceptible species are kept;
- sampling of pathological material;
- epizootic investigation.

Diagnosis

The diagnosis is established comprehensively on the basis of clinical signs, pathological changes, laboratory tests and epidemiological data. Laboratory tests for infectious hematopoietic necrosis of fish are performed by authorized laboratories.

Disease notification

In case of confirmation of a case of illness - the chief state veterinary inspector of Ukraine is immediately notified about:

- date and time of sending samples of pathological material to the authorized laboratory;
- oblast, rayon, fish farm and / or other objects, settlement, on the territory of which samples of pathological material from fish were taken;
- date of suspicion;
- date of diagnosis;
- method (technique) used in the authorized laboratory to conduct research to confirm or refute the case;
- the actual location of the fish for which cases of the disease have been identified;
- the number of cases, as well as the number of fish suspected of having the disease at the site of such cases;
- number of dead fish;
- prevalence of the disease and the number of fish in which the disease was confirmed - for each age group of fish;
- the epidemiological link between the case of the disease and each contact fishery and / or other facilities or the reasons that led to the suspicion of the disease in each fishery and / or other suspected facilities.

Elimination measures

Once diagnosed, the relevant local SEaEC s decide to impose quarantine restrictions, as well as establish the boundaries of the disadvantaged point and quarantine zone, which includes a protection zone and a surveillance zone, where anti-epizootic measures are organized.

The following measures are taken to prevent the spread and to eliminate the disease:

- the plan of liquidation measures, the scheme of information exchange to ensure operational communication and coordination of actions are approved;
- organize the allocation of the necessary equipment, vehicles and other technical and disinfectants for the relevant work;
- special detachments (groups) are created, which work under the leadership and carry out the measures approved by the local SEaEC.

Removal of restrictive measures

Quarantine restrictions from the disadvantaged point and quarantine zone are lifted by a decision of the local SEaEC, which imposed restrictions 12 months after all health measures provided for in the plan to eliminate the disease and the absence of cases within 12 months.

Ministerial's Veterinary Directorate is in the process of preparing regulations that must comply with the provisions of Directive 2006/88 / EC on the health conditions of aquaculture animals and their products, as well as the prevention and control of certain diseases in aquatic animals.

BLUETONGUE DISEASE

Suppression and eradication measures are provided by the MDETA Order approving the Instruction «On prevention and control of bluetongue (sheep catarrhal fever) » No 2533 of 03.12.2020 developed according to the EU legislation:

- Council Directive 2000/75/EC laying down specific provisions for the control and eradication of bluetongue 1266/2007;
- Commission Regulation (EC) No 1266/2007 of 26 October 2007 on implementing rules for Council Directive 2000/75/EC as regards the control, monitoring, surveillance and restrictions on movements of certain animals of susceptible species in relation to bluetongue.

Measures in case of suspicion

In case of suspicion of bluetongue, veterinary specialists serving the farm, owners (keepers) of these animals and / or other persons who have reason to suspect the presence of bluetongue, must immediately notify the head of the structural unit. The head of the structural unit immediately notifies the chief state veterinary inspector of the region (city).

Disease notification

In case of confirmation of the bluetongue case, the head of the territorial body of the competent authority shall immediately notify the Chief State Veterinary Inspector of Ukraine. Suspicions of suspected blunder are provided in any form, including by e-mail.

If bluetongue is confirmed during the quarantine of animals, the owners (keepers) of the animals are obliged to immediately notify the head of the structural unit of the competent authority in the field of veterinary medicine.

Elimination measures

After the diagnosis of bluetongue, SEaEC of the appropriate level decide on the establishment of quarantine restrictions, as well as establish the boundaries of the disadvantaged point, disadvantaged area, protection zone, surveillance zone, restricted area, where anti-epizootic measures are organized.

SEaEC of the appropriate level to prevent the spread and to eliminate the confirmed case of bluetongue:

- approve the bluetongue elimination plan, information exchange scheme to ensure operational communication and coordination of actions;
- organize the allocation of the necessary equipment, vehicles and other technical and disinsective means for the relevant works;
- form special detachments (groups) that work under the leadership and perform the measures approved by the SEaEC of the appropriate level;
- carry out measures aimed at localization and elimination of the causative agent of bluetongue.

TRANSMISSIBLE SPONGIFORM ENCEPHALOPATHIES (TSE)

Suppression and eradication measures are provided by the State Committee of Veterinary Medicine of Ukraine Order approving the Instruction «On diagnosis, prevention and control of spongiform encephalopathy of cattle» No 180 of 04.09.2008.

Anti-epizootic measures in case of suspicion

If cattle detect clinical signs characteristic of spongiform encephalopathy, symptoms of central nervous system damage, the veterinarian must notify the state inspector of veterinary medicine of the administrative territory of the suspicion of animal disease.

The Chief State Inspector of Veterinary Medicine of the administrative territory notifies the Chief State Inspector of Veterinary Medicine of Ukraine of suspicion of animal disease and establishes quarantine for 72 hours (until diagnosis).

Liquidation requirements

After confirmation of the diagnosis by the decision of the local state emergency anti-epizootic commission quarantine on unfavorable economy is established, any regrouping of ruminants without the permission of the chief state inspector of veterinary medicine of administrative territory is strictly forbidden.

ZOONOSES AND OTHER DISEASES

The Law of Ukraine «On veterinary medicine» No 1206 of 04.02.2021 (entry into force on 21.03.2023) provides a legal basis for the adoption of rules for the monitoring of zoonoses. An appropriate by-law will be required to implement Directive 2003/99 / EC on the monitoring of zoonoses and zoonotic agents.

According to the law, zoonoses are diseases transmitted to humans from animals.

According to the MoN Order «On approving the list of infectious diseases» № 362 of 13.04.2016, zoonoses include the following diseases:

- brucellosis;
- echinococcosis;
- rabies virus;
- q-fever;
- tularemia;
- bird flu in humans;
- west nile virus infection;
- anthrax.

Zoonoses are subject to notification according to the criterion of adverse effects of the disease on animal health or the risk of zoonoses for human health, depending on:

- the impact of the disease on animal welfare;
- the severity of the disease in the case of infection of an animal or human.

In the event of an outbreak of zoonoses, the relevant order is immediately notified to the central executive body, which ensures the formation and implementation of state policy in the field of health care.

Monitoring plans for notifiable animal diseases, zoonoses and other animal diseases shall be approved by the competent authority.

The competent authority shall ensure the implementation of plans for the monitoring of notifiable animal diseases, zoonoses and other animal diseases and, if necessary, involve licensed veterinary institutions, licensed veterinary specialists and other performers.

Monitoring plans for notifiable animal diseases, zoonoses and other animal diseases shall be implemented in order to detect them in a timely manner by collecting and analyzing information on the epizootic situation of such diseases.

The objectives and measures provided for in the monitoring plans for notifiable animal diseases, zoonoses and other animal diseases, in particular in terms of diagnostic tools and methods, its frequency and intensity, sampling schemes, target animal population, must be appropriate and take into account the relevant plans:

- characteristics of animal diseases;
- risk factors associated with animal disease;
- veterinary and sanitary status of the country or its separate territory (zone, region or compartment) in relation to animal diseases;
- results of previous observations of the relevant animal disease;
- international obligations.

The procedure for monitoring notifiable animal diseases, zoonoses and other animal diseases is approved by the central executive body, which ensures the formation and implementation of state policy in the field of veterinary medicine.

b) Trade in live animals, semen, ova and embryos;

The EU rules as regards trade for live animals, ova, semen and embryos regulate intra-community trade, consequently they are currently without object for implementation for Ukraine.

Trade in live animals, semen, ova and embryos is carried out in accordance with national legislation, taking into account the current instructions on infectious animal diseases and Guidelines for preventive quarantine of animals for further movement, approved by the Head of SSUFSCP.

The Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) (the Law) lays down basic animal health requirements for movements of live animals and germinal material (Articles 45-48). Mentioned requirements were developed on the basis of 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 (Animal Health Law).

In particular, according to Article 45 of the Law:

«1. Business operators who move or participate in the movement of kept animals shall be obliged to take measures specified by the legislation on veterinary medicine and animal welfare to prevent deterioration of the veterinary-sanitary status of establishments (zones, regions or compartments) to which these animals are moved.

2. The movement of kept terrestrial animals from one establishment to another establishment is permitted only if the following animals:

- 1) originate from approved or registered livestock establishment, if the obligation of approval or state registration is established by this Law;*
- 2) meet the requirements of the legislation on the identification and registration of animals;*
- 3) are accompanied by veterinary and identification documents in paper or electronic form.»*

According to Article 48 of the Law:

«1. Circulation of germinal material¹¹ is carried out only if such material in its biochemical, biophysical and morphological properties meets the requirements for animal reproduction and does not contain bacteria or other pathogens of animal diseases in excess of the maximum allowable levels.

2. Business operators involved in the movement of germinal material shall be obliged to take measures specified by the legislation on veterinary medicine and animal welfare to prevent the spread of diseases due to the movement of such material.

3. Germinal material introduced or sent from establishment for sale must:

- 1) originate from approved or registered livestock establishments, if the obligation of approval or state registration is established by this Law;*
- 2) meet the requirements for traceability established by the legislation on veterinary medicine and animal welfare.»*

MoAPFU developed Draft Order «On approval Requirements for establishments on production, processing and storage of germinal material, donor animals of germinal material, collection,

¹¹«**Germinal material** means semen, oocytes, embryos intended for artificial reproduction, hatching eggs and other biological material intended for reproduction» (Article 1 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021)).

treatment, processing, storage, transportation and labelling of germinal material». MoAPFU Draft Order is based on the following EU legislation:

- Commission Delegated Regulation (EU) 2020/686 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council as regards the approval of germinal product establishments and the traceability and animal health requirements for movements within the Union of germinal products of certain kept terrestrial animals.

- Commission Implementing Regulation (EU) 2020/999 of 9 July 2020 laying down rules for the application of Regulation (EU) 2016/429 of the European Parliament and of the Council with regard to the approval of germinal product establishments and the traceability of germinal products of bovine, porcine, ovine, caprine and equine animals.

- Commission Delegated Regulation (EU) 2020/688 of 17 December 2019 supplementing Regulation (EU) 2016/429 of the European Parliament and of the Council, as regards animal health requirements for movements within the Union of terrestrial animals and hatching eggs.

MoAPFU Draft Order is in the process of approval.

In order to control the epizootic situation in the country, establish / confirm the status of the holding, zone the SSUFSCP develops and monitors the implementation of plans for anti-epizootic, treatment and prevention, veterinary and sanitary measures, control programmes etc., in particular:

- plan of anti-epizootic measures for the prevention of major infectious and parasitic animal diseases in Ukraine;

- state plan for the monitoring of infectious poultry diseases on the territory of Ukraine;

- programme to determine the status of Ukraine as a country with a controlled risk of bovine spongiform encephalopathy;

- programme of state veterinary and sanitary control of broiler salmonellosis at poultry holdings of Ukraine;

- programme of state veterinary and sanitary control of salmonellosis in meat turkeys at poultry holdings of Ukraine;

- programme of state veterinary and sanitary control of salmonellosis in laying hens at poultry holdings of Ukraine;

- programme of state veterinary and sanitary control of salmonellosis in breeding poultry (chicken and turkeys) at poultry holdings of Ukraine;

- FMD control programme in Ukraine, determination / confirmation of the status of a free country without vaccination.

Disease surveillance programmes in Ukraine are based on active and passive surveillance using clinical, serological (hemagglutination inhibition test), virological, molecular and genetic (PCR) methods and developed in accordance with the criteria of the OIE Terrestrial Animal Health Code.

Certification of live animals, semen, ova and embryos intended for export is carried out by official state inspectors in accordance with the requirements of the certificate of the trading partner's country.

c) Non-commercial movements of pet animals;

Requirements on non-commercial movements of pet animals that are introduced into Ukraine are established by MoAPFU Order «On adoption of the Requirements for importation (sending) to the customs territory of Ukraine of live animals and their germinal material, food of animal origin, feed, hay, straw, animal by-products and derived products» (No 553 of 16.11.2018). In terms of non-commercial movements of pets mentioned requirements were developed on the basis of the following EU legislation:

- Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003;

- Implementing Regulation (EU) No 577/2013 of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council;

- Commission Decision 2007/25/EC of 22 December 2006 as regards certain protection measures in relation to highly pathogenic avian influenza and movements of pet birds accompanying their owners into the Community.

According MoAPFU Order No 553 «*non-commercial movement of pet animals means any movement of pet animals that is carried out without the purpose of sale or other transfer of ownership of these animals*».

MoAPFU Order No 553 establishes animal health requirements for import into Ukraine of the following types of pet animals:

- dogs (*Canis lupus familiaris*)
- cats (*Felis silvestris catus*)
- ferrets (*Mustela putorius furo*)
- invertebrates (except for bees, bumble bees, molluscs and crustaceans)
- ornamental aquatic animals
- amphibians
- reptiles
- birds (other than poultry),
- rodents and rabbits other than those intended for the production of food.

MoAPFU Order No 553 lays down animal health requirements (vaccination, tests, freedom from diseases) and identification requirements for non-commercial movements of pet animals.

Recently MoAPFU has elaborated amendments to MoAPFU Order No 553 regarding requirements for rabies in terms of non-commercial movements of pet animals. Mentioned amendments are in the process of approval.

Regarding non-commercial movement of pet animals within the territory of Ukraine:

non-commercial movements of pet animals are carried out taking into account the current instructions on infectious animal diseases and Methodological guidelines for preventive quarantine

of animals for further movement adopted by the SSUFSCP Head. Also, non-commercial movement of pet animals is carried out in the presence of relevant veterinary documents in accordance with the Procedure for issuing veterinary documents adopted by resolution of the Cabinet of Ministers of Ukraine No 857 of 21 November 21 2013 and in accordance with the Rules of movement of animals adopted by resolution of the Cabinet of Ministers of Ukraine No 1402 of 16 November 2011.

d) Prohibition of substances and residue monitoring;

1) Regarding residue monitoring:

In Ukraine, the issue of residues of veterinary medications in live animals and products of animal origin is regulated by the following laws:

- The Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997¹²)

- The Law of Ukraine «On Veterinary medicine» (No 1206 of 04.02.2021)

- The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017).

The Laws of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997) and «On veterinary medicine» (No 1206 of 04.02.2021) define «the maximum limit of residues (maximum allowable level of residues)» as follows:

- *«Maximum residue limit (maximum allowable level of residues)» is the maximum permissible content in food products of a certain substance, including pesticides, veterinary preparations, feed supplements, remnants of auxiliary material for processing and other chemical or biological substance, which is knowingly used and/or required by the technology of raising, storage, transportation, production of food products and their remnants, including derivatives of such substance such as products of conversion, metabolism, reaction, which have a toxicological value and are hazardous for the human organism in the event of an excess of their maximum allowable content in food products consumed by people»* (Article 1 of the Law Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)).

- *«Maximum limit of residues of the active substance (active pharmaceutical ingredient) — the maximum permissible content of the active substance (active pharmaceutical ingredient), its metabolites (transformation products in living systems) and decomposition products in food products of animal origin, the excess of which may adversely affect human health, established by the legislation of Ukraine or, in the absence of relevant requirements in the legislation of Ukraine, recommended by relevant international organizations (the Codex Alimentarius Commission, the European Medicines Agency, etc.)»* (Article 1 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021)).

According to the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) competent authority approves the annual plan of state control and the annual plan of state monitoring.

«State Monitoring Plan for residues of veterinary preparations and contaminants in live animals and unprocessed food products of animal origin for 2022» (State Monitoring Plan) is approved by the

¹²In the wording of the Law No 1602 of 22.07.2014.

Order of SSUFSCP (No 808 of 10.12.2021). In addition, the Order approves the list of authorized state laboratories of SSUFSCP for analysis provided by the State Monitoring Plan.

State Monitoring Plan is developed according to the following EU legislation:

- Council Directive 96/23/EC of 29 April 1996 on measures to monitor certain substances and residues thereof in live animals and animal products and repealing Directives 85/358/EEC and 86/469/EEC and Decisions 89/187/EEC and 91/664/EEC (State Monitoring Plan for 2022 includes all groups of residues listed in Annex I to Directive 96/23 / EC))

- Commission Decision 97/747/EC of 27 October 1997 fixing the levels and frequencies of sampling provided for by Council Directive 96/23/EC for the monitoring of certain substances and residues thereof in certain animal products.

To calculate the number of samples of the State monitoring plan 2022, the information of the State Statistics Service of Ukraine (Section I. Consolidated indicators of the number of livestock and poultry, livestock production in Ukraine) (production of meat, milk, eggs, honey, etc.) of the statistical collection "Animal husbandry of Ukraine", bulletins "The state of animal husbandry in Ukraine", express issues "Fishing and extraction of other live aquatic resources", the number of samples depends on the total national production.

Requirements for the planning and organization of the State Monitoring Plan for residues of veterinary preparations and contaminants in live animals and unprocessed food of animal origin are foreseen in Methodical recommendations, approved by the Order of Chief Veterinary Inspector of Ukraine (No 88 of 18.07.2014).

Methodical recommendations on sampling procedures for implementation of the State Monitoring Plan for residues of veterinary preparations and contaminants in live animals and unprocessed food products of animal origin are approved by the Order of Chief Veterinary Officer of Ukraine (No 7 of 09.02.2017).

The procedure of state inspectors in identifying positive results of laboratory tests is carried out in accordance with the Order of State Chief Inspector for Veterinary Medicine of Ukraine dated by «On approval of Methodical recommendations on consecutive actions in case of inconsistent results of laboratory tests of the samples selected for performance of the State Monitoring Plan for residues of veterinary preparations and contaminants in live animals and unprocessed food products of animal origin» (No 28 of 28.09.2017), which establishes that the Competent Authority takes corrective measures according to the results of investigation of revealed positive cases of legislation infringements.

Action Plan for improvement of work for the State Monitoring Plan for residues of veterinary preparations and contaminants in live animals and unprocessed food products of animal origin, approved by Order of the Chief Veterinary Officer of Ukraine «On improvement of work on monitoring investigations» (No 39 of 15.03.2013) foresees the inspections to be carried out by specialists of the Competent Authority in order to check the requirements of the implementation of State Monitoring Plan at the regional and local levels, and as a result of those inspections the corrective measures are elaborated in case if the deficiencies were found.

2) Regarding prohibition of substances:

According to Article 54 of the Law of Ukraine «On Veterinary medicine» (No 1206 of 04.02.2021) *«production, circulation and use of veterinary medicinal products is allowed only on condition of their state registration, except for the cases established by this Law».*

MoH Order «On approval of quality parameters of food products and maximum levels of residues of active substances of veterinary preparations in food products of animal origin» (No 2646 of 23.12.2019) defines prohibited veterinary preparations in food products of animal origin, the maximum permissible levels of residues of active substances that cannot be established, namely:

Active substance	Maximum residue levels
Aristolochia Spp. and its preparations	Values cannot be determined
Carbadox	Values cannot be determined
Chloramphenicol	Values cannot be determined
Chlorpromazine	Values cannot be determined
Colchicine	Values cannot be determined
Dapsone	Values cannot be determined
Dimetridazole	Values cannot be determined
Ipronidazole	Values cannot be determined
Malachite green and Leucomalachite green	Values cannot be determined
Metronidazole	Values cannot be determined
Nitrofurans (Including Furazolidone)	Values cannot be determined
Olaquinox	Values cannot be determined
Ronidazole	Values cannot be determined

e) Import requirements for live animals and animal products:

Import requirements for live animals and animal products are established by MoAPFU Order «On adoption of the Requirements for importation (sending) to the customs territory of Ukraine of live animals and their germinal material, food of animal origin, feed, hay, straw, animal by-products and derived products» (No 553 of 16.11.2018).

MoAPFU Order No 553 was adopted to improve the legislative protection of the territory of Ukraine from the introduction of pathogens from other countries, including those common to animals and humans, as well as to ensure Ukraine's compliance with its obligations to apply the principles of zoning, compartmentalization and equivalence.

MoAPFU Order No 553 was developed on the basis of the following EU legislation:

- Commission Regulation (EU) 2016/1396 of 18 August 2016 amending certain Annexes to Regulation (No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies;

●Commission Regulation (EU) No 206/2010 of 12 March 2010 laying down lists of third countries, territories or parts thereof authorised for the introduction into the European Union of certain animals and fresh meat and the veterinary certification requirements;

●Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements;

●Commission Regulation (EC) No 119/2009 of 9 February 2009 laying down a list of third countries or parts thereof, for imports into, or transit through, the Community of meat of wild leporidae, of certain wild land mammals and of farmed rabbits and the veterinary certification requirements;

●Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC;

●Commission Decision 2000/572/EC of 8 September 2000 laying down animal and public health conditions and veterinary certification for imports of minced meat and meat preparations from third countries and repealing Decision 97/29/EC;

●Commission Implementing Regulation (EU) No 468/2012 of 1 June 2012 amending Regulation (EU) No 28/2012 laying down requirements for the certification for imports into and transit through the Union of certain composite products;

●Commission Regulation (EU) No 605/2010 of 2 July 2010 laying down animal and public health and veterinary certification conditions for the introduction into the European Union of raw milk and dairy products intended for human consumption;

●Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004;

●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;

●Commission Decision 2003/779/EC of 31 October 2003 laying down animal health requirements and the veterinary certification for the import of animal casings from third countries;

●Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive;

●Commission Regulation (EC) No 1739/2005 of 21 October 2005 laying down animal health requirements for the movement of circus animals between Member States;

- Regulation (EU) No 576/2013 of the European Parliament and of the Council of 12 June 2013 on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003;

- Implementing Regulation (EU) No 577/2013 of 28 June 2013 on the model identification documents for the non-commercial movement of dogs, cats and ferrets, the establishment of lists of territories and third countries and the format, layout and language requirements of the declarations attesting compliance with certain conditions provided for in Regulation (EU) No 576/2013 of the European Parliament and of the Council;

- Commission Decision 92/260/EEC of 10 April 1992 on animal health conditions and veterinary certification for temporary admission of registered horses;

- Commission Decision 2006/168/EC of 4 January 2006 establishing the animal health and veterinary certification requirements for imports into the Community of bovine embryos and repealing Decision 2005/217/EC;

- Commission Implementing Decision 2011/630/EU of 20 September 2011 on imports into the Union of semen of domestic animals of the bovine specie;

- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation;

- Commission Decision 93/197/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of registered equidae and equidae for breeding and production;

- Commission Decision 93/196/EEC of 5 February 1993 on animal health conditions and veterinary certification for imports of equidae for slaughter.

MoAPFU Order No 553 lays down public health and animal health requirements for import into Ukraine of the following main groups of goods:

- live animals (productive and non-productive);
- germinal material (semen, ova, embryos, hatching eggs, specified pathogen-free (SPF) eggs);
- food products of animal origin (e.g. fresh meat, minced meat, meat preparations, meat products, composite products, eggs and egg products, milk and dairy products, gelatin and collagen, etc.);
- feed of animal origin, animal by-products, derived products, hay, straw.

f) Bilateral veterinary international agreements with EU Member States, candidate countries and other third countries

Agreement between Ministry of Agrarian policy and food of Ukraine and Ministry of agrarian policy and rural development of the Republic of Poland on implementation of the program on rabbits control on the territory of Ukraine in 2019- 2021.	8.04.2020
Memorandum on cooperation between State Service of Ukraine on Food Safety and Consumer Protection and the center on food chain risk assessment	2018

of the Republic of Bulgaria on independent scientific assessment in the field of food safety and quality, and animal health and welfare, plant health risks	
Agreement between Ministry of Agrarian policy of Ukraine and Ministry of agrarian policy, natural control and fisheries of the Netherlands on cooperation in veterinary field	05.08.1993
Agreement between Ministry of Agrarian policy of Ukraine and Federal Ministry on consumer protection rights and agrarian policy of the Federative Republic of Germany on cooperation in veterinary field	20.02.2004
Agreement between Ukraine and Republic of Slovakia on cooperation in veterinary field	14.05.1993
Agreement between Government of Ukraine and Government of Czech Republic on cooperation in veterinary field	28.01.1997

11. Please provide information on the animal welfare legislation:

a) Farm animals, laying hens including information on conditions of production, chickens kept for meat production, calves, pigs;

b) Animals during transport;

c) Animals at the time of slaughter or killing.

The Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) (the Law) establishes framework requirements for animal welfare, that were developed on the basis of the following EU legislation:

- Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes.

- Council Regulation (EC) No 1/2005 of 22 December 2004 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97.

- Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing.

According to Article 1 (9) of the Law «*Animal welfare – the state of meeting the physiological and ethological needs of animals by creating appropriate conditions for their breeding, keeping and transportation, including systematic care, proper feeding, watering and humane treatment of animals, which eliminates fear, pain and suffering, including at slaughter, and provides freedom of expression of the animal's typical behavior*».

Articles 36-42 of the Law establish the following general requirements for animal welfare:

- basic principles of ensuring animal welfare during keeping
- requirements for keeping farmed animals at establishments
- requirements for establishments for keeping farm animals

- requirements for feeding, watering and other substances
- requirements for the welfare of farm animals during their breeding
- requirements for the welfare of animals during their transportation
- requirements for the welfare of animals at the time of their killing

The Law foresees the adoption of sub-legal acts aimed to implement its provisions on animal welfare. The list of mentioned sub-legal acts **is provided in the Table below.**

Animal welfare on the farm				
Title of legal act		Relevant EU Acquis legislation	Status	Comments (if any)
MDETA Order «On Approval of the Requirements for the welfare of agricultural animals during the time of their keeping» (No 224 of February 8, 2021)		Council Directive 98/58/EC of 20 July 1998 concerning the protection of animals kept for farming purposes	Adopted Valid	Date of coming into force: 05.03.2021
		Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs		Date of coming into effect: 01.01.2026
		Council Directive 2008/119/EC of 18 December 2008 laying down minimum standards for the protection of calves		Order establishes: - basic requirements for keeping all species of agricultural animals -special requirements for broilers, laying hens, pigs, and calves
		Council Directive 2007/43/EC of 28 June 2007 laying down minimum rules for the protection of chickens kept for meat production		
		Council Directive 1999/74/EC of 19 July 1999 laying down minimum standards for the protection of laying hens		
Animal welfare during transportation				
Title of legal act		Relevant EU Acquis legislation	Status	Comments (if any)
CMU Resolution «On approval Rules on		Council Regulation (EC) No 1/2005 of 22 December 2004	Adopted Valid	CMU Resolution No 1402 establishes rules

transportation of animals» (No 1402 of 16.11.2011)	on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97		<p>on the transportation of animals that for the most part are equivalent to those, established by Council Regulation (EC) No 1/2005. In particular, the following main issues are covered:</p> <ul style="list-style-type: none"> - general requirements for transportation of animals by air, road, rail, sea and river transport; - rules on minimum surface area of vehicles; - requirements on feeding of animals; - handling of animals during loading and unloading; - specific requirements for transportation of farmed animals; - specific requirements for transportation of wild animals; - specific requirements for transportation of fish and other aquatic animals.
MoAPFU Draft Order «On approval Requirements for animal		Draft is in the process of	

welfare during transportation»		development	
Animal welfare at the time of slaughter or killing			
Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
MoAPFU Draft Order «On approval Requirements for animal welfare at the time of killing»	Council Regulation (EC) No 1099/2009 of 24 September 2009 on the protection of animals at the time of killing	Draft has been developed	

The SSUFSCP focuses on proper implementation and enforcement of legal requirements in the field of animal welfare and plays a very important role in this as a competent authority.

The Office for animal health and welfare which is structural unit of the Department for food safety, veterinary medicine and organic production control of the SSUFSCP is responsible for the organisation and implementation of state control of the compliance with legislation in the field of animal welfare. This Office is responsible for planning, coordination and monitoring of the activities of state and authorised veterinarians in the field of animal welfare. Veterinary inspectors of the SSUFSCP territorial bodies and approved veterinarians are responsible for the introduction of various measures and controls in this field.

The SSUFSCP carries out state control measures to verify compliance with the requirements of the legislation on animal welfare by animal owners and keepers and also takes measures within its powers to eliminate identified violations and hold perpetrators liable in accordance with the law. Therewith, owners and keepers shall take all necessary measures provided by the legislation of Ukraine to ensure the welfare of farm animals owned or kept by them and not cause them undue pain, suffering or injury.

State control on the transportation of animals is ensured by the SSUFSCP territorial bodies, state veterinary inspectors, auxiliaries of state veterinary inspectors and authorised persons who inspect vehicles and animals before loading to confirm their suitability for transportation and issue appropriate accompanying veterinary documents.

Planned state controls are carried out in accordance with the annual state control plan.

The annual state control plan for the next year is developed and approved by the SSUFSCP by December 1 of the current year.

Separate planning of controls in the field of animal welfare is not performed.

Based on the results of state control measures, territorial bodies of the competent authority shall compile an annual report on the state of compliance with the welfare of farm animals containing information on identified violations and analysis of the most significant ones, as well as proposals to eliminate and prevent future violations and submit the referenced report to the competent authority for generalisation by February 1 of the year which follows the reporting year.

Based on the information received, by 1 April of the year which follows the reporting year the competent authority prepares a report on the state of compliance with the welfare of farm animals in Ukraine, which contains information on violations identified in the reporting period and analysis of the most significant of them.

The priority objectives in the field of animal welfare are to bring in line with EU requirements the regulatory framework in the field of animal welfare during transportation and killing by developing the following MoAPFU orders:

- «On approval of Requirements for the welfare of animals at the time of killing»;
- «On approval of Requirements for the welfare of animals during transportation».

12. Please provide information on the zootechnical legislation

The content of this section of Ukraine's legal framework is generated and implemented in pursuance of legal acts below.

In accordance with the Law of Ukraine "On breeding in animal husbandry" bovine, porcine, ovine, caprine animals, poultry, fish, bees, Bombyx mori and fur animals are objects of breeding in animal husbandry for the purpose of receiving certain products from them. Entities (operators) in the field of animal breeding are as follows: 1) owners of breeding (genetic) resources; 2) breeding enterprises (associations), selection, selection and technological centres, race tracks, breeding animals assessment stations; 3) enterprises, institutions, organisations irrespective of incorporation form and individual entrepreneurs rendering respective services and taking part in the production and use of breeding (genetic) resources; 4) owners of non-breeding animals – consumers of breeding (generic) resources and customers of breeding services in animal husbandry.

Animal breeding operators implementing their activity within the adopted national selection programmes in animal husbandry of the Ministry of Agrarian Policy and Food of Ukraine are assigned with respective status depending on the profile of their activity and value of breeding (genetic) resources in accordance with the Order "On adoption of the Procedure for assigning a respective status to breeding operators and Technological requirements for the performance of selection and breeding activities in apiculture" registered in the Ministry of Justice on 08 July 2015 under No 809/27254.

Breeding holdings maintain individual records of origin and productivity for all age and sex groups. Specialists of animal breeding operators maintain model breeding records irrespective of their organisational and legal form and form of incorporation as long as animals remain under their control.

Record-keeping in animal breeding has its specificities depending on farm animal species and is performed on the basis of the following legal documents: 1) Instructions for breeding record-keeping in dairy, meat-and-dairy cattle farming adopted by Order of the Ministry of Agrarian Policy and Food of Ukraine No 474 of 30 December 2003 registered in the Ministry of Justice on 21 January 2004 under NO 96/8695; 2) Instructions for breeding record-keeping in meat cattle farming adopted by MoAPFU Order No 154 of 6 June 2002 registered in the Ministry of Justice of Ukraine on 19 June 2002 under No 517/6805; 3) Instructions for breeding record-keeping in pig farming adopted by MoAPFU Order No 396 of 17 December 2002 registered in the Ministry of Justice of Ukraine on 29 December 2002 under No 1028/7316; 4) Instructions for breeding record-keeping in horse breeding

adopted by MoAPFU Order No 364 of 15 October 2004 registered in the Ministry of Justice of Ukraine on 30 October 2003 under No 993/8314; 5) Instructions for breeding record-keeping in sheep farming adopted by MoAPFU Order No 242 of 16 July 2003 registered in the Ministry of Justice of Ukraine on 5 August 2003 under No 680/8001; 6) Instruction for breeding record-keeping in poultry farming registered in the Ministry of Justice of Ukraine on 08 February 2019 under No 146/33117; 7) Instructions for breeding record-keeping in wild animals breeding and cuniculture adopted by MoAPFU Order No 351 of 25 September 2003 registered in the Ministry of Justice of Ukraine on 14 October 2003 under No 934/8255.

Breeding value of breeders is determined in accordance with Order on adoption of the Procedure for determining breeding value of breeders by origin, individual productivity, quality of progeny and breeder progeny testing and the Procedure for identifying authorised institutions (organisations) and selection centres No 154 of 13.04.2016 under No 154 registered in the Ministry of Justice of Ukraine on 06 May 2016 under No 692/28822.

Export and import of breeding (genetic) resources is performed in line with the procedure envisaged by the law of Ukraine provided that breeding (genetic) resources comply with the requirements established by the Law on breeding in animal husbandry.

Control on animal breeding in Ukraine is performed in accordance with MoAPFU Order On adoption of checklist and unified model inspection act for the performance of planned state supervision (control) measures on breeding in animal husbandry No 544 of 11.09.2013 registered in the Ministry of Justice of Ukraine on 19 September 2013 under No 1623/24155. The State Service of Ukraine on Food Safety and Consumer Protection is the body performing control on germinal products and breeding in animal husbandry.

13. Please provide information on the expenditure in the veterinary field

Financial and logistic support of the SSUFSCP activity shall be provided from the State budget of Ukraine.

Terms of remuneration of civil servants and employees, their material and household support are determined by the laws of Ukraine and acts of the Cabinet of Ministers of Ukraine.

The state budget of Ukraine provides funding for budget programs:

Leadership and management in the field of food safety and consumer protection;

Anti-epizootic measures and participation in the International Epizootic Bureau;

Organization and regulation of institutions in the system of the State Service of Ukraine on Food Safety and Consumer Protection;

Conducting laboratory tests, measurements, research and examination during state control (supervision).

The principles of financing state control and cases in which state control is financed by market operators are defined in Articles 63 and 64 of the Law of Ukraine "On State Control of Compliance with the law on Food, Feed, Animal By-Products, veterinary medicine and animal welfare".

III. PLACING ON THE MARKET OF FOOD, FEED AND ANIMAL BY-PRODUCTS

14. Please provide information on the legislative framework on the placing on the market of food, feed and animal by-products,

Placing on the market of food, feed and animal by-products is regulated by the following legal acts:

- **The Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997¹³)** – regulates relations between public authorities, food business operators and consumers and determines the procedure for ensuring safety and certain quality indicators of food products produced, traded, imported (shipped) into the customs territory of Ukraine and/or exported (shipped) from the customs territory of Ukraine.

- **The Law of Ukraine «On information to consumers regarding food products» (No 2639 of 06.12.2018)** – establishes the legal and organizational framework for providing consumers with information on food products in order to ensure a high level of protection of the health of citizens and to satisfy their social and economic interests.

- **Law of Ukraine «On basic principles and requirements for organic production, circulation and labeling of organic products» (No 2496 of 10.07.2018)** – determines the basic principles and requirements for organic production, circulation and labeling of organic products, principles of legal regulation of organic production, circulation of organic products and the functioning of the organic market, legal basis of central executive bodies, organic market entities and public policy in these areas.

- **The Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)** – determines the legal and organizational principles of ensuring the safety of feed in the process of their production, placing on the market and use, in particular sets requirements for hygiene, labeling, packaging and presentation of feed, regulates relevant public relations between business operators and public authorities.

- **The Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)** – determines the organizational and legal basis of the activities related to the formation, collection, transportation, storage, treatment, processing, utilization, disposal, placing on the market of animal by-products not intended/declared unfit for human consumption and derived products.

- **The Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021)** – defines the legal and organizational principles of activities in the areas of protection of animal health and welfare, veterinary practice, production, circulation and use of veterinary preparations, as well as the circulation of animal by-products.

- **The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)** – determines the legal and organizational principles of state control carried out in order to verify

¹³ In the wording of the Law No 1602 of 22.07.2014.

business operators' compliance with legislation on food, feed, animal by-products, veterinary medicine and animal welfare.

●Sub-legal acts, adopted according to mentioned above laws. The lists of sub-legal acts are provided in the **tables under questions No 16-17**.

According to paragraph one, article 64 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, ratified by the Law of Ukraine “On ratification 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” **Ukraine has assumed the commitment to approximate its legislation in the field of entering into circulation of foodstuffs, feed and animal by-products with the requirements of EU legal acts.**

Measures on the adaptation of Ukrainian legislation with the requirements of EU legal acts in the field of production, circulation and use of feed are implemented in accordance with resolution of the Cabinet of Ministers of Ukraine No 228-r of 24 February 2016 “On adoption of the Comprehensive Strategy for the implementation of Chapter IV (Sanitary and Phytosanitary Measures), Title IV “Trade and Trade-related Matters” 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” (see Annex V to 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).

1) Framework legal act that regulates issues related to food safety and quality is **the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)**. In 2014, the new version of the Law was adopted in order to harmonize Ukrainian legislation with EU legislation in the field of food safety and quality, ensuring a high level of protection of human health and consumer interests, as well as creation of transparent conditions for doing business, increasing the competitiveness of domestic food products.

The Law is based on the following EU legislation:

●Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety

●Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs.

The Law applies to:

- sanitary measures, objects of sanitary measures¹⁴;
- requirements for certain indicators of food quality;
- food business operators and establishments.

¹⁴ «**Objects of sanitary measures** means food products, processing aids, food contact materials and articles» (as defined in article 1 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)).

The Law does not apply to food products intended (produced) for personal consumption, and to processing aids, food contact materials and articles unless otherwise expressly provided in this Law.

The Law establishes framework requirements for:

- rights and obligations of food business operators;
- traceability;
- application of permanent procedures based on HACCP principles;
- registration of establishments and granting to them of operating permit;
- registration of novel food, food additives, flavorings, enzymes, processing aids, food contact materials and articles, drinking water, which is planned to be classified as «natural mineral water»;
- requirements for food products and other objects of sanitary measures in terms of their production and placing on the market;
- hygienic requirements for handling of food products;
- international trade with food products.

2) **The Law of Ukraine «On information to consumers regarding food products» (No 2639 of 06.12.2018)** (the Law) brings Ukrainian legislation in line with the provisions of Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

This Law establishes general principles for the provision and requirements for food information provided to consumers, in particular for food labeling, and the responsibilities of food business operators to communicate this information to other food business operators and consumers.

This Law applies to:

- food business operators at all stages of the food chain, if their activities are subject to requirements for the provision of food information to consumers
- food products intended for the final consumer, including food products sold in the public catering sector and food products supplied to the catering system.

The Law does not apply to:

- food products intended (produced) for personal consumption
- processing aids
- food contact materials, unless otherwise expressly provided by this Law.

3) Framework legal act that regulates issues related to placing on the market of feed is **the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)**. The Law came into force on 19.01.2020 and among other EU legal acts is based on Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 laying down requirements for feed hygiene.

The Law applies to the activities of feed businesses operators, ranging from primary production of feed up to and including its placing on the market, as well as the feeding of food-producing animals and the imports and exports of feed from and to Ukraine. The following are excluded from the scope of different chapters/articles of the Law:

- the private domestic production of feed for food-producing animals kept for private domestic consumption and for animals not kept for food production;
- the feeding of food-producing animals kept for private domestic consumption;
- the feeding of animals not kept for food production;
- direct supplies of primary feed producers to local agricultural producers or the population for their direct use in fattening animals within the established limits;
- the retailing of pet food;
- processing aids;
- veterinary medicinal products other than coccidiostats and histomonostats used as feed additives;
- the use of water as feed or feed ingredient, except where the feed is mixed with water immediately before its use for animal feed.

The Law introduces the following:

- Compulsory registration of feed business operators by the competent authority.
- Obtaining of operating permit (approval) of feed business establishments carrying out operations involving more sensitive substances, such as certain feed additives, premixtures and compound feedingstuffs.
- Introduction of compulsory requirements for feed production at farm level.
- Uniform hygiene requirements to be met by all feed businesses.
- Hygiene requirements to be applied at all levels of agriculture production and in the use of feed.
- Introduction of the Hazard Analysis Critical Control Point (HACCP) principles for the feed business. Businesses must: take corrective actions when monitoring shows that a critical control point is not under control; implement internal procedures to check the measures adopted are working effectively; keep records to demonstrate they have applied these measures.

4) Framework legal act that regulates issues related to production and circulation of animal by-products not intended for human consumption is **the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)** (the Law). The Law came into force on 09.05.2016 (certain provisions came into force on 09.05.2015).

The Law is based on requirements of Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC)

No 1774/2002. In 2021 the Law was crucial amended¹⁵ in order to be brought in line with EU requirements (in particular, regarding definitions, subject matter, categorization of animal by-products, procedures for state registration of establishments and obtaining of operating permits). Mentioned amendments are coming into effect on 21.03.2023.

The Law lays down public health and animal health rules for animal by-products and derived products. These rules are designed to prevent and minimize risks to human and animal health, and to ensure the food and feed chain is kept safe.

The Law applies to:

- animal by-products and derived products which, by law, may not be used for human consumption;
- animal-origin products which may be used for human consumption but are instead used for other purposes;
- raw materials to manufacture animal origin products not intended for human consumption.

This Law does not apply to animal by-products as follows:

- whole carcasses or parts of carcasses of wild animals, except hunting prey, which are not suspected of infection or exposure to an infectious disease transmitted to humans or animals, except aquatic organisms caught for the purpose of placing on the market;
- germinal products intended for breeding and reproduction purposes;
- shells of molluscs with removed soft tissues and flesh;
- animal by-products from vessels caught in the course of fishing activity and discharged into the sea, except for materials obtained from the evisceration of fish on board, which showed signs of disease, including parasites which are dangerous to humans;
- unprocessed petfood in retail chains, where separation and storage are carried out exclusively for the purpose of delivery to the consumer directly on the spot;
- unprocessed feed obtained under home conditions or animals slaughtered on the farm where they were kept intended for feeding pet animals, unless such products show signs of infection with infectious agents which are dangerous to humans and animals;
- raw milk, colostrum and products derived from raw milk and colostrum obtained, stored, disposed of or used on the holding of origin;
- products of animal origin, radiation pollution of which exceeds the maximum permissible level in accordance with respective legislation;
- waste from public catering establishments, except for waste which: originates from vehicles used for international transportation; intended for feeding animals; intended for processing by pressure sterilisation or processing by other methods specified by legislation on animal by-products; intended for conversion into biogas or compost;
- faeces and / or urine other than manure and non-mineralised guano.

¹⁵Amendments, introduced by the Law No 1206 of 04.02.2021.

The Law grades all animal by-products in 3 categories («category I», «category II», «category III») depending on the level of health risk they pose to the public or animals. These determine how they should be handled (disposed, recovered etc).

The Law establishes responsibilities for business operators, among them:

- to develop, implement and apply permanent procedures based on Hazard Analysis Critical Control Point (HACCP) principles;
- to ensure that establishments or plants under their control are registered or, in particular cases, received operating permit;
- to ensure traceability of animal by-products at all stages of their formation and circulation.

According to the approaches, established by the Law:

●operations with animal by-products which give rise to a considerable degree of risk to public and animal health should only be carried out in establishments or plants which have received operating permit¹⁶ in advance for such operations by the competent authority. Framework procedure of obtaining of operating permit is established by Article 20¹ of the Law.

●however, such operating permits should not be necessary for establishments or plants which process or handle certain safe materials, such as products processed to such an extent that they no longer pose a risk to public and animal health. Such establishments or plants should be registered so as to permit official control over the flow of material and ensure their traceability. Framework procedure of state registration of establishments is established by Article 20² of the Law.

Among other issues, the Law also lays down framework requirements for establishments engaged in treatment, processing of animal by-products, in particular requirements for their construction, location, personnel.

5) The Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021) (the Law) applies to public relations in respect of:

- ensuring animal health;
- ensuring animal welfare;
- veterinary practice;
- circulation of animal by-products;
- production, circulation and use of veterinary preparations, active substances (active pharmaceutical ingredients), medicated feed and intermediates for the production of medicated feed, as well as substances with anabolic, antimicrobial, antiparasitic, anti-inflammatory, hormonal or psychotropic properties that can be used as veterinary preparations.
- veterinary medicines of extemporaneous formulation only in part of the requirements for the possession, appointment, sale and use of appropriate medicines.

¹⁶ «**Operating permit** means a permit issued by the territorial body of the competent authority to the business operator based on the results of inspection of its establishment for its compliance with the legislation on animal by-products and certifies the right of the business operator to exercise at this establishment defined by this Law handling of animal by-products and derived products» (Article 1 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)).

This Law does not apply to public relations regarding food products of animal origin, feed of animal origin (except medicated feed). The provisions of Section X («Manufacture, turnover and application of veterinary preparations») of this Law does not apply to the production and circulation of autogenous immunobiological veterinary medicinal products, biocides and diagnostic agents used *in vitro*.

The Law establishes certain requirements for circulation of animal by-products. According to Article 49 of the Law the movement within the territory of Ukraine of animals, animal by-products, germinal material, biological products should be accompanied by veterinary certificate¹⁷.

6) Framework legal act that regulates issues related to organization and conduction official controls is **the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)**. General date of coming into force of the Law is 04.04.2018. In 2021 the Law was amended¹⁸, and its subject matter was expanded in terms of controls of live animals, germinal material, animal by-products, veterinary preparations. General date of coming into effect of mentioned amendments is 21.03.2023.

The Law was developed on the basis of the following EU legislation:

- Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

- Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

- Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries

- Commission Regulation (EC) No 136/2004 of 22 January 2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries

- Commission Decision 2007/275/EC of 17 April 2007 concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC

- Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC.

¹⁷ «**Veterinary certificate** means a document issued by the state veterinary inspector, official veterinarian or licensed veterinarian, confirming the veterinary and sanitary condition of a batch of animals, germinal material, animal by-products, biological materials (products) during their movement in Ukraine, in which, if necessary, are indicated the results of their inspection, laboratory and / or other diagnostic tests, information on vaccination, preventive quarantine of animals, as well as veterinary and sanitary status of the establishment (territory) of origin of animals» (Article 1 of the Law of Ukraine «On veterinary medicine» (No 1206 of 04.02.2021)).

¹⁸ Amendments, introduced by the Law No 1206 of 04.02.2021.

Considering the fact that mentioned above EU legislation was repealed and new EU control rules were adopted and came into force (in particular, Regulation (EU) 2017/625) it is planned to review the Law and bring its provisions in line with corresponding new EU legislation.

This Law applies to public relations related to state control over the activities of business operators engaged in the production and / or circulation of food, other objects of sanitary measures, feed, animal by-products, biological products, veterinary preparations, germinal material and / or keeping, rearing, breeding, circulation of live animals in order to verify this activity for compliance with the legislation on food, feed, animal by-products, veterinary medicine and animal welfare. This Law also applies to public relations related to the exercise of state control over the activities of business operators engaged in organic production and / or circulation of organic products, including import (sending) to the customs territory of Ukraine, in order to verify these activities on compliance with legislation on food and feed, animal health and welfare, as well as legislation on organic production, circulation and labeling of organic products.

The Law does not apply to public relations in respect of protection of plant life and health; food, feed, animal by-products, intended (produced) for own consumption (use).

Key provisions of the Law are the following:

- state control is conducted by the Competent Authority¹⁹ (except of certain cases, established by the Law);

- state control should be risk-oriented and carried out at intervals that are sufficient to achieve the objectives of this Law;

- state control measures are carried out in the form of audit, inspection, ante-mortem and post-mortem inspections, sampling, laboratory testing, clinical examination of animals, verification of suitability of animals for transportation, documentary check, identity check, physical check. State monitoring is carried out within the framework of state control measures;

- state control measures are carried out without warning (notification) of the business operator, except for audits and other cases when such warning is a necessary condition for ensuring the effectiveness of state control. The audit of ongoing procedures based on HACCP principles shall be carried out notifying the business operator no later than three working days before the implementation of such a measure;

- conducting of inspection and audit without the application of the form of act of state control, and sampling - without the application of the form of act of sampling is prohibited.

- the act of state control should contain an exhaustive checklist to verify compliance by business operators with legislation on food, feed, animal by-products, veterinary medicine and animal welfare. Each item of the checklist shall contain reference to the requirements of legal act (article, paragraph, point, sub-point, indent etc), which is subject to compliance by business operator. If the results of the inspection or audit reveal inconsistencies, the act of state control provides a detailed description of relevant violations of the law. State control act is drawn up in two copies, one of which is delivered to the market operator within three working days from the date of its issue;

¹⁹ State Service of Ukraine on Food Safety and Consumer Protection

- during the inspection and audit it is prohibited to check items that are absent in the act of state control; do not contain references to the requirements of legislation of Ukraine (including relevant article, its part, paragraph, point, sub-point, indent etc), which are subject to compliance by business operator;

- state control measures may be carried out unscheduled in case of non-compliance or reasonable suspicion of non-compliance, as well as in other cases established by law;

- state control is carried out at any stage of production and circulation of food, feed, animal by-products, biological products, germinal material and veterinary drugs, as well as at any stage of keeping, breeding, rearing and circulation of live animals;

- the frequency of planned measures of state control of each establishment is determined on the basis of risk-based approach;

- national contingency plans must be in place and operable if an emergency arises and the food or feed is found to pose a serious risk to humans or animals;

- multiannual national control plans contain general details on the structure and organisation of the control systems in place;

- adequate financial resources should be available for organising state controls;

- specific laboratories are designated to analyse the samples taken during the controls;

- state control also apply to products and animals, imported (sent) into the custom territory of Ukraine;

- liability is established for violations of legislation.

15. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.

State regulation of the placing on the market of food, feed, animal by-products is performed by the following public authorities:

- Cabinet of Ministers of Ukraine (CMU)** – is the highest body in the system of executive bodies. Based on and in pursuance of the laws of Ukraine, the CMU issues binding acts – resolutions and regulations.

- Ministry of Agrarian Policy and Food of Ukraine (MoAPFU)** – is the central body of executive power which ensures formation and implementation of state policy in the fields of safety and certain quality indicators of food products, veterinary medicine, plant protection and quarantine. Based on and in pursuance of the laws of Ukraine, MoAPFU adopts binding acts named orders.

- Ministry of Health of Ukraine (MoH)** – is the central body of executive power which forms and ensures the implementation of state policy in the field of health care. Based on and in pursuance of the laws of Ukraine, MoH adopts binding acts named orders.

- Ministry of Ecology and Natural Resources of Ukraine (Ministry of Environment)** – is the central body of executive power which ensures the formation of state policy in the field of environmental protection. Based on and in pursuance of the laws of Ukraine, Ministry of Environment adopts binding acts named orders.

●**State Service of Ukraine on Food Safety and Consumer Protection (Competent Authority)** – is the central body of executive power which implements state policy in the fields of safety and certain quality indicators of food products, veterinary medicine.

●**Local state administrations/ Local governments** – ensure implementation of local activities in the field of animal by-products.

Respective fields of responsibilities of competent authorities concerned:

I. Food safety and quality²⁰		
Name of public authority	Respective fields of responsibilities	Legal basis
Cabinet of Ministers of Ukraine	Establishment requirements for public catering establishments and retail trade establishments	Article 23 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval of Procedure for issuance and form of operating permit	
Ministry of Agrarian Policy and Food of Ukraine	Approval hygienic requirements for production and circulation of food products	Article 7 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval of the procedure for approving exporting establishments, maintaining their register and making changes to it	
	Approval rules for slaughter of animals	
	Development, review and approval of sanitary measures	Article 15 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)

²⁰ In this Table term «**objects of sanitary measures**» means food products, processing aids, food contact materials and articles (as defined in article 1 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997))

	Approval the Procedure for maintaining by competent authority of the Register of business operators and establishments for which the operating permit has been issued	Article 23 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval the Procedure for state registration of establishments, maintenance of the State Register of establishments of business operators and provision of information from it to interested entities	Article 25 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval the procedures for ante- and post-mortem inspections	Article 34 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval the Rules for veterinary and sanitary examination of food products (in terms of functioning of agri-food markets)	Article 36 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval the Procedure for destruction of objects of sanitary measures or conditions that must be met by business operator in order to return them to circulation for human consumption or for other purposes	Article 37 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products»

		(No 771 of 23.12.1997)
Ministry of Health of Ukraine	Establishment the appropriate level of protection of human health	Article 6 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Establishment the procedure for notification of food poisoning	
	Carrying out state registration and maintenance of state registers of the novel food products, food additives, flavors, enzymes, mineral drinking water in accordance with established criteria	
	Approval of safety indicators for food products and other objects of sanitary measures	
	Approval of criteria for assigning drinking water to the category of "mineral drinking water"	
	Approval of methodological recommendations and publishing them on its official website the day after approval	
	Development, review and approval of sanitary measures	Article 15 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval the Procedures for state registration of objects of sanitary measures	Article 29 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
State Service of Ukraine on Food Safety and	Maintenance of Register of business operators and establishments for which the operating permit has been issued	Article 23 of the Law of Ukraine «On basic principles and requirements for
	Issuance of operating permit for establishments, resumption of its action	

Consumer Protection (Competent Authority)		safety and quality of food products» (No 771 of 23.12.1997)
	Temporary suspension, revocation of the operating permit for establishments, its re-issuance, issuance of a duplicate	
	Performance of state registration of establishments	Article 25
	Maintenance of the State Register of establishments of business operators	of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Approval of exporting establishments	Article 26
	Maintenance of the Register of approved exporting establishments	of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Decision-making on temporary suspension or exclusion of approved exporting establishments or certain types of food products produced at such establishments from the Register of approved exporting establishments	Article 27 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)
	Decision-making on the prohibition of the circulation of unprocessed pork food products for human consumption without appropriate veterinary documents in case of confirmation of an outbreak of diseases that are dangerous to human or animal health	Article 37 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)

II. Feed Safety and Hygiene²¹		
Name of public authority	Respective fields of responsibilities	Legal basis
Cabinet of Ministers of Ukraine	Ensuring the implementation of state policy in the field of production, circulation and use of feed	Article 5 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
	Directing and coordinating the work of executive bodies in the field of production, circulation and use of feed, control over their activities in this area	
	Approval the Procedure for issuing, reissuing, issuing a duplicate and revoking the operating permit for establishments	
	Approval the Procedure for state registration of establishments	
Ministry of Agrarian Policy and Food of Ukraine	Approval the Rules for applying a simplified approach to the development, implementation and use of HACCP	Article 6 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
	Approval the procedure for forming and maintaining the State Register of establishments for production and circulation of feed	
	Approval of methodological recommendations	
	Approval the Procedure for carrying out by business operators who sell the feed of periodic testing of feed in accredited laboratories for the content of substances presence of which in feed is limited or prohibited	Article 9 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
	Approval the Form of Declaration of compliance of feed with the requirements of the feed legislation	Article 14 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
State Service of Ukraine on Food Safety	Carrying out state registration of establishments	Article 7
	Maintenance of State Register of establishments for production and circulation of feed	

²¹ This section lists responsibilities related to general aspects of feed hygiene, including conditions and arrangements for registration and approval of establishments

and Consumer Protection (Competent Authority)		of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
	Issuing, reissuing, issuing a duplicate and revoking the operating permits for establishments	Article 14 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)
III. Animal by-products not intended for human consumption		
Name of public authority	Respective fields of responsibilities	Legal basis
Cabinet of Ministers of Ukraine	Ensuring the implementation of state policy in the field of handling of animal by-products	Article 5 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Ensuring the development and implementation of national and interstate programs for the handling of animal by-products	
	Directing and coordinating the work of central and local executive bodies in the field of handling animal by- products	
	Approval the Procedure for issuing, reissuing, issuing a duplicate and revoking an operating permit by the competent authority, as well as the form of the operating permit	Article 20 ¹ of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval the Procedure of state registration of establishments	Article 20 ² of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)

	Approval the Procedure for using the funds provided in the State Budget of Ukraine to finance measures related to the disposal and removal of animal by-products	Article 24 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
Ministry of Agrarian Policy and Food of Ukraine	Approval of Requirements for feeding of animals with animal by-products	Article 6 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval of veterinary and sanitary requirements for the handling of animal by-products	
	Approval of veterinary and sanitary requirements for establishments engaged in treatment, processing of animal by-products	
	Approval the Procedure for handling of animal by-products belonging to categories I-III	Article 10 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval the Procedure for special handling of animal by-products and derived products	Article 17 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval the Procedure for formation and maintaining the State Register of establishments for circulation of animal by-products and derived products	Article 20 ¹ of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval the Procedure for conducting an official inspection of compliance with the requirements	Article 21 ¹

	established by the country of destination to which business operators intend to export animal by-products	of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval the Procedure for approval of exporting establishments	
	Approval the Procedure for maintaining a Register of approved exporting establishments	
	Approval Requirements for traceability of animal by-products not intended for human consumption	Article 22 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
Ministry of Ecology and Natural Resources of Ukraine	Coordination of approval of the Procedure for handling of animal by-products belonging to categories I-III	Article 10 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
State Service of Ukraine on Food Safety and Consumer Protection (Competent Authority)	Performance of state control over the activities of business operators who carry out the circulation of animal by-products and derived products	Article 7 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Approval of technical conditions, technological instructions for treatment, processing, utilization and removal of animal by-products	
	Taking immediate measures in case of deterioration of the epizootic situation related to the handling of animal by-products	
	Maintenance of State Register of establishments for the circulation of animal by-products and derived products	
	Establishing restrictions on the circulation of animal by-products	
	Taking measures within its powers to eliminate violations of the Law and bring the perpetrators to justice in accordance with the Law	
	On basis of risk analysis decision-making on special handling of animal by-products and derived products	Article 17

		of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Issuing, reissuing, issuing a duplicate and revoking an operating permit for establishments	Article 20 ¹ of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Conducting of state registration of establishments	Article 20 ² of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Decision-making on approval of exporting establishments	Article 21 ¹ of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Maintenance of Register of approved exporting establishments	
	Cancellation of the decision on approval of exporting establishments	Article 21 ² of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
Local state administrations	Organization of development and implementation of regional and local programs for the handling of animal by-products	Article 8 of the Law of Ukraine «On animal by-products

	Organization of measures to ensure the elimination of unauthorized and uncontrolled landfills of animal by-products	not intended for human consumption» (No 287 of 07.04.2015)
Local governments	Approval of local and regional programs for the handling of animal by-products and control over their implementation	Article 9 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015)
	Elimination of unauthorized and uncontrolled landfills of animal by-products	
	Proper arrangement of burial places of animal by-products	
IV. State control		
Name of public authority	Respective fields of responsibilities	Legal basis
Cabinet of Ministers of Ukraine	Ensuring the implementation of state policy in the field of state control	Article 5 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)
	Direction and coordination of the work of executive bodies in the field of state control	
	Approval of criteria for assessing the degree of risk from economic activity, and the procedure for determining the frequency of implementation of planned measures of state control of establishments	
	Approval of the procedure and criteria for authorization of accredited laboratories, including reference laboratories, the procedure for verification by the competent authority of their compliance with the relevant criteria of authorization and deprivation of such authorization	
	Approval of the procedure for conducting arbitration laboratory tests and taking into account their results for the purposes of state control	
Ministry of Agrarian Policy and Food of Ukraine	Approval forms of acts of state control used by state inspectors and state veterinary inspectors during inspection and audit, as well as forms of acts of sampling	Article 6 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary
	Approval of Multi-annual national control plan	
	Approval of Methods of zoonosis control	
	Approval of limit norms (volumes) of sampling	

	Approval the Procedure for taking samples and transporting (sending) them to authorized laboratories for the purposes of state control	medicine and animal welfare» (No 2042 of 18.05.2017)
	Approval Requirements for ante- and post-mortem inspections of animals, including for animals slaughtered outside the slaughterhouse	Article 28 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)
	Approval the Procedure for determining slaughterhouses and game handling establishments where the presence of a state veterinary inspector is not required	Article 29 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)
	Approval Requirements for health mark and identification mark and the Procedure of their application	Article 32 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)
	Approval Requirements for the content, form and procedure for providing information about the food chain	Article 34 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary
	Approval the Rules for slaughter of animals	

		<p>medicine and animal welfare»</p> <p>(No 2042 of 18.05.2017)</p>
	Approval Requirements for production and circulation of live bivalve molluscs, echinoderms, tunicates and marine gastropods	<p>Article 38</p> <p>of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare»</p> <p>(No 2042 of 18.05.2017)</p>
State Service of Ukraine on Food Safety and Consumer Protection (Competent Authority)	Organizes and exercises state control, including at the state border of Ukraine	<p>Article 7</p> <p>of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare»</p> <p>(No 2042 of 18.05.2017)</p>
	Develops and implements multi-annual national control plan, reports annually to the Cabinet of Ministers of Ukraine on the status of its implementation	
	Develops and implements a contingency plan for food and/or feed	
	Approves the annual state control plan and the annual state monitoring plan	
	Carries out ante-mortem and post-mortem inspection of animals at the appropriate establishments, as well as post-mortem inspection of animals killed on the hunt	
	Carries out state control over the implementation of permanent procedures based on the principles of HACCP	
	Grants to the persons defined by the law the authority to carry out certain measures of state control, controls the legality and effectiveness of their activities, deprives them of such powers on the grounds specified by law, and keeps records and publishes information about authorized persons on the official website	
	Ensures the legitimacy and efficiency of its structural units, territorial bodies and their officials	
	Establishes in the annual plan of state control the frequency of inspection, audit, sampling and laboratory	

	tests for establishments for the production and/or circulation of food, feed, animal by-products	
	Engages, if necessary, in the implementation of state control of law enforcement agencies within the powers granted by law	
	Takes measures within its powers to eliminate violations of legislation as well as to bring the perpetrators to justice established by law	

16. Hygiene rules: Please provide information on:

a) Specific rules for animal products, including information on the situation concerning agri- food establishments and the microbiological quality of raw milk.

The Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997) (the Law) is a framework Law that lays down general hygienic requirements²² for production and circulation of food products (both of animal and non-animal origin). Mentioned requirements are in line with corresponding requirements of Regulation (EC) No 852/2004 of the European Parliament and of the council of 29 April 2004 on the hygiene of foodstuffs.

Chapter VII of the Law lays down general hygienic requirements for:

- business operators who carry out primary production and record keeping ensuring food safety
- food establishments
- premises where food products treated or processed
- mobile and/or temporary establishments
- vehicles
- equipment and inventory
- food waste management
- water supply
- personnel working in the food handling area
- food products
- food packaging, including primary packaging
- heat treatment

The same as Regulation (EC) No 852/2004 the Law requires food business operators to:

²²«**Hygienic requirements** mean measures and conditions necessary to manage hazardous factors and ensure the suitability of food for human consumption, taking into account their use in accordance with the purpose» (Article 1 of the Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997)

- be registered or, in particular cases, obtain operation permit²³;
- put in place, implement and maintain a permanent procedure or procedures based on the HACCP principles;
- ensure traceability of food products.

According to Article 7 of the Law the authority to approve hygienic requirements for the production and circulation of food products falls within the competence of MoAPFU. MoAPFU also has the authority to approve guidelines, developed by associations of business operators, for compliance with general hygiene requirements, as well as other requirements set by legislation.

Implementing detailed procedures are adopted by numerous **sub-legal acts, list of which is provided in the Table below.**

Title of legal act	Relevant legislation	EU	Aquis	Status	Comments (if any)
CMU Resolution «On Approval the Procedure for issuance of operating permits, forms of operating permits and repeal of certain resolutions of the Cabinet of Ministers of Ukraine» (No 930 of 11.11.2015)	Regulation 852/2004 of the European Parliament and of the council of 29 April 2004 on the hygiene of foodstuffs	(EC)	No	Adopted Valid	Date of coming into force: 27.11.2015
MoAPFU Order «On approval of the Procedure for maintaining the Register of business operators and establishments for which an operating permit has been issued» (No 40 of 10.02.2016)	Regulation 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin	(EC)	No	Adopted Valid	Date of coming into force: 08.04.2016
MoAPFU Order «On approval the Procedure for carrying out the state registration of establishments, maintaining the State Register of establishments of business operators and providing information from it to the interested persons» (No 39 of 10.02.2016)	Regulation 852/2004 of the European Parliament and of the council of 29 April 2004 on the hygiene of foodstuffs	(EC)	No	Adopted Valid	Date of coming into force: 08.04.2016
MoAPFU Order «On approval of the Requirements for the				Adopted Valid	Date of coming into force: 02.05.2013

²³ «**Operating permit** means a permit issued by the territorial body of the competent authority to the business operator based on the results of its inspection of establishment and certifies the right of the business operator to carry out activities for the production and/or storage of food of animal origin» (Article 1 of the Law «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997))

development, implementation and application of permanent procedures based on HACCP principles» (No 590 of 01.10.2012)

MoH Order «On approval of Microbiological criteria for establishment of indicators of safety of food products» (No 548 of 19.07.2012)	Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs	Adopted Valid	Date of coming into force: 20.08.2015 Recently amendments to the Order were drafted in order to bring its provisions in line with latest updated version of Commission Regulation (EC) No 2073/2005
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With the adoption of the Law, general requirements for production and circulation of food products were established.

At the same time, certain food products may pose an increased risk to public health due to the possible presence of hazardous microbiological and chemical factors. This applies in particular to food products of animal origin, which require the establishment of additional special hygienic requirements for their production and circulation.

To date, Ukraine has adopted a number of sub-legal acts establishing hygienic requirements for all stages of production and circulation of certain food products of animal origin (milk, dairy products, poultry meat, etc). Sub-legal acts on specific rules for food products of animal origin are **listed in the Table below**.

Title of legal act	Relevant EU legislation	Aquis	Status	Comments (if any)
MoH Order «On approval of Hygienic requirements for poultry meat and certain indicators of its quality» (No 694 of 06.08.2013)	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	No	Adopted Valid	Date of coming into force: 03.09.2016
MoAPFU Order «On approval of the Requirements for safety and quality of milk and dairy			Adopted Valid	Date of coming into force: 12.07.2019

products» (No 118 of 12.03.2019)

State Standard of Ukraine 3662:2018 «Raw cow's milk. Technical conditions»

Adopted
Valid

Date of coming into effect: 01.01.2019

MoH Order «On approval Microbiological criteria for establishment of indicators of safety of food products» (No 548 of 19.07.2012)

Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs

Adopted
Valid

Date of coming into force: 20.08.2015

Recently amendments to the Order were drafted in order to bring its provisions in line with latest updated version of Commission Regulation (EC) No 2073/2005

MDETA Order «On approval the Procedure and special requirements to labeling of food products, and also the List of food products for which the indication of the country of origin or a place of origin is obligatory» (No 679 of 01.04.2021)

Regulation (EC) No 1760/2000 of the European Parliament and of the Council of 17 July 2000 establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97

Commission Regulation (EC) No 1825/2000 of 25 August 2000 laying down detailed rules for the application of Regulation (EC) No 1760/2000 of the European Parliament and of the Council as regards the

Adopted
Valid

Date of coming into effect: **18.05.2024**

labelling of beef and beef products

Commission Implementing Regulation (EU) No 1337/2013 of 13 December 2013 laying down rules for the application of Regulation (EU) No 1169/2011 of the European Parliament and of the Council as regards the indication of the country of origin or place of provenance for fresh, chilled and frozen meat of swine, sheep, goats and poultry

Council Directive 2001/110/EC of 20 December 2001 relating to honey

MoAPFU Draft Order «On approval Hygienic requirements for the production and circulation of food of animal origin»

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

Draft has been developed
Draft is in the process of approval

Commission Decision 2002/226/EC of 15 March 2002 establishing special health checks for the harvesting and processing of certain bivalve molluscs with a level of amnesic shellfish poison (ASP) exceeding the limit laid down by Council Directive 91/492/EEC (Text with EEA relevance)

1) MoH Order «On approval of Hygienic requirements for poultry meat and certain indicators of its quality» (No 694 of 06.08.2013) lays down hygienic requirements for:

- slaughterhouses
- processing establishments
- slaughter of poultry
- cutting of meat
- establishments that produce minced meat, meat preparations and mechanically separated meat (MSM meat)
- raw materials for minced meat, meat preparations and MSM meat
- minced meat, meat preparations and MSM meat.

Hygienic requirements apply to all establishments that produce poultry meat in Ukraine and /or sell it on the Ukrainian market. Hygienic requirements do not apply to poultry meat produced for personal consumption and by private farms for sale in agri-food markets.

2) MoAPFU Order «On approval of the Requirements for safety and quality of milk and dairy products» (No 118 of 12.03.2019) introduces good practice in the production, processing and placing on the market of milk and dairy products, establishes criteria for raw milk, which determine its suitability for marketing.

Requirements of the MoAPFU Order No 118 are binding on all business operators, regardless of ownership and subordination, whose activities are related to the production, processing and placing on the market of milk and dairy products, and do not apply to the primary production of dairy products intended for own consumption.

MoAPFU Order No 118 establishes the following criteria for milk²⁴:

a) raw milk from cows:

- the number of microorganisms at 30 ° C \leq 100,000 colony-forming units / ml (hereinafter - CFU / ml) (rolling geometric average over a two-month period, with at least two samples per month);
- somatic cell count \leq 400 000 cells / ml (rolling geometric average over a three-month period, with at least one sample per month, unless the competent authority specifies another methodology to take account of seasonal variations in production levels);
- freezing point not exceeding minus 0,52 °C, density not less than 1,028 grams per liter (whole milk at 20 ° C) or equivalent (in whole skimmed milk at 20 °C);

b) the content of microorganisms in raw milk from other species of farm animals at 30 °C shall be \leq 1 500 000 CFU / ml (rolling geometric average over a two-month period, with at least two samples per month);

c) if milk from other species is intended for the manufacture of products by a process that does not involve any heat treatment, business operators must take measures to ensure the content of

²⁴MoAPFU Order No 118 establishes transitional periods for the application of mentioned criteria (January 1, 2020/January 1, 2023/ January 1, 2024). Transitional periods do not apply to operators of the milk and dairy products market who export or have declared to the competent authority their readiness to carry out such exports from the date of entry into force of this Order

microorganisms at 30 ° C ≤ 500 000 CFU / ml (rolling geometric average over a two-month period, with at least two samples per month);

d) business operators must put in place procedures to ensure that milk or colostrum is not placed on the market if it contains residues of veterinary preparations and/or other contaminants (including inhibitors) that are subject to legal restrictions and/or exceeds the maximum permissible levels.

e) immediately before processing²⁵:

for raw milk intended for the production of dairy products, the number of microorganisms at 30°C <300 000 CFU / ml;

for pre-cooked milk intended for the production of dairy products - the number of microorganisms at 30°C <100 000 CFU/ml.

Compliance with these requirements shall be verified by a representative number of samples of milk or colostrum taken by random sampling at the place of primary production and/or storage of milk. Such inspections may be carried out directly or on behalf of:

- business operator that carries out primary milk production
- business operator collecting or processing milk
- groups of business operators or
- within a national or regional control program, including a state one.

3) MoH Order «On approval Microbiological criteria for establishment of indicators of safety of food products» (No 548 of 19.07.2012) establishes that pasteurized milk and other pasteurized liquid dairy products must meet the following microbiological criteria set out in **Table below**:

Microorganisms	Sampling plan-1		Allowable limits-2		Stage of indicator application
	N	c	m	M	
Enterobacteriaceae	5	0	< 10 CFU/g		Наприкінці виробничого процесу

n – number of samples collected from the batch of products; c = number of samples with parametric values in the range of m and M.

4) MDETA Order «On approval the Procedure and special requirements to labeling of food products, and the List of food products for which the indication of the country of origin or a place of origin is obligatory» (No 679 of 01.04.2021) – establishes the rules for indicating the country of origin or place of origin in the labeling of the following types of products:

- fresh, chilled or frozen meat of bovine animals
- fresh, chilled or frozen meat of porcine animals

²⁵ For business operators that produce dairy products.

- fresh, chilled or frozen meat of ovine and caprine animals
- fresh, chilled, or frozen edible offal of bovine animals
- meat and edible offal of poultry
- honey
- virgin olive oil and extra virgin olive oil.

5) MoAPFU Draft Order «On approval Hygienic requirements for the production and circulation of food of animal origin»²⁶ lays down specific rules on the hygiene of food of animal origin. These rules supplement those general laid down by the Law.

Draft Order establishes specific hygienic rules for the following types of food products:

- meat of domestic ungulates
- meat of poultry and lagomorphs
- meat of farmed game
- wild game meat
- minced meat, meat preparations or mechanically separated meat (MSM)
- meat products
- live bivalve molluscs
- live echinoderms, live tunicates and live marine gastropods
- fishery products
- eggs and egg products
- rendered animal fats and greaves
- treated stomachs, bladders and intestines
- gelatine and raw materials for its production
- collagen and raw materials for its production
- frogs' legs and snails
- highly refined chondroitin sulphate, hyaluronic acid, other hydrolysed cartilage products, chitosan, glucosamine, rennet, isinglass and amino acids.

²⁶Draft order was developed in pursuance of the requirements of paragraph one, article 64 of the Association Agreement as regards legal approximation, points 1,2,5 – 15, 32 of the the Comprehensive Strategy for the implementation of Chapter IV (Sanitary and Phytosanitary Measures), Title IV “Trade and Trade-related Matters” 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, approved by resolution the Cabinet of Ministers of Ukraine No 228 of 24 February 2016 (Annex V to the Association Agreement)

b) Control rules including implementation of HACCP (Hazard Analysis and Critical Control Points) by food operators. Also please provide statistics on the number of establishments (according to the activity) applying HACCP.

The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) (the Law) determines the legal and organizational principles of state control carried out in order to verify business operators' compliance with legislation on food, feed, animal by-products, veterinary medicine and animal welfare. Regarding general principles and requirements for the organization of official controls the Law is based on Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

According to Article 19 of the Law «*State control measures are carried out in the form of **audit**²⁷, inspection, ante-mortem and post-mortem inspections, sampling, laboratory testing, clinical examination of animals, verification of suitability of animals for transportation, documentary check, identity check, physical check. State monitoring is carried out within the framework of state control measures*».

For detailed information on basic principles of origination and conducting of official control **see answers to the questions No 3 and 14.**

Regarding control rules for implementation of HACCP (Hazard Analysis and Critical Control Points) by food operators:

In accordance with article 20 of the Law of Ukraine “On basic principles and requirements for the safety and quality of food” (No 771 of 23.12.1997) (the Law) business operators are responsible for the compliance with the requirements of legislation on safety and specific quality parameters of food within the activities they carry out.

Business operators shall:

- ensure compliance with the requirements of this Law as regards the hygiene requirements for foodstuffs at all stages of their production and circulation;
- develop, implement and apply ongoing procedures based on the principles of the system of hazard analysis and critical control points, as well as provide appropriate training on the application of ongoing procedures based on the principles of hazard analysis and critical control points of persons responsible for these procedures, during the production and circulation of food.

MoAPFU order No 590 of 01 October 2012 "On approval of requirements for the development, implementation and application of ongoing procedures based on the principles of food safety management system (HACCP)" registered in the Ministry of Justice of Ukraine on 9 October 2012 under No 1704/22016 (hereinafter - the Order) regulates the requirements for the development of prerequisite programmes and ongoing HACCP-based procedures by food business operators. The order provides for the sequence of HACCP system development, which in turn includes the

²⁷ «**Audit** means a systematic and independent study of a particular action in order to determine whether such activities and related results are consistent with the planned activities and whether such activities are implemented effectively and in a way that achieves the goal» (Article 1 of the Law «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017))

implementation and application of procedures based on the full use of principles of food safety management system (HACCP).

At present, all business operators shall develop, implement and apply ongoing procedures based on the principles of the system of hazard analysis and critical control points.

According paragraph one, Article 7 of the Law of Ukraine " On state control of the compliance with the law on food, feed, animal by-products, animal health and welfare " (No 2042 of 18.05.2017) the competent authority for state control exercises state control on the implementation of ongoing procedures based on HACCP principles.

According to Article 18 of the Law:

●*«State control measures are carried out without warning (notification) of the business operator, except for audits and other cases when such warning is a necessary condition for ensuring the effectiveness of state control. The audit of ongoing procedures based on HACCP principles shall be carried out notifying the business operator no later than three working days before the implementation of such a measure»;*

●*«State control in the forms of inspection and audit is carried out with the use of acts of state control».*

Article 19 of the Law lays down requirements for state control measures (inspection, audit, monitoring, ect.). In particular, the audit of ongoing procedures based on HACCP principles and ongoing procedures developed by the business operator to comply with hygiene requirements should include verification of the continuity and effectiveness of their application, including:

- documentation;
- record keeping;
- processes that affect the safety of food and/or feed;
- operator's internal control systems;
- corrective actions taken by the business operator as a result of the analysis of identified discrepancies;
- staff qualifications.

During conducting of audit of ongoing HACCP-based procedures, state inspectors use a unified form of act, approved MoAPFU Order «On adoption of model act drawn on the basis of results of state control in the form of audit of ongoing HACCP-based procedures» (No 446 of 08.08.2019).

According to paragraph 4, Article 65 of the Law of Ukraine "On state control of the compliance with the law on food, feed, animal by-products, animal health and welfare " (No 2042 of 18.05.2017) failure to comply with statutory obligations to implement ongoing procedures based on the principles of the system of hazard analysis and critical control points (HACCP) at the facilities incurs the imposition of fine on legal entities in the amount of thirty minimum wages, on individual entrepreneurs – in the amount of fifteen minimum wages.

The results of the audit must be taken into account when determining the degree of risk of business operator (establishment) and the frequency of planned state control measures. The same person does not have the right to audit twice in a row at the same establishment.

Implementing detailed procedures for organization and conducting of state control are adopted by numerous **sub-legal acts**, list of which is provided in the Table below.

Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
CMU Resolution «On approval of the action plan in case of emergencies related to food and feed» (No 80 of 03.02.2021)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	Date of coming into force: 09.03.2021
CMU Resolution «On adoption of the Procedure and criteria for authorisation of accredited laboratories, inclusive of reference laboratories, and the Procedure for verification by the competent authority of the compliance of authorised laboratories (reference laboratories) with authorisation criteria and revocation of such authorization» (No 10 of 10.01.2019)		Adopted Valid	Date of coming into force: 16.02.2019
CMU Resolution «On adoption of the Procedure for the conduct of arbitration laboratory analysis and the use of results thereof for state control purposes» (No 648 of 22.08.2018)		Adopted Valid	Date of coming into force: 07.09.2018
CMU Resolution «On certain issues of planned state control measures, performed by the State Service for Food Safety and Consumer Protection» (No 896 of 31.10.2018)		Adopted Valid	Date of coming into force: 06.11.2018 CMU Resolution establishes Procedure for determining the frequency of planned measures of state control of compliance of business operators

			(establishments) with the requirements of legislation on food, feed, animal health and welfare carried out by the Competent Authority, and criteria for assessing the degree risk from its implementation
CMU Resolution «On approval of the procedure for the audit of the State Service for Food Safety and Consumer Protection and its territorial bodies» (No 118 of 20.02.2019)		Adopted Valid	Date of coming into force: 23.02.2019
CMU Resolution «On certain issues of forming fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 148 of 27.02.2019)		Adopted Valid	Date of coming into force: 06.03.2019
MEU Order «On approval of the multi-annual plan of state control in certain areas of state control, the implementation of which belongs to the competence of the State Service for Food Safety and Consumer Protection, for 2022-2026» (No 10-22 of 05.01.2022)	Commission Decision 2007/363/EC of 21 May 2007 on guidelines to assist Member States in preparing the single integrated multi-annual national control plan provided for in Regulation (EC) No 882/2004 of the European Parliament and of the Council	Adopted Valid	

	Guidelines to assist Member States in preparing a single integrated multi-annual national control plan provided for in the Regulation on official control measures (EU) No 625/2019 of 14 December 2019		
MDETA Order «On approval of the form of the annual report on the state of implementation of multi-annual and annual plans of state control» (No 547 of 16.03.2021)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted	Date of coming into effect: 01.01.2023
MDETA Order «On approval of fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 2836/835 of 31.12.2020)		Adopted Valid	Date of coming into force: 22.01.2021
MEU Order «On approval of forms of acts drawn up as a result of planned (unscheduled) measures of state control (inspection) regarding compliance by business operators with the requirements of legislation on food, feed, animal by-products, animal health and welfare, and other forms of administrative documents» (No 143-22 of 21.01.2022)		Adopted Valid	Date of coming into force: 01.03.2022* *except for Annex 15 to the form of an act drawn up as a result of a planned (unscheduled) measure of state control (inspection) regarding compliance by business operators with food law,

			approved by this order, which enters into force on 18 May 2024
MoAPFU Order «On adoption of model act drawn on the basis of results of state control in the form of audit of ongoing HACCP-based procedures» (No 446 of 08.08.2019)		Adopted Valid	Date of coming into force: 13.09.2019
MoAPFU Order «On adoption of sampling Methods to detect maximum permitted levels of certain contaminants in food for state control purposes» (No 288 of 25.06.2018) ²⁸	Commission Regulation (EC) No 333/2007 of 28 March 2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs	Adopted Valid	Date of coming into force: 09.10.2018
MEU Order «On approval of Methods of sampling for determination of the maximum admissible levels of dioxins, dioxin-like polychlorinated	Commission Regulation (EU) 2017/644 of 5 April 2017 laying down methods of sampling and analysis for the control of	Adopted	Date of coming into force: 26.05.2022

²⁸ This table contains a number of legal acts regulating sampling procedure for state control purposes. It should be noted that currently matters related to maximum residue levels are regulated by the following legal acts:

- MoH Order “On adoption of State hygiene rules and norms “Regulation on maximum levels of specific contaminants in foodstuffs” (No 368 of 13 May 2013) (version of MoH Order No 1238 of 22.05.2020) (*developed on the basis of Regulation No 1881/2006*);
- MoH Order “On adoption of food safety Indicators “Maximum limits (levels) of residues active substances of veterinary preparations in foodstuffs of animal origin” (No 2646 of 23.12.2019) (*developed on the basis of Regulation (EU) No 37/2010*);
- MoH Order “On adoption of Hygiene norms and regulations on safe application of pesticides and agrochemicals” (No 55 of 02 February 2016);
- State sanitary rules and norms DSanPiN 8.8.1.2.3.4-000-2001 Permissible doses, concentrations, amounts and content levels of pesticides in agricultural raw materials, foodstuffs, air of the work zone, atmospheric air, water reservoirs, soil adopted by resolution of Chief state sanitary doctor of Ukraine No 137 of 20 September 2001

biphenyls and non-dioxin-like polychlorinated biphenyls in certain food products for the purposes of the state control» (No 610-21 of 24.09.2021)	levels of dioxins, dioxin-like PCBs and non-dioxin-like PCBs in certain foodstuffs and repealing Regulation (EU) No 589/2014		
MoAPFU Order «On approval of sampling methods and preparation of samples for the determination of maximum permissible levels of mycotoxins in food products for the purposes of state control» (No 264 of 22.05.2019)	Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs	Adopted Valid	Date of coming into force: 12.08.2019
MoAPFU Order «On adoption of the Procedure for sampling and transportation (sending) of samples to authorised laboratories for state control purposes and of Model sample collection act» (No 490 of 11.10. 2018)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	Date of coming into force: 25.01.2019
MoAPFU Order «On adoption of sampling Methods to detect maximum permitted levels of pesticide residues in food of plant and animal origin for state control purposes» (No 289 of 25.06.2018)	Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC	Adopted Valid	Date of coming into force: 21.09.2018
MoAPFU Order «On Approval of sampling methods for determination of maximum permissible levels of nitrates in certain food products for the purposes of state control» (No 34 of 05.02.2019)	Commission Regulation (EC) No 1882/2006 of 19 December 2006 laying down methods of sampling and analysis for the official control of the	Adopted Valid	Date of coming into force: 22.03.2019

	levels of nitrates in certain foodstuffs		
MoAPFU Order «On approval of the form of the Protocol on the violation of the Law of Ukraine "On state control of compliance with the law on food products, feed, animal by-products, veterinary medicine and animal welfare", legislation on food and feed» (No 29 of 23.01.2018)	Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules	Adopted Valid	Date of coming into force: 04.04.2018

Statistics on the number of establishments (according to the activity) applying HACCP

In 2020 the HACCP system was implemented in 5,607 educational establishments of which 2,532 are preschool educational establishments and 3,075 are general secondary education establishments.

As of 01 September 2021 the HACCP system was implemented in 13,165 educational institutions, of which 5,830 are preschool educational establishments and 7,335 are general secondary education establishments.

Compared to the year 2020, the number of educational establishments to have implemented the HACCP system has been increased by more than 2 times.

c) Specific control rules for animal products.

State control of different types of food products of animal origin is performed with the usage of 1) general principles (as described in **answers to the questions No 3, 14 and 16 (b)**) and 2) specific control measures **as described below**.

Chapter VI of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) (the Law) establishes detailed specific control rules for main categories food products of animal origin (meat products, molluscs, fishery products, milk and dairy products). Mentioned rules were developed on the basis of Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption.

Rules on state control of products of animal origin, established by the Law, cover all aspects that are important for protecting public health and, where appropriate, animal health and animal welfare. This state control comprises audits of food business operators' activities and inspections, including *checks on food business operators' own controls, ante- and post-mortem inspections, sampling, laboratory testing*.

The Law lays down specific control procedures for the following types of food products of animal origin:

1) Fresh meat:

- general principles of control of fresh meat
- specific controls at slaughterhouses and cutting plants
- control obligations of state veterinary inspectors
- control obligations of official auxiliary and personnel of slaughterhouses
- requirements for health mark and identification mark
- procedure for exchanging information on the results of state control of fresh meat
- decisions of the state veterinary inspector made on the basis of information about the food chain
- decisions of the state veterinary inspector regarding live animals during state control and on the welfare of animals during the state control of fresh meat
- decision of the state veterinary inspector on fresh meat during state control.

2) Live bivalve molluscs, echinoderms, tunicates and marine gastropods: the competent authority shall establish the location and the borders of production and relaying areas.

3) Fishery products:

- scheduled and unscheduled inspections of vessels and other facilities for compliance by the business operator with hygienic and other requirements for the production and circulation of fishery products, including their unloading, storage, transportation and sale
- inspection for compliance of fish products with freshness indicators established by law
- monitoring of fishery products to determine the level of histamine, residues and contaminants, as well as the presence of parasites
- inspections and other measures of state control in order to prevent the circulation of fishery products derived from poisonous fish of the families *Tetraodontidae*, *Molidae*, *Diodontidae* and *Canthigasteridae*
- conditions for recognition of fishery products as unfit for human consumption.

4) Raw milk and dairy products: checks to verify that the requirements for raw milk are being met and that rules on animal health and use of veterinary medicinal products are respected.

Regarding control of fresh meat, the Law establishes the following requirements:

The SSUFSCP (competent authority) ensures the presence of state veterinary inspector:

1) at the slaughterhouse during ante-mortem and post-mortem examinations;

2) at the facilities processing wild animals during post-mortem examination. The competent authority ensures the presence of state veterinary inspector or auxiliary of state veterinary inspector at meat cutting plants during meat cutting at the frequency which ensures the safety of meat.

In the course of implementing state control on fresh meat the state veterinary inspector in the framework of the audit of ongoing HACCP-based procedures also verifies efficiency of the procedures developed by the business operator to comply with the requirements for:

- 1) ensuring the absence of any contamination in fresh meat and signs of pathophysiological abnormalities or changes;
- 2) ensuring the absence of specified risk material in fresh meat, except as provided by the law;
- 3) the production of fresh meat in compliance with legislation on transmissible spongiform encephalopathies.

During the performance of state control on fresh meat, the state veterinary inspector in the framework of the audit of ongoing procedures developed by business operator to comply with hygiene requirements also checks the continuity of business operator's own procedures as regards the collection, transportation, storage, handling, processing, use and destruction of animal by-products, including specified risk material.

State control at slaughterhouses, facilities processing wild animals and meat cutting plants shall include:

- verification of food chain information on animals intended for slaughter;
- ante-mortem examination;
- post-mortem examination;
- check of procedures to prevent contamination of meat with specified risk material;
- sampling for laboratory analysis (tests) purposes.

Verification of food chain information by the state veterinary inspector includes the analysis of:

- 1) information obtained from the holding of origin on the animal intended for slaughter, including its health state, treatment and use of veterinary medicines;
- 2) information contained in veterinary and other documents accompanying the animal.

Immediately after slaughter, the state veterinary inspector carries out a post-mortem examination of all external surfaces of the carcass and entrails of the carcass paying special attention to the detection of signs of infectious diseases.

In case of non-compliance or reasonable suspicion of non-compliance, the state veterinary inspector shall take measures to establish (check):

- 1) final diagnosis;
- 2) presence of infectious diseases;
- 3) the exceeding of maximum residue limits (levels) of contaminants and other substances established by the law;
- 4) compliance with microbiological criteria;
- 5) presence of other factors that make meat unfit for human consumption or subject to restricted use.

In the course of state control of fresh meat, the state veterinary inspector is obliged to check the availability and efficiency of procedures to prevent contamination of meat with hazardous material, whether such material and by-products of animal origin have been removed, and if necessary to check their labelling.

Taking into account general principles of state control and requirements for laboratory analysis (tests) provided by the law, the state veterinary inspector shall ensure the collection of samples, their labelling and sending to the authorised laboratory in order to:

- 1) perform annual state monitoring plan and/or annual state control plan;
- 2) detect transmissible spongiform encephalopathy;
- 3) detect prohibited substances and / or control of substances in the framework of annual plan of state monitoring of residues of veterinary medicines and contaminants in live animals, feed and food;
- 4) detect infectious diseases, control zoonoses and agents thereof.

For implementing rules see sub-legal acts, listed in the **Table under the question No 16 (b) and the Table below.**

Title of legal act	Relevant legislation	EU	Aquis	Status	Comments (if any)
MoAPFU Order «On adoption of the requirements for the content, form and procedure of providing information regarding food chain» (No 270 of 13.06.2018)	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption		No	Adopted Valid	Date of coming into force: 14.07.2020
MoAPFU Order «On adoption of the Procedure for the assignment of status of veterinary doctor, authorised veterinarian, slaughterhouse employee, authorised to work in the capacity of auxiliary to state veterinary inspector and carrying out the activities thereof» (No 141 of 16.03.2018)				Adopted Valid	Date of coming into force: 04.05.2018
«Rules of ante-mortem veterinary inspection of animals and veterinary-sanitary examination of meat and meat products», approved by the Order of the State Department of Veterinary Medicine of the				Adopted Valid	

MoAPFU Order «On approval requirements for identification mark»	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	Draft has been prepared	Adoption is foreseen in 2022/2023
	Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption		

d) Rules for animal by-products including information on the system of collection of cadavers and materials and situation of establishments.

The Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015) (the Law) is the basic legal act that establishes rules for formation, collection, handling and placing on the market of animal by-products and derived products²⁹.

According to article 20 of the Law, business operators in the field of handling animal by-products shall:

- send animal by-products generated at their facilities for treatment, processing for further disposal or destruction operations;
- develop, implement and apply ongoing procedures based on the principles of system of hazard analysis and critical control points, and ensure proper training of persons responsible for ongoing procedures during treatment, processing of animal by-products;
- mobilise veterinary medicine specialists to determining the categories to which animal by-products generated at their facilities (objects) of treatment, processing of animal by-products belong in accordance with this Law;
- compensate damage caused to legal entity or natural person as a result of violation of the established rules for handling animal by-products in accordance with the law;

²⁹ For additional information on the Law please **see answer to the question No 14**

- ensure:

- unimpeded access of state inspectors performing state control to facilities (objects) engaged in treatment, processing of animal by-products, sampling of animal by-products and derived products thereof at referenced facilities (objects), provide at the request of state inspectors the documents necessary for state control implementation;

- registration of the fact of performed works on the processing, processing, disposal of by-products of animal origin at own facilities (objects) treating, processing animal by-products and drawing up the act on the work performed;

- drawing up an acceptance certificate and act on the work performed in the case of the provision of services on treatment, processing, disposal or destruction in accordance with the contract for the provision of services on treatment, processing, disposal or destruction of animal by-products;

- creation of proper sanitary conditions at facilities (objects) treating, processing animal by-products during handling of such products and separate collection of the referenced products;

- keeping records and providing the central executive body implementing state policy in the field of veterinary medicine information on the quantity and quality of animal by-products;

- keeping records on the movement of animal by-products in accordance with their categories and providing the central executive body implementing state policy in the field of veterinary medicine with relevant information;

- product quality and reliability of information provided to the consumer, as well as compliance of such information with the requirements of legislation;

- take measures to ensure proper handling of hazardous animal by-products that are not subject to disposal in accordance with this Law;

- comply with other requirements of legislation on the handling of animal by-products.

If business operator has reasons to believe that the derived products of animal by-products entered into circulation by the business operator may pose danger to human and animal health, business operator shall inform the central executive body that implements the state policy in the field of veterinary medicine, local governments about it, as well as the measures taken to prevent risks to humans and animals, within one day in writing and through telecommunication and electronic means of communication.

Business operator shall report monthly to the central executive body implementing the state policy in the field of veterinary medicine on its activities to prevent or reduce the risks posed by animal by-products and derived products thereof introduced or being introduced into circulation by the business operator.

According to Article 25 of the Law, business operators shall be liable for violations of the legislation on animal by-products.

Rules for handling category I-III animal by-products

Category I animal by-products shall be subject to:

- 1) destruction by incineration without prior processing or with prior processing by means of pressure sterilisation and application of permanent marking;

2) destruction or disposal by co-incineration without prior processing or with prior processing by means of pressure sterilization and application of permanent marking;

3) destruction by burial with prior pressure sterilisation and application of permanent marking (this requirement does not apply to animal by-products defined in indents two and three, point 1 of the first paragraph of Article 11 of this Law);

4) use as fuel for combustion with or without prior processing.

The import of category I animal by-products into the territory of Ukraine is prohibited.

Category II animal by-products shall be subject to:

1) destruction by incineration without prior processing or with prior processing by means of pressure sterilisation and application of permanent marking;

2) destruction or disposal by co-incineration without prior processing or with prior processing by means of pressure sterilization and application of permanent marking;

3) destruction by burial with prior pressure sterilisation and application of permanent marking;

4) use for the production of organic fertilizers or soil improvers for placing on the market in accordance with Article 19 of this Law after treatment with pressure sterilisation with permanent marking of the obtained material;

5) composting or conversion to biogas using prior pressure sterilisation and permanent labelling of the obtained material; for milk and dairy products, colostrum, eggs and egg products, manure, digestive tract content separated from digestive tract (provided there is no risk of spreading the diseases by the referenced by-products identified by the competent authority in the framework of state controls in accordance with the requirements of legislation) - with or without prior treatment;

6) introduction into the soil (exclusively for manure, the contents of digestive tract separated from digestive tract, milk, dairy products, colostrum provided there is no risk of spreading the diseases by the referenced by-products identified by the competent authority in the framework of state controls in accordance with the requirements of legislation);

7) for animal by-products obtained from aquatic organisms - ensiling, composting or conversion into biogas;

8) use as fuel for combustion with or without prior processing.

Category III animal by-products shall be subject to:

1) destruction by incineration with or without prior processing;

2) destruction or disposal by by co-incineration with or without prior processing;

3) burial after prior processing;

4) processing for the purpose of producing:

feed for farm non-fur animals.

For the production of the referenced feedingstuffs it is prohibited to use of waste from public catering establishments, skin, hides, hooves, feathers, wool, horns, fur of dead animals that did not have any signs of disease that can be transmitted to humans or animals, bristles.

feed for fur animals intended to be placed on the market in accordance with the requirements of legislation on animal by-products;

petfood intended to be placed on the market in accordance with the requirements of legislation on animal by-products;

organic fertilisers and soil improvers to be placed on the market in accordance with article 19 of this Law;

5) use for the production of raw petfood;

6) composting or conversion into biogas;

7) for animal by-products obtained from aquatic organisms - ensiling, composting or conversion into biogas;

8) use as fuel for combustion with or without prior processing;

9) use for the manufacturing of cosmetic products, active medical devices for implantation, medical devices for in vitro diagnostics, veterinary drugs, medical products for placing on the market in accordance with the requirements of legislation on animal by-products;

10) for animal by-products (waste from public catering establishments) – processing by means of pressure sterilisation or other equivalent methods, composting or conversion into biogas.

The requirements of point 4 do not apply to animal by-products which were altered by means of decomposition or spoilage posing risk to human or animal health.

According to Article 24 of the Law of Ukraine «On animal by-products not intended for human consumption» (No 287 of 07.04.2015):

- disposal and destruction of animal by-products is performed at business operator's expense of;

- funding of measures related to the disposal and destruction of animal by-products may be carried out at the expense of state and local budgets, from other sources not prohibited by the law, by providing subsidies to economic entities to partially reimburse the costs related to the disposal and destruction of animal by-products;

- procedure for the use of funds provided in the state budget of Ukraine for the funding of measures related to the disposal and destruction of animal by-products is approved by the Cabinet of Ministers of Ukraine.

The Law foresees the adoption of numerous sub-legal acts aimed to implement its provisions. The list of drafts that are in the process of development as of 2022 is provided in the **Table below**:

Title of legal act	Relevant legislation	EU	Aquis	Status	Comments (if any)
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MoAPFU Draft Order «On Approval the Procedure for handling of animal by-products belonging to categories I-III»	Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive	Draft is in the process of development	Adoption is foreseen in 2022/2023
MoAPFU Draft Order «Approval of veterinary and sanitary requirements for establishments engaged in treatment, processing of animal by-products»	Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002	Draft is in the process of development	Adoption is foreseen in 2022/2023

Commission Regulation
(EU) No 142/2011 of
25 February 2011
implementing Regulation
(EC) No 1069/2009 of the
European Parliament and of
the Council laying down
health rules as regards
animal by-products and
derived products not
intended for human
consumption and
implementing Council
Directive 97/78/EC as
regards certain samples and
items exempt from
veterinary checks at the
border under that Directive

It is also planned to prepare and adopt other numerous implementing procedures, as it is established by the Law and indicated in the **Table under question No 15**.

Rules for the equipment and maintenance of operational (existing) cattle burial grounds and biothermal pits for the burial of animal carcasses in localities of Ukraine approved by order of the State committee of veterinary medicine of Ukraine No 232 of 27.10.2008 “On adoption of Rules for the equipment and maintenance of operational (existing) cattle burial grounds and biothermal pits for the burial of animal carcasses in localities of Ukraine” registered in the Ministry of Justice of Ukraine on 29 January 2009 under No 85/16101 (hereinafter – the Rules) establish principal veterinary and sanitary requirements for the maintenance, veterinary and sanitary arrangement of operational cattle burial grounds and biothermal pits for the burial of animal carcasses in localities of Ukraine. These Rules apply to local executive bodies, economic entities of all forms of incorporation engaged in keeping, breeding, circulation of animals and processing of raw materials of animal origin.

Currently in Ukraine there is a system of both public and private specialised enterprises that dispose of animal by-products not intended for human consumption and substandard food and raw materials.

There are 18 branches in the structure of public enterprise “Ukrvetsanzavod” which currently operate: Kostopil, Kupyansk, Lebedyn, Talniv, Tulchyn, Khmelnytskyi, Shepetivka, Kostiantynivka and Skvyra branches.

17. Funding of checks: Please provide information on specific rules for feed hygiene, including information on the applicable legislation and procedures for approval/registration of feed establishments.

The Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017) (the Law) establishes detailed hygienic requirements³⁰ for production and circulation of feed. Mentioned requirements are based on corresponding requirements of Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.

In particular, in terms of hygiene the following requirements are established by the Law³¹:

- requirements for business operators engaged in primary production of feed
- hygienic requirements for establishments
- hygienic requirements for feed production
- hygienic requirements for storage and transportation of feed
- requirements for staff of establishments
- requirements for quality control
- requirements for record keeping
- hygienic requirements for grazing animals
- hygienic requirements for establishments where animals are kept and equipment for feeding animals
- hygienic requirements for feed storage
- hygienic requirements for the distribution of feed and the prohibition of feeding certain types of feed³²
- hygienic requirements for water.

The same as Regulation (EC) No 183/2005, in terms of hygienic requirements the Law introduces detailed obligations for the following feed business operators:

● Feed businesses responsible for the primary production of feed: these businesses must prevent, eliminate or reduce feed safety hazards during the production, preparation, cleaning, packaging, storing and transport of these products. They must keep records relating to measures put in place to control contamination hazards.

● Other feed business operators: these businesses must adopt measures to guarantee the safety of the products that they manufacture, transport or use. These measures are concerned with: facilities and

³⁰ «**Feed hygiene (hygienic requirements)** - measures and conditions necessary to control hazardous factors and ensure the suitability of feed, taking into account their use in accordance with the purpose» (Article 1 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)).

³¹ Mentioned requirements of the Law were developed according to Annexes I-III of Regulation (EC) No 183/2005 of the European Parliament and of the Council of 12 January 2005 laying down requirements for feed hygiene.

³² Feeding of food waste to animals is prohibited (in accordance with “The list of materials the sale and use of which for animal feeding purposes are restricted or prohibited” adopted by order of the Ministry of Agrarian Policy and Food of Ukraine No 241 of 06 May 2019)

equipment, staff training, the organisation and monitoring of different stages of production, the documents which the operators must keep.

According to Article 11 of the Law *«business operators should develop, implement and use ongoing procedures based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system»*. This requirement does not apply to business operators engaged in primary production of feed, as well as carrying out activities related to primary production, such as transportation, storage and handling of primary products at the place of primary production, transportation of primary products from primary production to establishment, as well as mixing of feed only for the needs of own farm without the use of feed additives and premixes, except for silage feed additives.

Law also foresees the cases when simplified approach for HACCP can be used. According to the Law the following implementing act was adopted – MDETA Order *«On approval the Rules for the use of simplified approach for development, implementation and use ongoing procedures based on the principles of the Hazard Analysis and Critical Control Point (HACCP) system»* (No 784 of 24.04.2020).

According to the Article 9 of the Law *«feed business operators are obliged to obtain an operating permit³³ for establishment or notify the intention to use the establishment for the purpose of its state registration in the cases and in the manner prescribed by this Law»*. Article 14 of the Law establishes framework procedure of obtaining of operating permit and Article 15 of the Law – procedure for state registration. Mentioned procedures, established by the Law, were developed on the basis of corresponding provisions of the Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 laying down requirements for feed hygiene.

According to Article 14 of the Law, the operating permit is issued by the competent authority for establishment intended for:

- *production and/or circulation of*: nutritional supplements; zootechnical additives; technological additives such as antioxidants (with maximum established content only); sensory additives such as dyes (carotenoids and xanthophylls only); proteins derived from microorganisms belonging to bacteria, yeast, algae and lower fungi, other than yeast grown on substrates of animal or vegetable origin; by-products from the production of amino acids by fermentation;

- *production and/or circulation of premixtures produced with the use of*: zootechnical additives such as growth promoters and other zootechnical additives other than digestibility enhancers, stabilizers of intestinal flora, substances that have a beneficial effect on the environment; coccidiostats and histomonostats; nutritional supplements such as vitamins, provitamins and substances with an established chemical composition of similar effect (vitamins A and D only), mixtures of trace elements (copper and selenium only);

- *production for the purpose of entry into circulation or production of feed mixtures for personal holding with the use of feed additives and premixtures containing*: zootechnical additives, such as growth promoters and other zootechnical additives, other than digestibility enhancers,

³³ **«Operating permit** means a permit issued by the territorial body of the competent authority to the business operator based on the results of inspection its establishment for compliance with the requirements of feed legislation and certifies the right of the business operator to carry out activities for the production and/or circulation of feed at this establishment» (Article 1 of the Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017))

stabilizers of intestinal flora, substances that have a beneficial effect on the environment; coccidiostats and histomonostats.

Article 14 of the Law stipulates that:

- the business operator is obliged to obtain an operating permit for each individual establishment before its operation;

- within 15 calendar days after receipt by the territorial body of the competent authority of the relevant application of the business operator, the state veterinary inspector shall inspect the establishment specified in such application;

- simultaneously with the issuance of an operating permit for establishment, the competent authority shall enter information on such establishment and the relevant business operator into the State Register of establishments for production and circulation of feed;

- each establishment for which an operating permit has been issued is assigned a registration number;

- the competent authority provides open and free access to the State Register of establishments for production and circulation of feed by publishing it on its official website;

Article 14 of the Law also lays down requirements for reissuance, issuance of a duplicate, revocation, issuance of a temporary operating permit.

According to Article 15 of the Law *«business operators carrying out activities that do not require an operating permit are obliged to notify the competent authority of the establishment they intend to use at any stage of production and/or circulation of feed for their state registration»*. State registration of establishments is carried out by the territorial body of the competent authority by entering the relevant information into the State Register of establishments for the production and circulation of feed on a free basis. Each registered establishment is assigned a registration number.

Implementing detailed procedures for state registration/obtaining operating permit are adopted by numerous **sub-legal acts, list of which is provided in the Table below.**

Title of legal act	Relevant EU Aquis legislation	Status	Comments (if any)
Procedure for the issuance, re-issuance and revocation of the operating permit for establishments and issuance of its duplicate, approved by CMU Resolution No 884 of 18.07.2021	Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 17 September 2003 laying down requirements for feed hygiene	Adopted Valid	Date of coming into force: 26.08.2021
Procedure for conducting state registration of establishments, approved by CMU Resolution No 884 of 18.07.2021		Adopted Valid	Date of coming into force: 26.08.2021

Procedure for forming and maintaining the State Register of establishments for production and circulation of feed, approved by MoAPFU Order No 241 of 06.05.2019		Adopted Valid	Date of coming into force: 19.01.2020
Form of Declaration of compliance of feed with the requirements of the legislation on feed for business operators who act exclusively as sellers and carry out only the sale of feed, without storing feed at their facilities, approved by MoAPFU Order No 241 of 06.05.2019		Adopted Valid	Date of coming into force: 19.01.2020

The State Register of establishments for production and circulation of feed is maintained by the Competent Authority and published at its the official web-site (<https://dpss.gov.ua>).

Regarding funding of checks:

The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017) (the Law) establishes framework legal requirements for financing of state controls. These requirements were developed on the basis of Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules.

Articles 63-64 of the Law lay down general principles of financing of state control and cases, when state control is financed at the cost of business operators.

According to article 63 of the Law the funding of state control is provided from the state budget except for cases envisaged by this Law.

The cost of state control funded by business operators shall not exceed the amount of expenditures on:

- payment for the work of employees of the competent authority and its territorial bodies who directly exercise state control, as well as related costs for the payment of taxes and other payments that are mandatory in accordance with the law;
- maintenance (operation) of premises, tools, equipment necessary for state control implementation;
- stationery used during state control implementation;
- business trips of employees of the competent authority and its territorial bodies who directly exercise state control;
- sampling and performance basic and laboratory analysis (tests).

Payment for the state control performed by the competent authority on goods, vehicles imported into the customs territory of Ukraine, including for transit purposes, at crossing points (control points) on the state border of Ukraine in an amount not exceeding the fee for checking documents for goods and vehicles (containers) is included in the single fee in accordance with the Law of Ukraine "On single fee charged at crossing points on the state border of Ukraine".

According to Article 64 of the Law, state control is financed by business operators or their authorized persons in the following cases:

- carrying out of state control of consignments imported (sent) into the customs territory of Ukraine, including for the purpose of transit, or exported (sent) from it, except for state control carried out within the annual state monitoring plan;

- carrying out ante-mortem and post-mortem inspection in accordance with the legislation;

- implementation of unscheduled measures of state control, except for unscheduled measures carried out:

at the request of an individual on the violation by the business operator of its legal rights, if the results of these measures have not confirmed such violations;

on the basis of a reasonable suspicion of non-compliance, if the results of these measures have not confirmed such non-compliance.

For the implementation of the Law the following sub-legal acts were adopted:

- CMU Resolution «On certain issues of forming fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 148 of 27.02.2019).

- MDETA Order «On approval of fees for conducting state control over the compliance with the legislation on food, feed, animal by-products, animal health and animal welfare, financed by business operators» (No 2836/835 of 31.12.2020).

IV. FOOD SAFETY RULES

General

18. Please provide information on the legislative framework on food safety rules;

Food safety rules are envisaged by the following Laws:

Title of the Law	Scope	Relevant EU Acquis legislation	Comments (status)
The Law of Ukraine dated 23.12.1997 № 771/97-VR “On basic principles and requirements	The introduced novelties envisage the implementation of EU concept for food safety and quality management in Ukraine which is based on the approach “from farm to fork” and contain the traceability	Regulation (EC) No 178/2002; No 852/2004; No 1333/2008; No 1334/2008; No853/2004;	In force from 1997 (in the edition from 21.03.2021)

for the safety and quality of food”	requirement in line with The law sets forth the transitional period for the application of procedures that are based on the principles of analysis of risks, hazards and control in critical points (HACCP) by producers (till 2019).	No882/2004; No 2015/2283; Council Regulation No 315/93	
The Law of Ukraine dated 18.05.2017 No 2042 “ On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare”	Introduces European approach to legal and organisational framework for state control performed with the purpose of verifying the compliance by business operators with legislation on food, feed, animal health and welfare as well as legislation on animal by-products during their import (shipment) to the customs territory of Ukraine	Regulations (EC) No 882/2004, 854/2004, 669/2009, 136/2004, Directive 97/78/EC and Commission Decision 2007/275/EC	In force from 2017
The Law of Ukraine dated 06.12.2018 No 2639-VIII “ On information for consumers regarding food”	Establishes legal and organisational framework for the provision of information regarding food to consumers with the purpose of ensuring a high level of protection of citizens' health and meeting their social and economic interests;	Regulation No 1169/2011	In force from 2018
The Law of Ukraine dated 21.10.2021 № 1822-IX “ On Amendments to Certain Legislative Acts of Ukraine Concerning the Bringing of the Legislation of Ukraine in the Sphere of Provision of Child Nutrition in	Amendments to the Law of Ukraine "On Basic Principles and Requirements for Food Safety and Quality" concern: the terms by which baby food products are classified according to their intended composition; special requirements for baby food; defining the powers of the central executive body, which formulates and ensures the implementation of state policy in the field of health care, to approve certain indicators of food quality, a number of requirements for specific types of	Regulations (EC) No 609/2013, 2016/127	Adopted, will enter into force 13.05.2022

Accordance with the Requirements of the Legislation of the European Union”	food intended for baby food, special medical purposes and weight control , the procedure for sending a notification to the competent authority of the intention to put into circulation or import into the customs territory of Ukraine of these food products.		
The Draft Law dated 29.10.2021 №6248 "On Amendments to Certain Laws of Ukraine on Food and Other Objects of Sanitary Measures"	<p>The Draft Law proposes to harmonize and bring the legislation of Ukraine in line with the legislation of the European Union on:</p> <ul style="list-style-type: none"> - organizational and legal principles of state registration of the use of claims to reduce the risk of disease; - ensuring proper traceability of food products; - border control. <p>The Draft Law proposes to introduce the concepts of “imitation food product”, “vegan food product”, "vegetarian food", to establish special requirements for the labeling and sale of such food, as well as to provide for liability for violation of these requirements by economic entities engaged in production and the sale of relevant food products.</p>	Regulations (EC) N 1924/2006, N 178/2002, N 882/2004, No 2015/2283: Directive of the Council 97/78/EC	Registered at the Verkhovna Rada of Ukraine. Draft
The Draft Law reg. № 4568 from 04.01.2021 “On materials and articles in contact with food"	<p>The Draft Law regulates:</p> <ul style="list-style-type: none"> - establishing general requirements for materials and articles in contact with food, including active and intellectual materials and articles; - establishing special requirements for certain groups of materials and items in contact with food; - introduction of requirements for recycled plastic materials and items in contact with food; 	Regulations (EC) No 1935/2004, No 282/2008, No 2023/2006, No 450/2009	01.06.2021 adopted by the Verkhovna Rada of Ukraine as a basis. Draft

	<ul style="list-style-type: none"> - establishing the procedure for state registration of objects used in the production of materials and objects in contact with food; - features of state registration of plastic processing processes; - requirements for labeling, declaration of conformity and requirements for ensuring the traceability of materials and objects in contact with food. 		
In the field of food safety and quality today also are in force the following legal acts:			
The Law of Ukraine dated 24.06.2004 № 1870-IV "On Milk and Dairy Products"	Determines the legal and organizational basis for ensuring the safety and quality of milk and dairy products for life and health of the population and the environment during their production, transportation, processing, storage and sale, import into the customs territory and export from the customs territory of Ukraine.		
The Law of Ukraine dated 10.07.2018 № 2496-VIII "On Basic Principles and Requirements for Organic Production, Circulation and Labeling of Organic Products"	Determines the basic principles and requirements for organic production, circulation and labeling of organic products, principles of legal regulation of organic production, circulation of organic products and the functioning of the organic market, legal basis of central executive bodies, organic market entities and public policy in these areas		
The Law of Ukraine dated 06.02.2003 № 486-IV "On fish, other aquatic living resources and"	Determines the basic legal and organizational principles of quality and safety of fish, other aquatic living resources, food products made from them for life and health of the population and prevention of negative impact on the environment		

food products from them"	in case of catching, processing, packing and moving across the customs border of Ukraine		
The Law of Ukraine dated 22.02.2000 № 1492-III "On Beekeeping "	Regulates relations on breeding, use and protection of bees, production, procurement and processing of bee products, efficient use of bees for pollination of entomophytic agricultural plants, other types of pollinating flora, creating conditions to increase productivity of bees and crops, ensuring guarantees of rights and interests individuals and legal entities engaged in beekeeping		

19. Please provide information on respective fields of responsibilities, organization and powers of the competent institutions and authorities concerned.

Central level (Ministerial level)

Ministry of Agrarian Policy and Food of Ukraine

Ministry of Agrarian Policy and Food of Ukraine (MAPFU) is the central executive body power, its activities are directed and coordinated by the Cabinet Ministers of Ukraine.

The MAPFU is the main body in the system of central bodies of executive power that ensures the formation and implementation of state policy in the field food safety and certain indicators of food quality.

In order to perform specified tasks in the Ministry agrarian policy there was formed the Directorate for state policy in the field of sanitary and phytosanitary measures; the Directorate includes an expert group in the field of food safety, animal health and welfare. The tasks of the expert group are as follows:

To ensure the formation and implementation of state policy in the field of food safety and certain indicators of food quality;

To ensure coordination, monitoring and evaluation of the results of state policy implementation, development of proposals on its continuation or adjustment ;

ensuring normative and legal regulation in the field of food safety and certain indicators of food quality.

The expert group within its competence in accordance with the assigned tasks shall:

carry out constant analysis of the state of affairs in the sphere of expert group's competence, analyze existing and discovers potential problems based on research of statistical data, information

received from central and local executive authorities, local self-governance authorities, sectoral associations, enterprises, institutions and organizations, public information provided by its administrators;

study, analyze, evaluate, compare the received information for detection of certain patterns and trends, existing and potential problems, forecasting further situation development in the sphere of expert group's competence;

classify the existing and potential problems in the sphere of expert group's competence by risk degree, form proposals of alternative options for problem solving and/or prevention of their exacerbation, carry out evaluation of the benefits and risks of each such alternative;

determine priorities of formation and implementation of state policy, develop draft concepts for the implementation of state policy in the sphere of expert group's competence, proposals for the plans of measures concerning normative, financial, administrative and organizational, information and communication provision of implementation of state policy in the sphere of expert group's competence;

develop proposals regarding the formation of state policy based on the results of the conducted analysis of the state of affairs in the sphere of expert group's competence, coordination of interests of interested parties, determine goals and solutions for existing problems and prevention of potential problems, prepare appropriate draft documents on state policy, analytical, informational, reference and others materials and submit them for consideration of the directorate's director;

ensure coordination, perform monitoring and evaluation of the results of state policy implementation in the sphere of expert group's competence according to certain indicators of goal achievement taking into account the results of activities of the central executive body, the activity of which is directed and coordinated by the Cabinet Ministers Ukraine and which exercises state policy in the spheres of food safety, veterinary medicine, animal health and welfare;

analyze and evaluate the efficiency of state policy in the sphere of expert group's competence, set out its position in the relevant reports, conclusions and others analytical documents, prepare proposals as for continuation, termination, review or adjustment of state policy in the sphere of expert group's competence;

determine the range of key interested parties that are impacted by the state policy in the sphere of expert group's competence;

conduct consultations and implement professional communication with the stakeholders in order to involve them to the process of state policy formation, take into account the results of such consultations during the analysis of the state of affairs in the sphere of expert group's competence, defining the alternative solutions for existing problems and prevention of potential problems;

participate in awareness events on the principles of state policy of the MAPFU in the sphere of expert group's competence, prepare methodical recommendations and provide necessary clarification;

participate in the process of strategic planning, prepare and submit to the director of the directorate the proposals to the Government's priority action plans and plans of MAPFU activities on issues related to the sphere of expert group's competence;

participate in the budgeting process;

carry out financial and economic calculations of the volume of financial and material costs required to provide the formation and implementation of state policy in the sphere of expert group's competence, determine sources for compensation of possible losses in the income or additional state budget expenditures;

analyze normative and legal acts to identify gaps and inconsistencies, summarize the practice of application of the legislation, develop the proposals on its improvement and draft legal acts, acts of the President of Ukraine and the Cabinet Ministers Ukraine, acts of the MAPFU;

ensure the consistency of draft documents on state policy and legal acts developed by the expert group with goals and priorities identified by the program of activities of the Cabinet of Ministers of Ukraine, Government priority action plans, other state policy documents, commitments of Ukraine within the framework of the Association Agreement between Ukraine, on one hand, and the European Union, the European community on nuclear energy and their Member States, on the other hand (hereinafter - the Association Agreement), others international obligations of Ukraine;

take measures on adaptation of Ukrainian legislation with the requirements of EU legislation in accordance with its obligations of Ukraine within the framework of the Association Agreement, study European experience and perform monitoring of changes in EU legislation in the sphere of expert group's competence;

ensure, within the expert group's competence, consideration and approval of draft laws, others legal acts, express positions in respect of the documents prepared by other structural units of the MAPFU apparatus or submitted for approval by the MAPFU by others ministries and central executive authorities, including from central executive power the activity of which is directed and coordinated by the Cabinet of Ministers Ukraine and which are submitted for consideration to the Cabinet of Ministers Ukraine, the Verkhovna Rada of Ukraine;

participate in the preparation, within the expert group's competence, of comments and proposals to the laws adopted by Verkhovna Rada of Ukraine and received for signing by the President of Ukraine;

participate in the formation of strategic and annual programs for involvement of international technical assistance, coordination of involvement, provision and use of international financial assistance;

participate in the development of international technical assistance projects (programs), carrying out monitoring during the implementation of such projects (programs);

carry out exchange of experience in the policy formation with the experts of others countries, participate in the meetings of profile international organizations in which Ukraine is a member, in accordance with the procedure envisaged by legislation;

ensure, within the expert group's competence, representation in profile international organizations, making proposals in the prescribed manner as for participation of Ukraine in the activity of profile international organizations in relation to the appointment of representatives of Ukraine in such organizations and appointment of the national coordinators for cooperation with them;

participate in the preparation and holding of international conferences, symposiums, seminars etc.;

participate in taking measures on preparation of notifications and processing requests of the WTO member states within the expert group's competence;

participate, per Minister's order, in the audit of the central executive body, the activity of which is directed and coordinated by the Cabinet Ministers Ukraine and which exercises the state policy in the sphere of food safety veterinary medicine, animal health and welfare;

prepare proposals on conclusion and denunciation of international agreements of Ukraine, ensuring the implementation of Ukraine's obligations under international agreements on issues related to the sphere of the expert group's competence;

participate in coordination activities on Ukraine's access to international, regional and foreign notification systems on food safety and feed;

participates in the formation of state policy in the field of sanitary legislation;

within its competence, participate in taking measures on introduction of standing procedures based on the principles of Hazard analysis and critical control points (HACCP), as well as others international food safety systems at food and feed processing facilities, in public eating establishments and others facilities of food market operators;

submit for consideration of the management of the MAPFU proposals on approval of methodological guidelines developed by the associations of market operators, including with regard to implementation of procedures based on the principles of the HACCP system;

approve regulations on veterinary medicine units that can be formed within other central executive authorities;

develop, review and approve veterinary and sanitary measures in the sphere of expert group's competence;

approve methodical guidances on implementation of general hygienic requirements as well others requirements specified by the legislation on food safety and specific indicators of food quality;

approve multiannual long-term plan of state control.

Central level (Competent authority's level)

The **State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP)** is a central executive body the activity of which is guided and coordinated by the Cabinet of Ministers of Ukraine. SSUFSCP executes the state policy in the sphere of veterinary medicine, safety and specific quality parameters of food, plant quarantine and plant protection, animal identification and registration, sanitary legislation, sanitary and epidemiological welfare of population (except for the performance of functions related to the implementation of state policy in the sphere of epidemiological supervision (surveillance) and in the sphere of work hygiene and functions related to dosimetry control of workplace and radiation doses of staff), price control, prevention and reduction of the use of tobacco products and their harmful impact on the population's health, metrological supervision, market surveillance within its remit, seed and seedling production (as regards the certification of seed and planting material), registration and record keeping of agricultural machinery, state supervision (control) in agribusiness, state supervision (control) in the sphere of protection of rights in plant varieties, seed and seedling production, state control on the compliance with legislation on consumer rights protection and advertising in this sphere, quality of seeds and

derived products thereof, state supervision (control) of the compliance with biological and genetic safety measures for agricultural plants during the production, research and practical use of genetically modified organisms in open systems at agricultural establishments, institutions and organisations in agribusiness irrespective of their subordination and form of incorporation, implementation of radiological control of the level of radioactive contamination of agricultural products and foodstuffs.

In accordance with the *tasks* conferred, the SSUFSCP shall:

generalise the practice of application of legislation in terms of matters within its competence, develop proposals for improvement of legislative acts, acts of President of Ukraine, Cabinet of Ministers of Ukraine, ministerial legal acts and submit them under prescribed procedure to the Minister who ensures the formation of state policy in respective sphere;

in the sphere of veterinary medicine, safety and specific quality parameters of food and feed, sanitary and epidemiological welfare of population, state supervision (control) of the compliance with sanitary legislation, plant quarantine and protection, pesticides and agrochemicals:

- within the scope of powers envisaged by the law, organise and implement state supervision (control) on:
- safety and specific quality parameters of food;
- compliance with the requirements of sanitary legislation;
- animal health and welfare;
- implementation of phytosanitary measures, circulation of pesticides and agrochemicals, use of biological control organisms;
- implementation of prevention and liquidation measures to combat pests in the places of storage of stocks of products of plant origin;
- substances, feed additives, premixtures and feed;
- compliance with the requirements for animal identification and registration;
- inedible products of animal origin;
- veterinary preparations;
- germinal and pathological material;
- facilities engaged in rearing, keeping, production, processing, storage and circulation of state control objects;

prepare submission regarding introduction or cancellation of quarantine to the Cabinet of Ministers of Ukraine;

submit under prescribed procedure the proposal regarding limitation or prohibition of entry to the territory of Ukraine of its citizens, foreigners, persons with no citizenship, export, import, transit of consignments and goods from countries or regions in connection with unfavourable epidemiologic situations on their territories;

perform state sanitary and epidemiologic examination, issue respective conclusions based on the results of its conduct;

within the scope of its competence, perform control on elimination of reasons and conditions for the emergence and spread of infectious, mass non-infectious diseases, poisonings and radiation injuries of people;

develop and implement sanitary, veterinary and sanitary and phytosanitary measures related to limited (identified) circle of persons or cases envisaged by the law;

participate in the implementation of scientific and technical, technological and innovation policy, introduction into production of scientific and technical achievements and best practice in veterinary medicine, plant quarantine and protection, prevention of human diseases as well as factors of the environment of human activities, implementation of state policy in other identified areas;

participate in the development of sanitary, antiepidemic (preventive) phytosanitary measures, requirements for specific quality parameters of food, feed, technical regulations and standards;

develop and implement the long-term state control plan in the sphere of safety and specific quality parameters of food, report annually to the Cabinet of Ministers of Ukraine on its performance status, publish report on the official website;

adopt state annual control plans and state monitoring plans in accordance with the law;

develop, implement and/or organise implementation of national programmes and/or plans in the sphere of veterinary medicine, inclusive of state monitoring of animal and plant health, residual quantities of veterinary preparations and contaminants in live animals, products of animal origin and feed, hazards, safety and specific quality parameters of food in identified areas;

based on the results of risk analysis, determine frequency of the performance of state control for each facility which is object to state control;

authorise laboratories and reference-laboratories to perform analyses of objects of sanitary measures for state control purposes;

organise the conduct of analyses in laboratories for state control purposes;

perform the sampling of objects of sanitary measures for state control purposes;

perform state control on the implementation of ongoing procedures based on the principles of hazard analysis and critical control points (HACCP) system;

participate in the identification of factors that may have a harmful effect on human health, performance of risk assessment and identification of risk level posed by them;

participate in the conduct of sanitary and epidemiological investigations aimed at identification of the reasons and conditions leading to the outbreak and spread of infectious diseases, inclusive of foodborne diseases, group or individual food poisonings, mass non-infectious diseases (poisonings) and radiation injuries, cases of violation of radiation safety norms, sanitary rules of work with radioactive substances, other ionizing radiation sources and undertake measures to liquidate them in accordance with the law;

perform antemortem and postmortem examinations of animals at respective facilities as well as postmortem examinations of hunted animals;

perform the assessment of efficiency of veterinary administration of another country and inspection of facilities importing objects of sanitary measures;

approve export facilities and make decisions on the exclusion of export facilities of certain types of objects of sanitary measures produced/reared at such facilities from the register of approved export facilities;

within the scope of powers envisaged by the law, develop and implement veterinary and sanitary measures for the purpose of protecting the territory of Ukraine from the introduction of highly dangerous diseases included into the OIE list or other notifiable diseases from the territories of other states or quarantine zones;

analyse the reasons for emergence of infectious and other diseases, ailments of animals and develop recommendations for their liquidation and prevention;

in cases envisaged by the law, ensure timely introduction of quarantine in the event of outbreak of highly dangerous diseases included into the OIE list or other notifiable diseases, as well as implementation of quarantine and other veterinary and sanitary measures in infected or buffer zones and surveillance zones;

notify the OIE on the establishment, expected term of duration and date of cancellation of quarantine of animals in connection with highly dangerous diseases included into the OIE list or other notifiable diseases;

determine the veterinary and sanitary status of Ukraine and specific zones within its territory, veterinary and sanitary status of facilities (objects) in Ukraine;

introduce limitations or ban of import, transit and export of state control objects which may transmit highly dangerous diseases included into the OIE list or other notifiable diseases from certain states or quarantine zones in the event of confirmation of outbreak of such diseases;

perform state veterinary and sanitary control on the collection, utilisation and destruction of dead animals and waste of animal origin;

in the event of emergency, perform state control on the implementation of antiepidemiological measures by food business operators, should the necessity for such control be established by the law;

confirm the opening of hunting season on certain territory after conducting mandatory epidemiological examination of hunting grounds;

coordinate the activity of veterinary medicine specialists depending on their subordination;

issue opinions on the causes of disease of animals subjected to emergency slaughter, dead or killed animals to insurance bodies;

perform state control on the compliance with quarantine regime and implementation of phytosanitary measures on plant quarantine during growing, preparation, export, import, transportation, storage, processing, sale and use of regulated objects;

undertake the study of species composition, biology and ecology of regulated harmful organisms;

inform the public, international organisations, subjects of agreements that Ukraine is a party to on identification, availability, spread, localization and, where applicable, liquidation of regulated harmful organisms;

coordinate monitoring, detection and identification of regulated harmful organisms;

prepare the list of regulated harmful organisms and the list of regulated objects;

prepare submission to the Cabinet of Ministers of Ukraine on the introduction and cancellation of quarantine regime;

provide international organisations, subjects of agreements that Ukraine is a party to notifications on phytosanitary prohibitions or limitations;

perform phytosanitary diagnostics and supervision of the development, circulation and malignance of harmful organisms, develop jointly with scientific and research institutions forecasts regarding the development and spread of harmful organisms;

make submission regarding introduction of special protection regime for plants and respective plant protection measures for the period of mass development and spread of highly dangerous harmful organisms;

perform state sanitary and epidemiological examination of state analysis plans for pesticides and agrochemicals, registration materials of pesticides and agrochemicals;

approve state analysis plans for pesticides and agrochemicals and lists of pesticides and agrochemicals that are authorised for use in Ukraine;

perform state supervision of compliance by holdings, institutions and organisations of all forms of incorporation and citizens with state sanitary norms and rules, hygiene norms and regulations of safe production, transportation, storage, application of pesticides and agrochemicals, contents of residual amounts of pesticides and agrochemicals in foodstuffs and food raw materials, specifically as regards the imported medicinal herbs, water bodies, water used for drinking and household supply, swimming, sporting events, organised leisure and for therapeutic purposes, therapeutic muds, soil, lands of localities, lands for health-improving and recreational purpose;

identify the list of institutions performing toxicological and hygiene (medical and biological) analyses of pesticides and agrochemicals;

perform registration of genetically modified organisms sources of foodstuffs, feedingstuffs, feed additives and veterinary preparations;

adopt the list of respective methods for detection and identification of genetically modified organisms;

perform the monitoring of feedingstuffs, feed additives and veterinary preparations obtained with the use of genetically modified organisms by the criteria of presence of sources of non-registered of genetically modified organisms therein;

authorise accredited laboratories to perform the monitoring of feedingstuffs, feed additives and veterinary preparations obtained with the use of genetically modified organisms by the criteria of presence of sources of registered of genetically modified organisms therein;

approve methodologies for determining the compliance of pesticides and agrochemicals with quality certificates and methodological guidelines for determining the presence of residual amounts of pesticides in water, soil and agricultural products;

implement measures prescribed by the law to stop violations of sanitary legislation;

implement sanitary measures to protect the territory of Ukraine by means of state sanitary and epidemiological supervision (control) of the compliance with sanitary legislation, medical and sanitary supervision (control) to prevent the entry to Ukraine's territory of transport means, consignments, goods and other objects, including medicinal products, biological, chemical and radioactive substances, materials and waste which may jeopardise life and health of population (except for measures related to medical and sanitary surveillance (epidemiologic supervision (surveillance) and except for the performance of functions related to dosimetry control of workplace and radiation doses of staff);

perform control on the compliance with indicators of presence of substances and ingredients that are harmful to human health in tobacco products marketed on the territory of Ukraine, perform monitoring of the efficiency of implemented measures to prevent and reduce the use of tobacco products and their harmful impact on population's health;

organise scientific, scientific and technical, information and publishing activity, promotion of achievements and best practices, facilitate the development and implementation of modern technologies in spheres within the SSUFSCP competence.

20. Please provide information for each item listed below:

- a) Labelling, presentation and advertising of foodstuffs including nutrition and health claims and nutritional labelling;**
- b) Additives authorised and purity criteria;**
- c) Food enzymes and food colours;**
- d) Extraction solvents;**
- e) Flavourings;**
- f) Food contact materials;**
- g) Food supplements;**
- h) Food for particular nutritional uses;**
- i) Quick-frozen Foodstuffs;**
- j) Contaminants;**
- k) Novel foods;**
- l) Ionising radiation;**
- m) Mineral waters and spring waters.**

Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)
<i>a) Labelling, presentation and advertising of foodstuffs including nutrition and health claims and nutritional labelling</i>			

According to Article 23 of the Law № 2639, mandatory information on the nutritional value of food must include information on:

- 1) energy value;
- 2) the content of fats, saturated fats, carbohydrates, sugars, proteins and salts.

If necessary, next to the information on nutritional value may be placed an inscription stating that the presence of salt is due solely to the sodium content, which is of natural origin, and was not added in the process of food production.

Mandatory information on the nutritional value of foodstuffs specified in part one of this article may be supplemented by an indication of the content of one or more of the following substances:

- 1) monounsaturated fats;
- 2) polyunsaturated fats;
- 3) polyols;
- 4) starch;
- 5) dietary fiber;
- 6) vitamins or minerals listed in Annex № 9 to this Law, if they are contained in the food product in significant quantities.

If the labeling of packaged foods contains mandatory information on nutritional value, it is allowed to repeat the information on energy value or energy value and the content of fats, saturated fats, sugars and salt.

In order to meet the requirements of Part 3 of Article 20 of Law 2639, the Order of the Ministry of Economy of 01.04.2021 № 679 “On approval of the Procedure and special requirements for food labeling and the List of food products for which it is mandatory to indicate the country of origin or place of origin”. According to the order, the indication of the country of origin or place of origin is obligatory for: beef, pork, lamb and goat, edible offal of cattle, meat and edible offal of poultry, honey, raw olive oil and extra class olive oil produced in Ukraine or imported (shipped) to the customs territory of Ukraine, at all stages of their sale.

In addition, the requirements to certain food products that apply to their labeling have been approved to ensure that consumers (users) are properly informed and to prevent entrepreneurial practices that mislead the consumer:

order of the Ministry of Agrarian Policy from 13.04.2016 № 157 registered with the Ministry of Justice on May 6, 2016 under № 688/28818 (with changes), approved the Requirements to cocoa and chocolate products;

order of the Ministry of Agrarian Policy from 02.11.2017 № 592 registered with the Ministry of Justice on November 27, 2017 under № 1434/31302, approved the Requirements for the types of sugars intended for human consumption;

<p>order of the Ministry of Agrarian Policy from 19.06.2019 № 330 registered with the Ministry of Justice on July 4, 2019 under № 725/33696, approved the Requirements to honey.</p> <p>Currently, draft normative and legal acts approving the requirements to fruit juices and jams, coffee and chicory extracts, butter and spreads are at various stages of development.</p>			
<p><i>b) Additives authorised and purity criteria</i></p> <p>The legislation in this sphere is represented by the following acts:</p>			
<p>The Law of Ukraine dated 23.12.1997 № 771/97-VR “On basic principles and requirements for the safety and quality of food”</p> <p>The Draft Law dated 29.10.2021 №6248 "On Amendments to Certain Laws of Ukraine on Food Other Objects of Sanitary Measures"</p> <p>Draft MoH Order "On approval of requirements for flavorings, enzymes and food additives"</p>	<p>Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings</p> <p>Commission Regulation (EU) No 234/2011 implementing Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings</p> <p>Regulation (EC) No 1333/2008 on food additives</p> <p>Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008</p>	<p>In force</p> <p>Registered at the Verkhovna Rada of Ukraine. Draft</p> <p>Drafted.</p>	<p>Under Article 6, paragraph 1, of the Law, the Ministry of Health is responsible for state registration and maintains state registers of the latest food products, food additives, flavors, enzymes, mineral drinking water in accordance with established criteria.</p> <p>According to Article 30 of the Law of Ukraine "On Basic Principles and Requirements for Safety and Quality</p>

			of food" in the production of food and food products in circulation, the use of only those food additives that are included in the State Register of food additives permitted in food.
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c) Food enzymes and food colours

According to paragraph 96 part 1 of the Article 1 of the Law № 771

«food enzyme - a product obtained from plants, animals or microorganisms or products from them, including a product obtained during fermentation using microorganisms containing one or more enzymes capable of catalyze characteristic biochemical reactions, and added to the food product for technological purposes at any stage of production, processing, preparation, packaging, transportation or storage of food products”.

The legislation in this sphere is represented by the following acts:

The Law of Ukraine dated 23.12.1997 № 771/97-VR “On basic principles and requirements for the safety and quality of food”	Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings		Under Article 6, paragraph 1, of the Law #771, the Ministry of Health is responsible for state registration and maintains state registers of the novel food
The Draft Law dated 29.10.2021 №6248 "On Amendments to Certain Laws of Ukraine on Food Other Objects of Sanitary Measures"	Commission Regulation (EU) No 234/2011 implementing Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food	Registered at the Verkhovna Rada of Ukraine. Draft	

The Draft MoH Order "On approval of requirements for flavorings, enzymes and food additives"	enzymes and food flavourings Regulation (EC) No 1332/2008 on food enzymes	Drafted.	products, food additives, flavors, enzymes, mineral drinking water in accordance with established criteria.
<i>d) Extraction solvents</i>			
The Law of Ukraine dated 23.12.1997 № 771/97-VR "On basic principles and requirements for the safety and quality of food"	Regulation (EC) No 178/2002; No 852/2004; No 1333/2008; No 1334/2008; No853/2004; No882/2004; No 2015/2283; Council Regulation No 315/93	In force	General definition in given in the article 1 of the Law #771: 21) processing aids - any substance not consumed as a feedingstuff by itself, intentionally used in the processing of feedingstuffs or feed materials to fulfil a technological purpose during treatment or processing which may

			<p>result in the unintentional but technologically unavoidable presence of residues of the substance or its derivatives in the final product, provided that these residues do not have an adverse effect on animal health, human health or the environment and do not have any technological effects on the finished feed</p> <p>+ Requirements for the state registration of processing aids - and materials in contact with food and drinking water in</p>
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			article 31 of the Law
<p>e) Flavourings</p> <p>According to the paragraph 5, part 1 of Article 1 of the Law № 771</p> <p>“flavorings – mean products, except those that have exclusively sweet, sour or salty taste, which are not used separately and are added to food products to give them flavor and / or taste or modification flavor and / or taste and may contain food and / or flavors and / or food additives. Flavors include flavorings, flavorings, heat-treated flavors, smoke flavors, flavor precursors, as well as other flavors and mixtures thereof that do not fall into these categories”.</p> <p>The legislation in this sphere is represented by the following acts:</p>			
<p>The Law of Ukraine dated 23.12.1997 № 771/97-VR “On basic principles and requirements for the safety and quality of food”</p> <p>The Draft Law dated 29.10.2021 №6248 “On Amendments to Certain Laws of Ukraine on Food Other Objects of Sanitary Measures”</p> <p>Draft MoH Order "On approval of requirements for flavorings, enzymes and food additives"</p>	<p>Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings</p> <p>Commission Implementing Regulation (EU) No 872/2012 adopting the list of flavouring substances provided for by Regulation (EC) No 2232/96</p> <p>Commission Regulation (EU) No 873/2012 on transitional measures concerning the Union list of flavourings and source materials set out in Annex I to Regulation (EC) No 1334/2008</p> <p>Commission Regulation (EU) No 234/2011 implementing Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings</p> <p>Regulation (EC) No 1334/2008 on flavourings</p>	<p>In force</p> <p>Registered at the Verkhovna Rada of Ukraine. Draft</p> <p>Drafted.</p>	<p>Under Article 6, paragraph 1, of the Law, the Ministry of Health is responsible for state registration and maintains state registers of the novel food products, food additives, flavors, enzymes, mineral drinking water in accordance with established criteria.</p>

	and certain food ingredients with flavouring properties for use in and on foods		
f) Food contact materials			
<p>According to Article 50 of the Law of Ukraine #771, market operators are obliged to ensure compliance with the following requirements during the packaging of food products, including primary packaging:</p> <ol style="list-style-type: none"> 1) materials used for packaging, including primary packaging, must not be a source of contamination; 2) materials for primary packaging are stored in a way that prevents their contamination; 3) packaging, including primary packaging, is carried out in a way that prevents contamination of products and the integrity of the packaging. <p>Materials used for packaging, including reusable primary packaging, must be easy to clean and, if necessary, disinfect.</p> <p>The Law on Food Contact Materials (FCM) № 4568 від 04.01.2021 prescribes the competence in control on materials, packaging materials and items coming into contact with food.</p> <p>The Ministry of Health is responsible for ensuring the state registration of objects used in the production of materials and articles in contact with food and the formation of the State Register of such materials (article 4 of the Draft Law on FCM).</p> <p>The Ministry of Agrarian Policy and Food of Ukraine is responsible for determination of the list of materials and items in contact with food, as well as the organization and implementation of state control over compliance with legislation on materials and items in contact with food (article 4 of the FCM).</p> <p>The legislation in this sphere is represented by the following acts (drafted):</p>			
MoH order "On the approval of hygienic requirements for food contacting substances and the registration procedure"	Council Directive 78/142/EEC on the approximation of the laws of the Member States relating to materials and articles which contain vinyl chloride monomer and are intended to come into contact with foodstuffs	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"
MoH order "On approval of the list of simulants and the procedure for testing the movement of components of plastic materials and articles"	Council Directive 82/711/EEC laying down the basic rules necessary for testing migration of the constituents of plastic materials and articles	Drafted	Draft order has been prepared but awaiting adoption of Law "On

intended to come into contact with foodstuffs”	intended to come into contact with foodstuffs		food contact materials"
MoH Order “On Approval of Requirements for the Use of Ceramic Products for Food Contact”	Council Directive 84/500/EEC on the approximation of the laws of the Member States relating to ceramic articles intended to come into contact with foodstuffs	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"
MoH order “On approval of the list of simulants and the procedure for testing the movement of components of plastic materials and articles intended to come into contact with foodstuffs”	Council Directive 85/572/EEC laying down the list of simulants to be used for testing migration of constituents of plastic materials and articles intended to come into contact with foodstuffs	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"
MOH Order “On Approval of Requirements for the Release of Substances of N-Nitroamines and N-Nitrosates by Rubber and Elastomer Nipples and Pacifiers”	Commission Directive 93/11/EEC concerning the release of the N-nitrosamines and N-nitrosatable substances from elastomer or rubber teats and soothers	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"
MoH Order "On Approving Requirements for Restricting the Use of Certain Epoxy Derivatives in Materials and Articles for Food Contact"	Commission Regulation (EC) No 1895/2005 on the restriction of use of certain epoxy derivatives in materials and articles intended to come into contact with food	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"
MoH Order “On Approving Requirements for the Use of Materials and Products from Recovered Cellulose Film for Food Contact”	Commission Directive 2007/42/EC relating to materials and articles made of regenerated cellulose film intended to come into contact with foodstuffs	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"

MoH order "On the approval of hygienic requirements for food contacting substances and the registration procedure"	Commission Decision 2010/169/EU concerning the Non-inclusion of 2,4,4'-trichloro-2'-hydroxydiphenyl ether in the Union list of additives which may be used in the manufacture of plastic materials and articles intended to come into contact with foodstuffs under Directive 2002/72/EC	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"
MoH order "On the approval of hygienic requirements for food contacting substances and the registration procedure"	Commission Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food	Drafted	Draft order has been prepared but awaiting adoption of Law "On food contact materials"

g) Food supplements

The legislation in this sphere is represented by the following act:

MoH Order No 1613 dated 16.07.2020 "On the addition of vitamins and minerals and of certain other substances to foods"	Regulation (EC) No 1925/2006 on the addition of vitamins and minerals and of certain other substances to foods	In force from 16.07.2020	The rules regulate the procedure for adding vitamins, minerals and certain other substances to food products in order to ensure a high level of protection of health and interests of consumers, as well as requirements for purity
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			criteria of vitamins and minerals that can be added to food.
<p><i>h) Food for particular nutritional uses</i></p> <p>Circulation of food products for special medical purposes and food products for weight control is regulated by the Law of Ukraine #771.</p> <p>The legislation in this sphere is represented by the following act:</p>			
MoH Order No 1145 dated 15.05.2020 "On nutrition and health claims"	<p>Regulation (EC) No 1924/2006 on nutrition and health claims made on foods</p> <p>Commission Regulation (EU) No 432/2012 establishing a list of permitted health claims made on foods, other than those referring to the reduction of disease risk and to children's development and health</p> <p>Commission Implementing Decision 2013/63/EU adopting guidelines for the implementation of specific conditions for health claims laid down in Article 10 of Regulation (EC) No 1924/2006</p>	In force from 15.05.2020	
<p><i>i) Quick-frozen Foodstuffs</i></p> <p>According to Article 11 of the Law of Ukraine "On information for consumers regarding food" the name of the food product must contain or be accompanied by information on the physical state of the product or special treatment to which the food product was subjected (powdered, freeze-dried, quick-frozen, concentrated, smoked, etc.) , in all cases where the absence of such information may mislead the consumer.</p>			
The Ministry of Agrarian Policy and Food of Ukraine Draft Order "On approval of hygienic requirements	Commission Regulation (EC) No 37/2005 of 12 January 2005 on the monitoring of temperatures in the means of transport,	Drafted.	

for quick-frozen products”	warehousing and storage of quick-frozen foodstuffs intended for human consumption		
j) Contaminants			
<p>The Law of Ukraine dated 23.12.1997 № 771/97-VR “On basic principles and requirements for the safety and quality of food” defines that the food is considered unsafe for human consumption if it contains any chemical, physical, biological factor of a food product or its condition that may cause harmful effects on human health; or contains foreign substances and / or objects, otherwise damaged and / or spoiled as a result of mechanical and / or chemical and / or microbial factors.</p> <p>According to paragraphs 25 and 36, part 1 of Article 1 of the Law № 771:</p> <p>“contaminant - any biological substance, including organisms, microorganisms and their parts, or chemical substance, impurities or other substance that inadvertently got into the food product and is threat to food safety;</p> <p>“maximum permissible level - the maximum permissible content (concentration) of a contaminant in a food product, which is permissible for such a product.</p> <p>Article 49 of the Law #771 regulates Hygienic requirements for food products.</p> <p>More detailed requirements are set out by following legislation:</p>			
MoH Order No 1238 dated 04.02.2021 "On contaminants in food"	Commission Regulation (EC) No 1881/2006 setting maximum levels for certain contaminants in foodstuffs	Point 2 of chapter IV and chapter VIII which come into force in 2023. NB nitrate thresholds are stricter than EU	
MAPF Order No 228 dated 09.10.2018 "On approval of the sampling method for determining the maximum permissible levels of certain contaminants in foodstuffs for the purposes of state control”	Commission Regulation (EC) No 333/2007 laying down the methods of sampling and analysis for the control of the levels of trace elements and processing contaminants in foodstuffs	In force from 09.10.2018.	
MAPF Order No. 289 dated 21.09.2018 "On approval of methods of sampling and preparation of samples for determination of the maximum permissible	Commission Directive 2002/63/EC establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin	In force from 21.09.2018.	

levels of pesticide residues in products of plant and animal origin for purposes of state control"			
MAPF Order dated 22.05.2019 No. 264 "On approval of methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs"	Commission Regulation (EC) No 401/2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs	In force from 22.05.2019.	
MAPF Order No. 34 dated 05.02.2019 "On adoption of sampling methods for the detection of maximum permitted levels of nitrates in certain foodstuffs for state control purposes"	Commission Regulation (EC) No 1882/2006 laying down methods of sampling and analysis for the official control of the levels of nitrates in certain foodstuffs	In force from 05.02.2019.	
k) Novel foods			
The Draft Law amends existing Law of Ukraine dated 23.12.1997 № 771/97-VR “ On basic principles and requirements for the safety and quality of food ” with the definition of the novel traditional food product and the novel food product, and establishes the obligations of the Ministry of Health and the procedure for inclusion in the List of novel foods.			
The Draft Law dated 29.10.2021 №6248 " On Amendments to Certain Laws of Ukraine on Food Other Objects of Sanitary Measures "	Regulation (EU) 2015/2283 of the European Parliament and of the Council of 25 November 2015 on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001	Registered at the Verkhovna Rada of Ukraine. Draft	
l) Ionising radiation			

According to Article 11 of the Law of Ukraine " On information for consumers regarding food ", the name of food products or ingredients which have been directly exposed to ionizing radiation must be accompanied by the words "irradiated" or "exposed to ionizing radiation".			
MoH Order "On approval of requirements for food and food ingredients treated with ionizing radiation"	Directive 1999/2/EC on the approximation of the laws of the Member States concerning foods and food ingredients treated with ionising radiation Directive 1999/3/EC on the establishment of a Community list of foods and food ingredients treated with ionising radiation	Prepared the first Draft of the Order.	
<i>m) Mineral waters and spring waters</i> According to Law № 771, the central executive body that formulates and ensures the implementation of state health policy (MOH) carries out state registration and maintains the state register of drinking mineral waters in accordance with established criteria, and approves criteria for classifying drinking water "Drinking mineral water". The legislation in this sphere is presented by:			
The MoEDTA Order dated 12.04.2021 № 741 "On approval of Hygienic requirements for the production and circulation of natural mineral waters and spring waters"	Directive 2009/54/EC of the European Parliament and of the Council on the exploitation and marketing of natural mineral waters		

21. Bilateral international agreements with EU Member States, candidate countries and other third countries

Memorandum on cooperation between State Service of Ukraine on Food Safety and Consumer Protection and the center on food chain risk assessment of the Republic of Bulgaria on independent scientific assessment in the field of food safety and quality, and animal health and welfare, plant health risks of 2018.

V. SPECIFIC RULES FOR FEED

22. Please provide information on the legislative framework on feed

The main document in the field of feed regulation is the Law of Ukraine "On Safety and Hygiene of Feed" from 21 December 2017. This Law establishes the principles of ensuring the safety of feed in the process of their production, circulation and use, establishes requirements for hygiene, labeling, packaging and presentation of feed, regulates the relations between business operators and state authorities. Next in the field of feed regulation is the Law of Ukraine "On State Control of The Compliance With the Law On Food, Feed, Animal by-products, veterinary medicine and animal welfare " from 18 May 2017. This Law establishes the principles of state control, which is designed to ensure compliance of business operators' with the Law. Also in the field of feed regulation we have the Law of Ukraine "On Veterinary Medicine" from 4 February 2021. This Law regulates the production, circulation and use of medicinal feeds and intermediate products for the production of medicinal feeds.

23. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.

Organization and powers of public authorities in the field of production, circulation and use of feed

Public administration in the field of production, circulation and use of feed is carried out by:

- 1) Cabinet of Ministers of Ukraine;
- 2) the central body of executive power, which ensures the formation and implementation of state policy in the field of veterinary medicine through the activity of the Directorate of State Policy in the field of sanitary and phytosanitary measures;
- 3) competent authority - the State Service of Ukraine on Food Safety and Consumer Protection represented by the Feed safety unit of the Office for the safety of food, feed and organic production control of the Department for food safety, veterinary medicine and organic production control of the SSUFSCP

The powers of the Cabinet of Ministers of Ukraine in the field of production, circulation and use of feed include:

According to the Law of Ukraine "On Feed Safety and Hygiene":

- ensuring the implementation of state policy in the field of production, circulation and use of feed;
- directing and coordinating the work of executive bodies in the field of production, circulation and use of feed, control over their activities in this area;
- approval:
 - provisions on state registration of feed additives;
 - the procedure for issuing, reissuing, issuing a duplicate and revoking the authorisation by the competent authority;
 - forms of authorisation for feed production and circulation facilities;
 - the procedure for state registration of facilities;

the procedure for forming and maintaining the State Catalog of Feed Materials;

the procedure for forming and maintaining the State Register of claims on the quality of feed for special nutritional purposes;

- providing other powers according to this Law.

According to the Law of Ukraine "On Veterinary Medicine":

- providing financing, material and technical supply to the State Service of Veterinary Medicine;

According to the Law of Ukraine " On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare ":

approval:

the procedure for determining and reimbursing the value of one sample, which is sampled for state monitoring;

an emergency plan for feed;

forms of the general veterinary document for import and the general document for import;

the procedure for establishing special conditions for the import of feed;

criteria for assessing the degree of risk from economic activities for the production, circulation and use of feed, and the procedure for determining the frequency of implementation of planned measures of state control;

the procedure and criteria for authorization of accredited laboratories, including reference laboratories, the procedure for verification by the competent authority of their compliance with the relevant criteria of authorization and deprivation of such authorization;

the procedure for conducting arbitration laboratory tests (tests) and taking into account their results for the purposes of state control;

the procedure for approving the amount of payment for state control over compliance with the legislation on food, feed, animal by-products, animal health and welfare, financed by business operators;

The powers of the central body of executive power, which ensures the formation and implementation of state policy in the field of veterinary medicine:

According to the Law of Ukraine "On Feed Safety and Hygiene":

1) approval:

maximum volumes of direct supplies of primary feed producers to local agricultural producers or the population for their direct use in animal fattening;

rules for applying a simplified approach to the development, implementation and use of ongoing procedures based on the principles of the system Hazard Analysis and Critical Control Point (HACCP);

the procedure for forming and maintaining the State Register of Facilities of Production and Circulation of Feed;

methodological guidelines on good practice for primary feed production, on feed labeling;

a list of materials, the sale and use of which for the purposes of animal feeding are prohibited or restricted;

the list of substances whose presence in feed is restricted or prohibited, and the procedure for business operators to conduct periodic testing on the content of such substances in feed;

methods of calculating the cost of services for scientific evaluation (examination) of feed additives and services of the reference laboratory;

the procedure for conducting periodic testing in accredited laboratories for the content of substances whose presence in feed is limited or prohibited;

the procedure for destruction, disposal of feed, their return to circulation for animal feed or for purposes other than animal feed;

forms of declaration of compliance of feed with the requirements of the legislation on feed for business operators who act exclusively as sellers and carry out only the sale of feed, without storing feed at their facilities;

the procedure for forming and maintaining the State Register of Facilities of Production and Circulation of Feed;

the procedure for forming a registration dossier;

the procedure for labeling feed intended for animals kept for scientific and experimental purposes;

permissible deviations between the values of the composition of feed material and/or feed mixture indicated in the labeling and the values established during the implementation of state control;

requirements for the labeling of feed additives in feed materials and feed mixtures for productive and unproductive animals;

requirements for the indication of moisture content in feed;

requirements for information on the peculiarities of the composition of the feed mixture (mandatory declaration);

additional requirements for the labeling of feed additives and premixes;

the procedure for making changes to the registration certificates issued for finished feeds, premixes or feed additives;

2) formation and maintenance:

State Catalog of Feed Materials;

State Register of claims on the properties of feed for special nutritional purposes;

3) exercise other powers provided by this Law.

According to the Law of Ukraine "On Veterinary Medicine":

approval:

rules for the production, circulation and use of medicated feeds, intermediates for the production of medicated feeds, and the maximum limits of cross-contamination of feeds with active substances (active pharmaceutical ingredients) of veterinary medicines and methods of analysis of these substances in feeds;

According to the Law of Ukraine " On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare ":

approval:

forms of acts of state control used by state inspectors and state veterinary inspectors during control and audit, as well as forms of acts of sampling;

long-term plan of state control;

requirements for import (shipment) to the customs territory of Ukraine of food products of animal origin, feed, hay, straw, by-products of animal origin and products of their processing, as well as live animals, biological products and reproductive material;

the procedure for determining and applying the periodicity of documentary checks, conformity checks, physical checks, laboratory tests of products imported (shipped) to the customs territory of Ukraine;

limit norms (volumes) of sampling;

the procedure for taking samples and transporting them (forwarding) to authorized laboratories for the purposes of state control;

methods (techniques) of sampling;

the procedure for reloading cargo with products in case of failure of the vehicle or the impossibility of its use for other valid reasons, which necessitates the reloading of products to another vehicle;

the procedure for approval of customs warehouses, warehouses in free customs zones, intended for storage of products that do not comply with the legislation, and maintenance of their register;

the procedure for destruction, special treatment and change of the intended use of products imported (shipped) to the customs territory of Ukraine, which do not comply with the law;

list of food products of non-animal origin and feed of non-animal origin (indicating their code in accordance with UKT ZED, names and, if necessary, other characteristics), cargo with which when imported (shipped) to the customs territory of Ukraine are subject to enhanced state control;

special conditions for the import of foodstuffs, feedingstuffs, animal by-products, biological products, reproductive material and live animals;

the procedure for recognizing the equivalence of the system of state control in exporting countries;

the amount of the fee for state control over compliance with the legislation on food, feed, animal by-products, animal health and welfare, financed by business operators.

The powers of the State Service of Ukraine on Food Safety and Customer Protection include the implementation of state policy in the field of production, circulation and use of feed, in particular:

According to the Law of Ukraine "On Food Safety and Hygiene":

Issuance the authorization for facilities;

implementation of state registration of facilities;

maintenance of the State Register of Facilities of Production and Circulation of Feed;

state registration of feed additives and maintenance of the State Register of feed additives;

According to the Law of Ukraine "On Veterinary Medicine":

implementation of state policy in the field of veterinary medicine, in particular, regarding the production, circulation and use of medicinal feeds and intermediate products for the production of medicinal feeds;

participation in the development, organization and implementation of veterinary and sanitary measures aimed at ensuring veterinary and epizootic welfare, protection of the territory of Ukraine from penetration from other states or quarantine zones of pathogenic agents of animal diseases, quarantine of animals;

ensuring and exercising state control over compliance with the legislation on veterinary medicine and animal welfare;

taking measures within its powers to eliminate violations of the legislation on veterinary medicine and animal welfare;

approval and implementation of the plan for monitoring animal diseases to be notified;

state registration of veterinary medicinal products and maintenance of the State Register of Veterinary Medicinal Products of Ukraine;

coordination of forms of international veterinary certificates with the competent authorities of other states;

exercise of other powers provided by this Law.

According to the Law of Ukraine " On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare"

organizes and exercises state control, including at the state border of Ukraine;

develops and implements a long-term plan of state control, annually reports to the Cabinet of Ministers of Ukraine on the status of its implementation;

develops and implements a contingency plan for food and/or feed;

approves the annual plan of state control and the annual plan of state monitoring;

carries out state control over the implementation of permanent procedures based on the principles of HACCP;

grants to the persons specified by this Law the authority to carry out certain measures of state control, controls the legality and effectiveness of their activities, deprives them of such powers on the grounds specified by law, and keeps records and publishes information about authorized persons on the official website;

ensures the legality and efficiency of the activities of its structural units, territorial bodies and their officials;

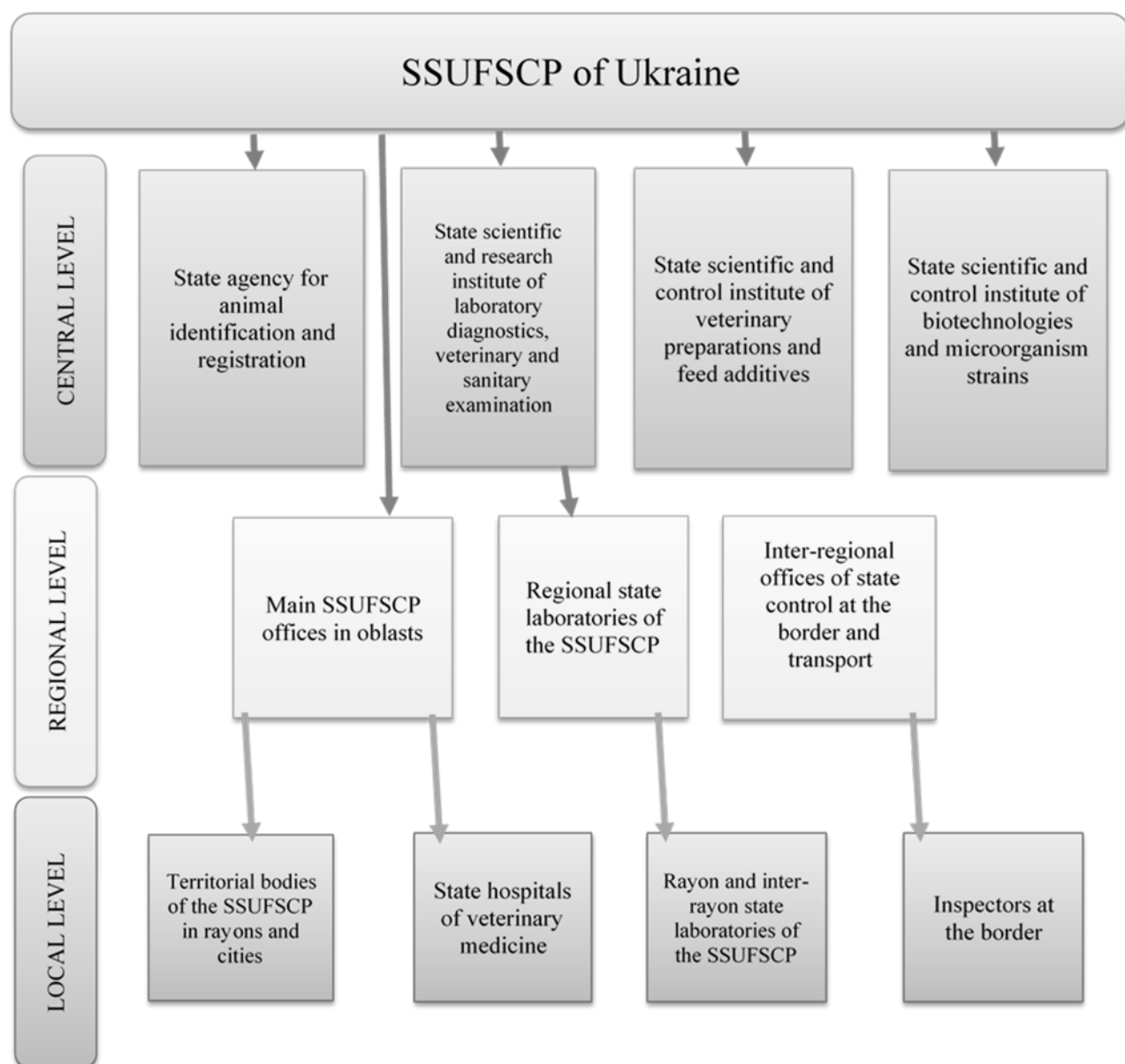
establishes in the annual plan of state control the periodicity of inspection, audit, sampling and laboratory tests on the production and/or circulation of feed;

approves in the way it is determined by the legislation, periodicity of documentary checks, checks of conformity, physical checks, laboratory tests of the cargoes which are imported (shipped) to the customs territory of Ukraine;

engages, if necessary, in the implementation of state control of law enforcement agencies within the powers granted to them by law;

takes measures within its powers to eliminate violations of this Law, legislation on food, feed, animal by-products, veterinary medicine and animal welfare, as well as to bring the perpetrators to justice in accordance with the law;

exercises other powers provided by this Law.



24. Please provide information for each item listed below:

- a) Placing on the market and use of feed;**
- b) Authorised additives in feedstuffs;**
- c) Undesirable substances in animal feed.**

d) Conditions governing the preparation, placing on the market and use of medicated feedstuffs.

Title of legal act	Relevant EU Acquis legislation	Status	Comments (if any)	Scope
a) Placing on the market and use of feed				

MoAPFU Order "On adoption of certain legislative acts on feed safety and hygiene" № 241 06.05.2019	Regulation (EC) 767/2009	In force		The Order determines the list of measures, establishing general requirements for feed safety; fulfillment of requirements to feed business operators, establishment of requirements to ensure traceability by feed business operators, etc.
b) Authorised additives in feedingstuffs				
CMU Resolution «On approval the Regulation on state registration of feed additives» № 210 03.03.2020	Regulation (EC) 1831/2003	In force		The Regulation defines the procedure for state registration of feed additives, preparation and form of expert opinion (express opinion) with a recommendation on such registration or its refusal, simplified procedure for state registration, re-registration of feed additives, form and procedure for maintaining the State Register of feed additives.
c) Undesirable substances in animal feed				

MoAPFU Order "On adoption of certain legislative acts on feed safety and hygiene" № 241 06.05.2019	Regulation (EC) 767/2009	In force		The Order determines the list of measures, establishing general requirements for feed safety; fulfillment of requirements to feed business operators, establishment of requirements to ensure traceability by feed business operators, etc.
d) Conditions governing the preparation, placing on the market and use of medicated Feedingstuffs				
MDETA Order "On rules regarding the conditions governing the preparation, placing on the market and use of medicated feedingstuffs"	Regulation (EC) 2019/4	Draft was sent to the Ministry		The draft Order regulates the production, circulation and use (use) of medicinal feeds, intermediate products for the production of medicinal feeds

Title of the Law	Scope	Relevant EU Acquis legislation	Comments (status)
The Law of Ukraine dated 18.05.2017 No 2042 "On state control of the compliance with the law on food, feed, animal by-	Introduces European approach to legal and organisational framework for state control performed with the purpose of verifying the compliance by business operators with legislation on food, feed, animal health and welfare as well as legislation on	Regulations (EC) No 882/2004, 854/2004, 669/2009, 136/2004, Directive 97/78/EC and	In force from 2017

products, veterinary medicine and animal welfare”	animal by-products during their import (shipment) to the customs territory of Ukraine	Commission Decision 2007/275/EC	
The Law of Ukraine dated 21.12.2017 No 2264 “ On Safety and Hygiene of Feed ”	Establishes the principles of ensuring the safety of feed in the process of their production, circulation and use, establishes requirements for hygiene, labeling, packaging and presentation of feed, regulates the relations between business operators and state authorities	Regulations (EC) No 183/2005, 1831/2003, 767/2009, 882/2004, 1830/2003, 852/2004, 882/2004, 2074/2005; Directives (EC) No 2001/82/EC, 2008/38/EC; CAC/RCP 1-1969 General Principles of Food Hygiene General Standard for Contaminants and Toxins in Food and Feed (Codex Stan 193-1995)	In force from 2019
The Law of Ukraine dated 04.02.2021 No 2106 “ On Veterinary Medicine ”	Regulates the production, circulation and use of medicinal feeds and intermediate products for the production of medicinal feeds	Regulations (EC) No 2016/429, 2019/6	Will come in force in 2023

VI. PHYTOSANITARY POLICY

25. Please provide information on the legislative framework on phytosanitary policy

The legal framework of the phytosanitary policy comprises the following pieces of primary legislation:

- The Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993), which is aimed at preventing the introduction and/or spread of regulated pests or ensuring control over them (localization and / or elimination);

- The Law of Ukraine «On the protection of plants» (№ 180 of 14.10.1998), governing the protection of agricultural and other plants, perennial and forest plantations, trees, shrubs, indoor vegetation, plant products from pests, diseases and weeds, defining the rights and responsibilities of businesses, establishments, other institutions and citizens, as well as the powers of public authorities and officials in this field;

- The Law of Ukraine «On pesticides and agrochemicals» (№ 86/95 of 02.03.1995), governing the purchase, transportation, storage, trade and safe use of pesticides and agrochemicals.

These laws lie at the core of the existing phytosanitary legislation of Ukraine. Besides, there are some other laws having a certain impact on the phytosanitary policy. In particular, they include:

- The Law of Ukraine «On state biosecurity system for the production, analysis, transportation and use of genetically modified organisms» (№ 1103 of 31.05.2007);

- The Law of Ukraine «On seeds and planting material» (№ 411 of 26.12.2002);

- The Law of Ukraine «On the protection of plant variety rights» (№ 3116 of 21.04.1993).

In addition to the laws of Ukraine making up the primary level of the phytosanitary legislation, numerous by-laws (Government Resolutions and ministerial orders) based on these laws constitute the secondary level of this legislation. These by-laws include, for example:

- The Resolution of the CMU of 15 November 2019, № 1177 «On certain issues of implementing the Law of Ukraine «On the quarantine of plants»;

- The Order of the Ministry of Agrarian Policy of Ukraine of 22 December, 2005 № 731 «On the approval of phytosanitary rules for the import, transportation within the country, export and production of wooden packaging material»;

- The Order of the Ministry of Agrarian Policy of Ukraine of 29 November, 2006 № 716 «On the approval of the List of the regulated harmful organisms».

The measures of state control over the compliance with the phytosanitary legislation are carried out on the basis of the Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007). This law lays down procedural rules for checking the compliance with the legislation in various fields, including phytosanitary legislation.

The national legislation of Ukraine on phytosanitary policy is currently being updated in light of Ukraine's association with the EU. In the course of legal approximation with the EU a new draft Law of Ukraine «On plant protection» (№ 4600 of 16.01.2021) has been developed.

Table of the framework acts that cover or impinge upon the phytosanitary domain with an explanation of their coverage as far as the EU acquis is concerned:

	Legislative acts of Ukraine	Legislation of the European Union
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.	Law of Ukraine “On state biosecurity system for the production, analysis, transportation and use of genetically modified organisms”	<p>Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms</p> <p>Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms</p> <p>Commission Recommendation of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops</p>
.	Law of Ukraine “On seed and planting material”	<p>Council Directive 2008/72/EC of 15 July 2008 on the marketing of vegetable propagating and planting material, other than seed</p> <p>Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production</p> <p>Council Directive 2002/54/EC of 13 June 2002 on the marketing of beet seed</p> <p>Council Directive 2002/55/EC of 13 June 2002 on the marketing of vegetable seed</p>
.	Law of Ukraine “On the protection of rights in plant varieties”	<p>Council Regulation (EC) No 2100/94 of 27 July 1994 on Community plant variety rights</p> <p>Commission Regulation (EC) No 1238/95 of 31 May 1995 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards the fees payable to the Community Plant Variety Office</p> <p>Commission Regulation (EC) No 874/2009 of 17 September 2009 establishing implementing rules for the application of Council Regulation (EC) No 2100/94 as regards proceedings before the Community Plant Variety Office</p>
.	Draft Law of Ukraine “On plant protection” No 4600 of 16.01.2021	<p>Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC</p> <p>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</p>

	<p>law, rules on animal health and welfare, plant health and plant protection products</p> <p>Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (as regards the part related to the circulation of plant protection products)</p> <p>Commission Implementing Regulation (EU) 2017/2313 of 13 December 2017 setting out the format specifications of the plant passport for movement within the Union territory and the plant passport for introduction into, and movement within, a protected zone</p> <p>Commission Implementing Regulation (EU) 2019/1715 (which replaced Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger)</p> <p>Commission Implementing Regulation (EU) 2019/1014 (which replaced Commission Directive 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries)</p> <p>Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides</p> <p>Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration</p> <p>Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement</p> <p>Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone</p>
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		<p>Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (as regards the part which is currently in force)</p> <p>Commission Implementing Directive 2014/83/EU of 25 June 2014 amending Annexes I, II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community</p> <p>Commission Directive 2004/102/EC of 5 October 2004 amending Annexes II, III, IV and V to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community</p> <p>Commission Directive 2004/105/EC of 15 October 2004 determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC</p> <p>Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks</p> <p>Commission Regulation (EC) No 1756/2004 of 11 October 2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC</p> <p>Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections</p>
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26. Please provide information on the respective fields of responsibilities, organization and powers of the competent institutions and authorities in particular regarding the inspection service both for the internal market and at border crossings.

The system of executive bodies in the areas of quarantine and plant protection includes:

- Cabinet of Ministers of Ukraine (CMU);
- central body of executive power, which ensures the formation and implementation of state policy in the field of quarantine and plant protection (MoAPFU);
- the central body of executive power, which implements the state policy in the spheres of quarantine and plant protection (SSUFSCP).

Ukraine is a member of a number of international agreements in the field of quarantine and plant protection, as well as seed and nursery, in particular: member of the World Trade Organization (WTO), Food and Agriculture Organization of the United Nations (FAO), International Plant Protection Convention (IPPC), European and Mediterranean Plant Protection Organization (EPPO).

The representative of Ukraine in these organizations in the field of phytosanitary safety is the SSUFSCP represented by the Department of phytosanitary safety, seed control, nursery and grain quality control, as the national plant protection organization of Ukraine. That is, in accordance with the International Treaties of Ukraine and in the framework of membership in international organizations, the National Plant Protection Organization is a governmental body of the country that takes care of plant health.

The activity of the SSUFSCP is directed by the Minister of the Cabinet of Ministers. The SSUFSCP implements a policy in the field of quarantine and plant protection both within the country and at the state border and exercises its powers through its main departments in the regions, government agencies, regional state phytosanitary laboratories, which are subordinated to the head of in the field of seed production, nursery and grain quality.

Please see, the structure of the state institution, regional phytosanitary laboratory in Annex 5

The activities of the Department are aimed at:

- protection of plant resources of Ukraine from the spread and introduction of pests and ensuring phytosanitary security of the country;
- guaranteeing safe trade in plants and plant products in accordance with international agreements of Ukraine and within the framework of Ukraine's membership in international organizations, including the issuance of phytosanitary certificates (as required by importing countries);
- cooperation of the National Plant Protection Organization of Ukraine with national plant protection organizations of other countries within the WTO, FAO, IPPC, EPPO;
- active participation in the development of regulations on phytosanitary measures, including with a view to joining the EU;
- ensuring successful crop yields by promoting the use of quality seed and planting material, plant protection products, forecasting the spread of pests and effective plant protection systems;
- interaction with legal entities and control over the implementation of measures to combat quarantine and especially dangerous plant pests, including in cases of introduction of quarantine

regimes (for quarantine organisms) and special plant protection regimes for particularly dangerous pests (locusts, bedbugs turtle, other rodents);

- coordination of the activities of territorial bodies of the State Food and Consumer Service and budgetary institutions under the management of the State Food and Consumer Service in the areas of plant quarantine and protection, seed production and nursery, protection of plant variety rights, biological and genetic safety measures for agricultural plants. modified organisms in open systems at enterprises, institutions and organizations of the agro-industrial complex, regardless of their subordination and form of ownership.

The organizational structure of the Department of Phytosanitary Safety, Control in the field of seed production, nursery and grain quality includes:

I. Department of Phytosanitary Safety and Grain Quality Control

- Plant Quarantine Department;
- Plant Protection Department;
- Department of Phytosanitary Examination and Grain Quality Control;

II. Department of control in the field of seed production, nursery and grain quality

- Department of Seed and Nursery Control;
- Department of control in the field of protection of rights and varieties of plants;
- Sector for control over GMO sources;
- Grain quality control sector;

III. Department of Information and Analytica

Please, see the structure of the Department for phytosanitary security, control of seed, seedling production and grain quality in Annex 2.

Regional level

Territorial bodies of the SSUFSCP in the regions are represented by the Main Departments, which include the Department of Phytosanitary Safety.

In accordance with the order of the MoAPFU № 209 of 12.04.2017, the Main Department in accordance with its tasks and among other tasks ensures the implementation of state policy on quarantine and plant protection.

Please, see the structure of the Phytosanitary security office of the Main SSUFSCP office in the regions in Annex 3.

Phytosanitary control system at the border (import)

One of the tasks of the State Food and Consumer Service as the central body of executive power that implements the state policy in the field of plant quarantine is to protect the territory of Ukraine from the introduction of regulated pests.

According to Article 38 of the Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993) phytosanitary control of goods with regulated objects imported into the customs territory

of Ukraine (including for transit) is carried out by state phytosanitary inspectors at designated plant quarantine points at checkpoints at the state border Ukraine (hereinafter - border checkpoints of plant quarantine).

State phytosanitary inspectors who carry out phytosanitary control of goods belong to the structure of the Main Directorate.

The list of checkpoints across the state border where goods are moved across the customs border of Ukraine was approved by the CMU «On approval of the list of checkpoints across the state border where goods are moved across the customs border of Ukraine» (№ 435 of 21.05. 2012).

At checkpoints on the state border of Ukraine, phytosanitary control of regulated objects imported into the customs territory of Ukraine (including for transit) is carried out by customs authorities in the form of preliminary documentary control.

Requirements for the establishment of a border quarantine point at a checkpoint on the state border of Ukraine are defined in Article 38 of the Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993). Preliminary documentary control of cargoes subject to phytosanitary control may be terminated by the customs authorities to involve the state phytosanitary inspector in the cases specified in part five of Article 319 of the Customs Code of Ukraine.

According to the resolution of the CMU «Issues of crossing the state border of persons, road, water, rail and air vehicles of carriers and goods moving by them» (№ 451 of 21.05.2012), in case of termination of preliminary documentary control state phytosanitary inspectors arrive at the checkpoint for phytosanitary control.

Considering the peculiarities of national legislation regarding phytosanitary control, in most cases state phytosanitary inspectors of the Department of Phytosanitary Measures at the Border, Plant Quarantine Department, Plant Protection Department may be involved in phytosanitary control of goods at checkpoints on the state border of Ukraine.

An interactive map of checkpoints across the state border, where goods are moved across the customs border of Ukraine, is available at: <https://map.customs.gov.ua>.

Article 45 of the Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993) stipulates those phytosanitary procedures for imported goods with regulated objects may also be carried out at customs offices of destination or customs warehouses.

The list of places of customs clearance of goods in which the Procedure of information exchange between bodies of revenues and fees, other state bodies and enterprises on the principle of «single window» using electronic means of information, approved by the Ministry of Finance of (№ 657 of 25.07.2016) (as amended) order of the Ministry of Finance № 35 25.01.2018).

Requirements for the establishment of a border quarantine point at a checkpoint on the state border of Ukraine are defined in Article 38 of the Law of Ukraine «On the quarantine of plants» (№ 3348 of 30.06.1993).

27. Please provide information on Plant health, harmful organisms:

a) General control measures;

- b) Specific control measures;**
- c) Protected zones;**
- d) Registration of operators (plant passports);**
- e) Imports;**
- f) Inspections and notification of interceptions;**
- g) Expenditure in the phytosanitary field;**
- h) Status of harmful organisms listed in the EU *acquis*.**
- a) General control measures**

State control system for plant health and plant protection products envisages implementation of state controls in the following fields:

- plant protection (including plant protection products);
- plant quarantine.

Key goals of state control on plant health and plant protection products are as follows:

control of the compliance with quarantine regime and implementation of plant quarantine measures during growing, stocking, export, import, transportation, storage, processing, sale and use of regulated objects; implementation of state supervision (control) of transportation, storage, application of plant protection products;

ensuring adequate protection level of plants from pests, diseases and weeds; establishment and implementation of risk-based state control system;

ensuring plant health;

improvement of state control system on the use of plant protection products;

improvement of state control system on the quality of plant protection products;

prevention of use of substandard and counterfeit plant protection products;

prevention of introduction of regulated pests into zones which are free from such regulated pests on the territory of Ukraine;

prevention of spread of regulated pests.

b) Specific control measures:

In accordance with article 1 of the Law of Ukraine “On plant quarantine”, state supervision means the activity of central executive body implementing state policy on plant quarantine which is performed periodically to ensure compliance with phytosanitary measures by persons in the process of production, storage, transportation, sale, including exports and imports of regulated objects, as prescribed by the law.

‘inspection’ means visual examination of regulated objects to detect presence of regulated pests and/or compliance with phytosanitary measures;

‘quarantine supervision’ means supervision of imported consignment after the completion of customs clearance and/or of the consignment which left the quarantine zone for the place of destination;

‘eradication’ means destruction of regulated pests in line with the requirements of phytosanitary measures;

‘localisation’ means the performance of phytosanitary measures to prevent the spread of a regulated pests;

‘monitoring’ means an official ongoing process to verify phytosanitary condition or status of pests;

‘supervision’ means the process of collection and registration of data regarding the presence or absence of a regulated pest in a defined area by means of examination, monitoring or other procedures;

‘examination’ means visual examination of regulated objects accompanied with the collection of samples and/or arbitration samples;

‘investigation’ means an official measure performed during a specific limited period of time to identify characteristics of pest population and species composition of pests present in specific area;

‘phytosanitary examination (analysis)’ means a check of regulated objects under laboratory conditions for presence, identification or absence of pests.

The main legislation on state control in the field of plant protection and quarantine are: Code of Ukraine on Administrative Offences; Criminal Code of Ukraine; Laws of Ukraine “On basic principles of state supervision (control) in the field of economic activity”, “On plant quarantine”.

Resolutions of the Cabinet of Ministers of Ukraine:

No 667 of 02 September 2015 «On adoption of Regulation on the State Service of Ukraine on Food Safety and Consumer Protection»;

No 33 of 23 January 2019 «On adoption of the criteria to be used in the assessment of risk level associated with the implementation of economic activity in the field of plant quarantine and in determining the frequency of planned state control (supervision) measures by the State Service of Ukraine on Food Safety and Consumer Protection»;

No 34 of 23 January 2019 «On approval of criteria for assessing the degree of risk from economic activities in the field of plant protection and determine the frequency of planned measures of state supervision (control) by the State Service for Food Safety and Consumer Protection»;

No 1177 of 15 November 2019 «On certain matters related to the implementation of the Law of Ukraine “On plant quarantine».

MoAPFU Orders: No 242 of 07 May 2019 “On adoption of unified model acts drawn on the basis of results of conducted planned (non-planned) state supervision (control) measures on the compliance with the requirements of plant quarantine and protection legislation by economic entities”.

No 534 of 06 September 2013 «On approval of the Order of of preparing materials on administrative offences by State Chief phytosanitary inspector of Ukraine, chief state phytosanitary

inspectors of Autonomy Republic of Crimea, regions, their deputies and state phytosanitary inspectors».

Consignments of regulated objects included into the list of regulated objects for the purposes of import, export and re-export, including wood packaging material in the meaning of International standard for phytosanitary measures No 15, means of transport, transport equipment (containers) with regulated objects, used agri-business machinery and equipment imported to the customs territory of Ukraine shall be subject to inspection performed by the state phytosanitary inspector.

Production sites and facilities with a free from regulated pests status which was officially established and is being maintained, including regulated pests of the importing country, shall be subject to inspection at frequency determined by the state phytosanitary inspector depending on the phenological phase of plants vegetation and/or biology of the development of a regulated pest, but which shall not exceed one inspection in six months.

Monitoring shall be performed by state phytosanitary inspectors according to the monitoring plan for specific territory adopted by the SSUFSCP decision.

Regulated objects infected with regulated pests or objects, including wood packaging material, which do not comply with phytosanitary requirements, transport means (transport means and transport equipment), agricultural machinery and equipment shall be subject to decontamination. If decontamination is not possible, the following shall apply:

- technical processing;

- destruction;

- re-import of consignment (in case of import).

In accordance with article 29 of Law of Ukraine “On plant quarantine”, regulated objects included into the list of regulated objects for the purpose of state control of movement on the territory of Ukraine shall be moved on the territory of Ukraine accompanied with quarantine certificate in the event of:

- movement of regulated objects from the quarantine zone;

- transportation of imported regulated objects which were stored, repackaged, split into parts or mixed with other consignments.

Phytosanitary certificate or phytosanitary re-export certificate shall be issued by the state phytosanitary inspector not earlier than 14 days prior to the date of movement of regulated objects based on the conducted phytosanitary procedures. Also phytosanitary certificate of phytosanitary re-export certificate may be issued for plants, plant products, sites of storage, packaging, transport means, containers, soil or any other organisms, objects or materials which can transmit or spread regulated pests and are not included into the list of regulated objects for the purpose of import, export and re-export at the request of person performing the movement of consignment of such objects.

c) quarantine (protected zones)

Ukrainian legislation in the field of plant quarantine provides for the possibility of establishing zones free of regulated pests according to ISPM №4 based on the results of inspections of the territory of Ukraine by state phytosanitary inspectors of the main departments of the SSUFSCP in oblasts as well as on the basis of scientific data.

According to Article 1 of the Law of Ukraine "On Plant Quarantine", a zone is defined as an officially defined country, territory of a country or territory of several countries;

A zone free from regulated pests is a zone in which the absence of a regulated pest has been scientifically confirmed and this condition is officially maintained for a certain period;

A zone with a small number of regulated pests is a zone defined by the central executive body exercising the state policy in the field of plant quarantine, in which the regulated pest is present in quantities exceeding the economic threshold of harmfulness and is subject to supervision, control and / or destruction;

A regulated zone is a zone where phytosanitary measures are carried out in order to prevent the introduction and / or spread of quarantine organisms during importation or exportation of a regulated object;

A quarantine zone is an area where a quarantine regime has been introduced in connection with the detection of a quarantine organism.

According to Article 33 of the Law of Ukraine "On Plant Quarantine", in case of detection of quarantine organisms on the territory of Ukraine, the quarantine regime is introduced: within several oblasts by the Cabinet of Ministers of Ukraine at the request of the Chief State Phytosanitary Inspector of Ukraine; on the territory of the Autonomous Republic of Crimea, oblasts, several rayons, a rayon, a settlement or territory of an individual farm - by the Council of Ministers of the Autonomous Republic of Crimea, local state administration at the request of the chief state phytosanitary inspectors or state phytosanitary inspectors respectively.

The quarantine regime is introduced within a day from the moment of detection of the quarantine organism.

The body that decides on the introduction or abolition of quarantine regime, within a day publishes such a decision in the official press and on the official website of the central executive body that implements state policy in the field of plant quarantine. The decision to introduce or abolish the quarantine regime shall take effect on the day following the day of its publication in the official gazette and on the official website of the central executive body implementing state policy in the field of plant quarantine.

The decision on introduction of a quarantine regime must state the following:

the circumstances that led to the introduction of the quarantine regime, including the identification of a specific quarantine organism;

the boundaries of the quarantine zone in which the quarantine regime is introduced;

the time from which the quarantine regime is introduced;

phytosanitary measures carried out in the quarantine zone and the bodies carrying them out.

The following special measures are carried out in quarantine zones:

inspection and phytosanitary expertise (analysis) of regulated objects;

control over the localization and elimination of quarantine organisms by individuals;

ban on the removal of regulated objects from quarantine zones infected with quarantine organisms;

fumigation of regulated objects in case of their removal from the quarantine zone to the zone free from regulated pests;

technical processing of regulated objects infected with quarantine organisms.

Plants, products of plant origin and other objects of regulation infected with quarantine organisms that cannot be decontaminated or sent for technical processing shall be subject to destruction in accordance with the procedure established by law.

In accordance with article 31 “On plant quarantine”, production sites or facilities free from regulated pests shall be sites or facilities where the absence of regulated pests was officially defined on the basis of inspection and such absence is officially maintained in the course of specific period, as required.

Production sites or production lots free from regulated pests shall be established at the request of a person involved in the production of the regulated objects.

The central executive body, which implements the state policy in the field of plant quarantine, and a person engaged in the production of regulated objects, perform procedures to establish and/or maintain the status of a production site or production lot free from regulated pests.

The procedure for official establishment and / or maintenance of the status of a production site or production lot free from regulated pests, deprivation of such status, its renewal and other conditions of official establishment of a production site or production lot is approved by the Order of the Ministry of Economy of 04.03.2021 No. 451.

d) Registration of operators (plants passports);

In accordance with article 27 Law of Ukraine “On plant quarantine” persons listed below shall be subject to registration in the central executive body implementing state policy on plant quarantine:

persons implementing economic activity associated with the circulation of regulated objects in quarantine and regulated zones;

persons producing seed and planting material;

persons implementing biological control with the use of biological control organisms;

persons implementing economic activity associated with the production and labelling of wood packaging material;

persons storing and processing grain.

Registration procedure for persons implementing economic activity related to the production and circulation of regulated objects is adopted by MoAPFU order No 690 of 21.11.2006.

The national register of individuals carrying out economic activities related to the production and circulation of regulatory objects (hereinafter referred to as the register of individuals) shall be approved and maintained by the State Service of Ukraine on Food Safety and Consumer Protection.

Entry to the register of individuals is carried out on the basis of a submission from the main departments of the SSUFSCP in the oblasts. On a quarterly basis the register of individuals is reviewed and updated.

The register of persons is run in electronic form and is placed on the web portal of the SSUFSCP.

The Register of individuals shall include the identification code according to the EDRPOU of the legal entity or the identification number of the natural person-payer of taxes and other obligatory payments (if any), which carries out economic activity related to the production and circulation of regulated objects, information on his location or place of residence, name, surname and initials of the head, telephone numbers and registration number.

The SSUFSCP provides each person included in the Register of individuals with a certificate of registration of a person engaged in economic activities related to the production and circulation of regulated objects and a seven-digit registration number.

e) Import and f) inspections and notification of interception

Phytosanitary control is an official control measure performed in relation to regulated objects imported to the customs territory of Ukraine (transit purposes included) by the state phytosanitary inspector in accordance with phytosanitary measures (point 2 of the Procedure for the performance of inspection, examination, phytosanitary examination (analysis), repeated phytosanitary (arbitration) examination (analysis), supervision, investigation, monitoring, decontamination of regulated objects, issuance of certificates envisaged by the Law of Ukraine “On plant quarantine”, control on the performance of examination as regards sampling and selective control on the conducted phytosanitary examination (analysis) adopted by Resolution of the Cabinet of Ministers of Ukraine No 1177 of 15 November 2019 (hereinafter – the Procedure).

Principal legislation regulating the performance of phytosanitary control on consignments of regulated objects is as follows:

Law of Ukraine “On plant quarantine”;

Law of Ukraine “On the protection of rights in plant varieties”;

Law of Ukraine “On seed and planting material”;

Customs Code of Ukraine;

Resolution of the Cabinet of Ministers of Ukraine No 1177 of 15 November 2019 “On certain matters related to the implementation of the Law of Ukraine “On plant quarantine”;

Resolution of the Cabinet of Ministers of Ukraine No 960 of 24.10.2018 “On certain matters related to the performance of official controls on commodities imported to the customs territory of Ukraine (transit purposes included)”;

Resolution of the Cabinet of Ministers of Ukraine No 971 of 21 October 2020 “On adoption of the Procedure for interaction among declarers, their representatives, other stakeholders and the customs authorities, other state bodies, institutions and organisations authorised to perform authorisation or control functions in relation to the movement of commodities, transport means intended for commercial purposes through the customs border of Ukraine with the use of “single window” mechanism and repealing certain Resolutions of the Cabinet of Ministers of Ukraine”;

Order of the Ministry of Agrarian Policy and Food of Ukraine No 716 of 29.11.2006 “On adoption of the List of regulated pests”;

Order of the Ministry of Agrarian Policy and Food of Ukraine No 731 of 22.12.2005 “On adoption of Phytosanitary rules for the import from abroad, movement within the country, export and production of wood packaging material”;

International Plant Protection Convention;

International Standards for Phytosanitary Measures.

All import or transit consignments of regulated objects included into the list of regulated objects for the purposes of import, export, re-export adopted by Resolution of the Cabinet of Ministers of Ukraine No 1177 of 15 November 2019 shall be subject to phytosanitary control.

The list of crossing points through the state border for the movement of commodities through the customs border of Ukraine is adopted by Resolution of the Cabinet of Ministers of Ukraine No 435 of 21 May 2012 “On adoption of the list of crossing points through the state border for the movement of commodities through the customs border of Ukraine”.

Equipment requirements for plant quarantine post at the crossing points on the state border of Ukraine are set forth in article 38 of the Law of Ukraine “On plant quarantine”.

Customs authorities perform phytosanitary control of regulated objects imported to the customs territory of Ukraine (transit purposes included) at crossing points on the state border of Ukraine in the form of preliminary documentary control.

Preliminary documentary control of consignments subject to phytosanitary control may be suspended by the customs authorities to involve a state phytosanitary inspector in cases provided for in paragraph 5 article 319 of the Customs Code of Ukraine.

In case of noncompliance or infringement of phytosanitary measures during importation to the customs territory of Ukraine of regulated objects included into the list of regulated objects for the purposes of import, export and re-export state phytosanitary inspector of respective SSUFSCP territorial body shall inform Chief state phytosanitary inspector of Ukraine or his/her deputy. Chief state phytosanitary inspector of Ukraine or his/her deputy shall notify national plant protection organisation of the exporting and/or re-exportation country by submitting notification regarding non-compliance with phytosanitary measures in accordance with the International standard for phytosanitary measures No 13 and as envisaged by point 129 of the Procedure.

Notification regarding detection (interception) of quarantine organisms is published on the official SSUFSCP website (at <https://dpss.gov.ua/fitosanitariya-kontrol-u-sferi-nasinnictva-ta-rozsadnictva/fitosanitarnij-kontrol/viyavlennya-ta-borotba-z-karantinnimi-organizmami>).

In the course of phytosanitary control implementation state phytosanitary inspector additionally performs:

check of availability of documentary confirmation from the central executive body ensuring the formation and implementation of state policy on the protection of rights in plant varieties regarding importation of test samples of varieties for the purpose of examining application;

check of availability of confirmation from the central executive body implementing state policy on state supervision (control) in the field of seed and seedling production regarding importation of samples of seed and propagating material for selection, research and exhibition purposes.

g) Expenditure in phytosanitary field

SSUFSCP staff, including staff on regional and local levels, have sufficient material resources at their disposal: equipped premises, including direct telecommunication lines; information technology equipment, including Internet connection; software systems; vehicles and professional work equipment. Financial, material and technical provision of the performance of state supervision (control) measures is made from the state budget of Ukraine.

h) Status of harmful organisms listed in EU aquis

The status of pests in Ukraine is determined in accordance with the requirements of International standard for phytosanitary measures No 8 “Determination of pest status in an area” as well as Regulation (EU) 2016/2031 of the European Parliament of the Council of 26 October 2016 on protective measures against pests of plants, amending Regulations (EU) No 228/2013, (EU) No 652/2014 and (EU) No 1143/2014 of the European Parliament and of the Council and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/91/EC and 2007/33/EC (Chapter II – Quarantine pests, Chapter III – Union non-regulated non-quarantine pests). Therewith, the criteria for identification of pests qualified as quarantine or regulated non-quarantine pests were established in accordance with this Regulation.

Based on international documents above the status of pests was established in national document – “List of regulated pests” adopted by MoAPFU Order No 716 of 29 November 2006 which contains the following lists:

A-1 “Quarantine organisms which are not present in Ukraine”

A-2 “Quarantine organisms with limited spread in Ukraine”

Regulated non-quarantine pests.

28. Provide information on Plant health, plant protection products:

a) Placing on the market of plant protection products;

b) Setting up and controls of maximum residue levels.

a) Placing on the market of plant protection products:

Legal relations in connection with state registration, production, procurement, transportation, storage, trade and application of pesticides and agrochemicals in a safe manner for humans and environment, rights and responsibilities of enterprises, organisations and citizens, as well as powers of executive bodies and officials in the referenced field are regulated by the Law of Ukraine “On pesticides and agrochemicals” (hereinafter – the Law).

In accordance with article 7 of the Law, state registration of pesticides and agrochemicals is performed by the central executive body implementing state policy in the field of environmental protection (Ministry of Ecology and Natural Resources).

Availability of respective documentation on safe use of pesticides and agrochemicals, including positive opinion of the state sanitary and epidemiological examination, positive ecological and export evaluation of materials submitted for registration of pesticides and agrochemicals, detection methodologies for residue amounts of pesticides and agrochemicals in agricultural products, feed, foodstuffs, soil, water and air is a mandatory prerequisite for state registration of pesticides and agrochemicals.

In the event of state registration of pesticides or agrochemicals in Ukraine the use of information contained in documentation (dossier) on safe application of respective pesticides, agrochemicals shall be prohibited in the course of ten years as of the date of such registration without permission of economic entity, which was applicant for registration.

State registration of products shall be performed in accordance with Resolution of the Cabinet of Ministers of Ukraine No 295 of 4 March 1996 “On the procedure for the performance of state analysis, state registration and renewal or registration of the lists of pesticides and agrochemicals authorised for use in Ukraine”.

b) Setting up and controls of maximum residue levels:

Order of the Ministry of Health of Ukraine No 55 of 02.02.2016 “On adoption of Hygiene standards and regulations on safe application of pesticides and agrochemicals” registered in the Ministry of Justice of Ukraine under No 207/28337 of 10 February 2016.

State sanitary rules and norms (DSanPiN) 8.8.1.2.3.4-000-2001 Acceptable doses, concentrations, quantities and levels of pesticide contents in agricultural raw materials, foodstuffs, air, soil, water reservoirs, soil adopted by resolution of Chief state sanitary doctor of Ukraine No 137 of 20.09.2001.

Order of the Ministry of Agrarian Policy and Food of Ukraine No 289 of 25.06.2018 “On adoption of sampling Methods for detection of maximum allowable levels of pesticide residues in products of plant and animal origin for state control purposes” registered in the Ministry of Justice of Ukraine under No 857/32309 of 23 July 2018.

29. Please, provide information on Quality of seeds and plant propagating material regarding the marketing of seed and propagating material of agricultural crops and vegetables, vine, forestry, ornamentals and fruit, plants:

a) Registration of varieties, catalogues;

b) Seed certification;

c) Approval of propagating material.

a) Registration of varieties, catalogues:

In 2021, 949 applications were submitted for the state scientific and technical examination of plant varieties.

In 2021, the Ministry of Agrarian Policy and Food of Ukraine based on the results of state scientific and technical expertise decided on state registration of intellectual property rights to plant varieties and entered in the State Register of Plant Varieties Suitable for Distribution in Ukraine 1439 varieties. In addition, the Ministry of Agrarian Policy and Food of Ukraine carried out state registration of intellectual property rights to plant varieties and issued 1,248 patents.

In 2021, in the framework of cooperation between the member states of the International Union for the Protection of New Varieties of Plants, Ukraine exchanged 125 reports on the results of field research on diversity, homogeneity and stability during 2020. Ukraine used expert reports on the differences, homogeneity and stability of the following countries: Austria, Great Britain, Spain, Italy,

Serbia, Romania, the Netherlands, Germany, Portugal, Slovakia, Hungary, France, the Czech Republic, the United States and provided reports to Turkey and Serbia.

b) Seed certification:

The seed certification system is regulated by the Law of Ukraine “On Seeds and Planting Material”, which provides for mandatory certification of seeds intended for sale in Ukraine and abroad.

The certification process in Ukraine is under the control of state control bodies in seed production. The Ministry of Agrarian Policy and Food of Ukraine performs the functions of ensuring the certification of seeds, the State Service of Ukraine for Food Safety and Consumer Protection controls the activities of seed production and its circulation on the market.

Since 2009 Ukraine has been a participant in the Schemes of varietal certification of seeds intended for international trade of the Organization for Economic Cooperation and Development (hereinafter referred to as the OECD Seed Schemes), in particular for cereals, maize and sorghum, crucifers and other oilseeds or spinning crops, sugar and fodder beets, leguminous and cereal herbs.

In 2020, Ukraine received recognition by the EU countries of the grain seed certification system in force in Ukraine (Decision of the European Parliament 2020/1544 of October 21, 2020). Ukraine is included in the list of non-EU countries that have the right to export grain seeds to the European market, such as oats, barley, rice, rye, wheat, triticale, corn and sorghum.

The strategic plans of the state to significantly expand the list of crops allowed for export.

The state enterprise “State Center for Certification and Examination of Agricultural Products” of the Ministry of Agrarian Policy and Food of Ukraine (hereinafter referred to as the authorized institution) has been designated as the institution that performs the functions of the authorized body for seed certification and is responsible for implementing OECD Seed Schemes in Ukraine.

The authorized institution has in its staff qualified seed inspectors who carry out field evaluation of seed crops and a laboratory for seed quality assessment, accredited by the International Seed Quality Control Association (hereinafter ISTA).

To ensure the certification process, the Ministry of Agrarian Policy and Food of Ukraine has authorized five conformity assessment bodies, one of which is state-owned.

Varietal certification

During 2021, 8,555 certificates were issued certifying the varietal qualities of seeds and planting material based on the results of field evaluation of 137,000 hectares of seed crops (in 2020 - 6,601 certificates, 125,000 hectares).

c) Approval of propagating material

In 2021 (as of November 1, 2021) 28,471 certificates were issued certifying the sowing quality of 350,000 tons of seeds (in 2020 - 30,884 certificates for 387,000 tons of seeds).

8,000 tons of seeds were certified for export, for which 379 OECD certificates (varietal qualities) and 687 ISTA certificates (sowing qualities) were issued.

30. Please provide information on Plant variety rights.

The legal basis for the production, processing, storage, sale, transportation and use of seeds, as well as the organization and conduct of varietal and seed control, which ensures guaranteed seed quality at all stages of seed production is regulated by the laws of Ukraine "On Seeds and Planting Material". "On protection of plant variety rights" and bylaws.

Principal legislation:

The Law of Ukraine "On Protection of Plant Variety Rights" provides for the state registration of plant varieties as objects of intellectual property rights.

Qualification examination of plant varieties is organized and conducted by the Competent Authority and the Ukrainian Institute of Plant Variety Examination as an Expert Institution, which provides a set of field and laboratory studies. After that, based on the positive results, a decision is made on the variety with subsequent inclusion in the State Register of Plant Varieties Suitable for Distribution in Ukraine and the Register of Patents.

Evaluation of plant varieties is carried out in accordance with the guidelines of the International Union for the Protection of New Varieties of Plants (UPOV). Ukraine has been a member of the UPOV since 1995.

VII. GENETICALLY MODIFIED ORGANISMS

31. Please provide information on the legislative framework on genetically modified organisms (GMOs);

Issues related to release into the environment of genetically modified organisms (GMOs), production and circulation of genetically modified food and feed are regulated by the following framework legislation:

- **The Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)** (*based on Directive 2001/18/EC, Directive 2009/41/EC, Commission Recommendation 2010/C 200/01*) – regulates relations between executive authorities, producers, sellers (suppliers), developers, researchers, scientists and consumers of GMOs and products produced by technologies that involve their development, creation, testing, research, transportation, import, export, placement at market, release into the environment and use in Ukraine with the provision of biological and genetic safety.

- **The Law of Ukraine «On basic principles and requirements for safety and quality of food products» (No 771 of 23.12.1997³⁴)** (*based on Regulation (EC) No 178/2002*) – regulates relations between public authorities, food business operators and consumers and determines the procedure for ensuring safety and certain quality indicators of food products produced, traded, imported (shipped) into the customs territory of Ukraine and/or exported (shipped) from the customs territory of Ukraine. The Law prohibits the circulation of food products that contain GMOs or obtained with their use, until their state registration.

- **The Law of Ukraine «On feed safety and hygiene» (No 2264 of 21.12.2017)** (*based on Regulation (EC) No 183/2005, Regulation (EC) No 1831/2003, Regulation (EC) No 767/2009*) – determines the legal and organizational principles of ensuring the safety of feed in the process of their

³⁴ In the wording of the Law No 1602 of 22.07.2014.

production, placing on the market and use, in particular sets requirements for hygiene, labeling, packaging and presentation of feed, regulates relevant public relations between business operators and public authorities. The Law establishes specific requirements for: 1) the labeling of genetically modified feed and GMOs used in feed; 2) registration of feed additives consisting of, containing or produced from GMOs; 3) record keeping on the use of genetically modified seeds.

● **The Law of Ukraine «On information to consumers regarding food products» (No 2639 of 06.12.2018)** – establishes the legal and organizational framework for providing consumers with information on food products in order to ensure a high level of protection of the health of citizens and to satisfy their social and economic interests. The Law contains specific requirements for labeling of food products that contain GMO.

● **The Law of Ukraine «On seeds and planting material» (No 411 of 26.12.2002)** – defines the basic principles of production and circulation of seeds and planting material, as well as the procedure for state control over them.

● **The Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)** – determines the legal and organizational principles of state control carried out in order to verify business operators' compliance with legislation on food, feed, animal by-products, veterinary medicine and animal welfare.

● **The Law of Ukraine «On basic principles of state supervision (control) in the sphere of economic activity» (№ 877 of 05.04.2007)** – defines the legal and organizational principles, basic principles and procedure for state supervision (control) in the field of economic activity, powers of state supervision (control) bodies, their officials and rights, duties and responsibilities of business entities during state supervision (control).

● **The Law of Ukraine «On the permitting system in the sphere of economic activity» (No 2806 of 06.09.2005)** – determines the legal and organizational basis for the functioning of the permitting system in the sphere of economic activity and establishes the procedure for the activity of permitting bodies authorized to issue permitting documents and administrators.

● MoAPFU order “On adoption of unified model acts drawn on the basis of results of planned (non-planned) state controls on the compliance of economic entities with the requirements of legislation in the field of economic activity in relation to biological and genetic security of agricultural plants during production, analysis and practical use of GMOs in open systems” No 385 of 12 July 2019).

32. Please provide information on the respective fields of responsibilities, organisation and powers of the competent institutions and authorities.

State regulation of release into the environment of genetically modified organisms (GMOs), production and circulation of genetically modified food and feed is performed by the following public authorities:

● **Cabinet of Ministers of Ukraine (CMU)** – is the highest body in the system of executive bodies. Based on and in pursuance of the laws of Ukraine, the CMU issues binding acts – resolutions and regulations.

● **Ministry of Education and Science of Ukraine (MoESU)** – is the central body of executive power which ensures the formation and implementation of state policy in the fields of education and science. Based on and in pursuance of the laws of Ukraine, MoESU adopts binding acts named orders.

● **Ministry of Ecology and Natural Resources of Ukraine (Ministry of Environment)** – is the central body of executive power which ensures: the formation and implements state policy in the field of environmental protection; the formation of state policy on state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources. Based on and in pursuance of the laws of Ukraine, Ministry of Environment adopts binding acts named orders.

● **The State Ecological Inspectorate of Ukraine (State Ecoinspection)** is a central executive body which implements state policy on state supervision (control) in the field of environmental protection, rational use, reproduction and protection of natural resources.

● **Ministry of Economy of Ukraine (MEU)** – is the central body of executive power which ensures formation and implements state policy in the field of intellectual property. Based on and in pursuance of the laws of Ukraine, MEU adopts binding acts named orders.

● **Ministry of Health of Ukraine (MoH)** – is the central body of executive power which ensures the formation and implements state policy in the field of health care. Based on and in pursuance of the laws of Ukraine, MoH adopts binding acts named orders.

● **Ministry of Agrarian Policy and Food of Ukraine (MoAPFU)** – is the central body of executive power which ensures formation and implementation of state policy in the fields of safety and certain quality indicators of food products, veterinary medicine, plant quarantine and plant protection. Based on and in pursuance of the laws of Ukraine, MoAPFU adopts binding acts named orders.

● **State Service of Ukraine on Food Safety and Consumer Protection (Competent Authority)** – is the central body of executive power which implements state policy in the fields of safety and certain quality indicators of food products; veterinary medicine; sanitary legislation; sanitary and epidemic welfare of the population (except for the implementation of functions on the implementation of state policy in the field of epidemiological surveillance and in the field of occupational health and functions for dosimetric control of workplaces and radiation doses of workers); state supervision (control) over the observance of biological and genetic safety measures for agricultural plants during the creation, research and practical use of GMOs in open systems at enterprises, institutions and organizations of the agro-industrial complex, regardless of their subordination and ownership. The Department for phytosanitary security, control of seed, seedling production and grain quality is a structural unit of the SSUFSCP responsible for the performance of state controls on the compliance with biological and genetic security measures for agricultural plants during production, analysis and practical use of genetically modified organisms in open systems at agri-business enterprises, institutions and organisations irrespective of their subordination and form of incorporation. Territorial bodies of the SSUFSCP in the regions are represented by the Main offices, with Phytosanitary security office being part of their structure.

Name of public authority	Respective fields of responsibilities	Legal basis
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Cabinet of Ministers of Ukraine	Provides state regulation and control in the field of GMO management and genetic engineering activities	Article 7 the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
	Ensures implementation of measures for state support of genetic engineering activities	
	Directs and coordinates the work of central executive bodies and other executive bodies in the field of GMO management and genetic engineering activities	
	Organizes international cooperation to ensure safe handling of GMOs and the development of scientific knowledge in this field	
	Approves the Procedure for state registration of GMOs	
	Approves the Procedure for importing of GMO food sources	
	Approves the Procedure for granting a permit for the transit movement of GMOs through the territory of Ukraine	
	Approves the procedure for conducting state approbation (testing) of GMOs in an open system and obtaining a permit for their conduct	
	Approves safety criteria for handling GMOs in a closed system	
	Determines, at the request of the National Academy of Sciences of Ukraine, the scientific institution authorized to perform the functions of the scientific and methodological center for GMO testing	
	Defines the functions of the scientific and methodological center for GMO testing	
Ministry of Education and Science of Ukraine	Ensures the development of scientific and scientific-technical potential in the field of genetic engineering	Article 8 the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms»
	Develops safety criteria for GMO handling and genetic engineering activities in closed systems	
	Develops and improves the system of control over observance of safety rules of genetic engineering activity	

		(No 1103 of 31.05.2007)
Ministry of Economy	Provides protection of international and national patents and other intellectual property in the field of GMO management, genetic engineering and genetic engineering	Article 8 ² the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
Ministry of Ecology and Natural Resources of Ukraine	Provides environmental impact assessment of GMOs intended for use in the open system	Article 9 the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
	Carries out the state registration of plant protection products obtained with the use of GMOs	
	Provides permits for the release of GMOs in the open system	
	Develops criteria for assessing the risk of the potential impact of GMOs on the environment on the basis of scientific principles and international experience	Article 9 ¹ the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
State Ecological Inspectorate of Ukraine	Carries out state supervision (control) over the observance of biological and genetic safety measures in relation to biological objects of the natural environment during the creation, research and practical use of GMOs in the open system.	Article 9 ² the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
Ministry of Health of Ukraine	Develops, based on scientific principles and international experience, criteria for assessing the risk of potential impact on human health of GMOs	Article 10

	and products obtained using GMOs, including food products	the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
	Approves the list of food products subject to GMO control and the list of appropriate methods for detection and identification of GMOs	
Ministry of Agrarian Policy and Food of Ukraine	Provides regulatory and legal support in the field of supervision (control) over compliance with biological and genetic safety measures for agricultural plants during the creation, research and practical use of GMOs in open systems at enterprises, institutions and organizations of the agro-industrial complex, regardless of their subordination and ownership	Article 11 the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
	Provides state approbation (testing) and state registration of varieties of agricultural plants, animal breeds, microbiological agricultural preparations created on the basis of genetically modified organisms	
State Service of Ukraine on Food Safety and Consumer Protection (Competent Authority)*	Carries out state registration of GMO sources of food, feed, feed additives and veterinary preparations	Article 11 ¹ the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms» (No 1103 of 31.05.2007)
	Approves the list of relevant methods for detection and identification of GMOs	
	Carries out monitoring of feed, feed additives and veterinary preparations obtained with the use of GMOs, according to the criterion of the presence in them of registered GMO sources	
	Authorizes accredited laboratories to monitor feed, feed additives and veterinary preparations obtained using GMOs, based on the criterion of the presence in them of registered GMO sources	
	Organizes and exercises state supervision (control) over the observance of biological and genetic safety measures for agricultural plants during the creation, research and practical use of genetically modified organisms in open systems at enterprises, institutions and organizations of the agro-industrial	Article 11 ² of the Law of Ukraine «On state system of biosafety at creation, test, transportation and use of genetically modified organisms»

	complex regardless of their subordination and ownership	(No 1103 of 31.05.2007)
	Organizes and exercises state control of the compliance with the law on food and feed (including control at the state border of Ukraine)	Article 7 of the Law of Ukraine «On state control of the compliance with the law on food, feed, animal by-products, veterinary medicine and animal welfare» (No 2042 of 18.05.2017)

** Office for control of seed, seedling production and grain quality:*

- Sector for GMO sources control;

The referenced structural unit ensures the implementation of state supervision (control) on the compliance with state biological and genetic security measures for agricultural plants during production, analysis and practical use of genetically modified organisms in open systems at agri-business enterprises, institutions and organisations irrespective of their subordination and form of incorporation through coordination of the SSUFSCP territorial bodies in the framework of implementing state control (supervision) measures in the referenced field.

Regional level

The SSUFSCP territorial bodies in the regions are represented by Main offices, with Phytosanitary security office being part of their structure.

Specialists of Phytosanitary security offices in the regions implement state controls (planned and non-planned) on genetically modified seed and propagating material in terms of:

compliance with biological and genetic security measures for agricultural plants during production, analysis and practical use of genetically modified organisms in open systems at agri-business enterprises, institutions and organisations irrespective of their subordination and form of incorporation.

33. Please provide information on the rules concerning the release of GMOs into the environment; Please provide information on the rules concerning genetically modified food and feed.

In accordance with the Law of Ukraine “On state biosecurity system during production, analysis, transportation and use of genetically modified organisms” the industrial production and entry into circulation of GMOs as well as products produced with the use of GMOs prior to their state registration shall be prohibited.

Economic entities which enter into circulation GMO-containing products or products obtained with GMO use for the first time shall draw a written declaration in no particular form, which must contain information about the economic entity, information that such products contain GMOs or were obtained with their use, as well as the number of such products in the State GMO register.

Central executive bodies shall perform state registration of GMOs and products produced with the use thereof in line with the powers established by this Law.

Products to be registers in the State GMOs register:

- agricultural plants varieties and animal breeds produced on the GMO basis;
- GMO sources of foodstuffs;
- GMO sources of feedingstuffs.

State registration is performed for the period of five years free of charge. Renewal of registration is carried out under the same procedure as registration.

It should be noted that not a single GMO has been registered yet.

Article 16 of this Law establishes a ban on import of GMOs into the customs territory of Ukraine, as well as products produced with the use of GMOs, before their state registration, except for those intended for research purposes or state analysis (tests).

Permission for transit movement of GMOs not registered in Ukraine is granted by the central executive body for ecology and natural resources.

Transportation and storage of GMOs shall include a set of measures to prevent the uncontrolled release of GMOs into the environment.

Besides, the Law of Ukraine “On information for consumers regarding food” envisages that:

- in case a foodstuff contains genetically modified organisms (GMOs) and if their share exceeds 0.9 percent in any ingredient of the foodstuff containing, consisting of or produced from genetically modified organisms, the labelling of foodstuff shall include "GMO-containing" reference;
- food business operator responsible for information regarding foodstuff may optionally include "GMO free" reference. In this case, the absence of GMOs in the food product must be confirmed in accordance with the requirements of legislation on safety and specific quality parameters of food. The absence of data from suppliers on the presence of GMOs in food ingredients is sufficient evidence in order to apply such label onto the foodstuff.

The system of state control of economic activity in relation to biological and genetic security of agricultural plants during the production, analysis and practical use of GMOs in open system involves the implementation of controls in open systems at agribusiness enterprises, institutions and organisations.

State supervision (control) of economic activities in relation to biological and genetic security of agricultural plants during the production, analysis and practical use of GMOs in open system provides for the implementation of the following measures by the SSUFSCP officials:

- state supervision (control) of the compliance with biological and genetic security of agricultural plants during production, analysis and practical use of genetically modified organisms in

open systems at agri-business enterprises, institutions and organisations irrespective of their subordination and form of incorporation;

- state supervision (control) of the volume of produced and/or marketed plant varieties produced on the GMO basis;

- consideration of proposals, applications, complaints and requests of enterprises, organisations and citizens, taking respective measures within the scope of competence.

Therewith, a draft law of Ukraine “On state regulation of genetic engineering activity and state control on the circulation of genetically modified organisms and genetically modified products to ensure food security” was registered in the Verkhovna Rada on 05.08.2021 to align national GMO regulation with the EU legal acts.

The referenced draft Law was developed for the purpose of:

- systematic and comprehensive revision of existing state regulation on handling GMO and implementation of state control on the circulation of genetically modified products;

- fulfilment of Ukraine’s commitments in accordance with article 64 of the Association Agreement and establishment of the same regulation as in the EU by way of implementing respective EU acts in Ukrainian legislation.

- Notably, the draft Law implements the following EU legal acts:

- Regulation (EC) No 1829/2003 of the European Parliament and of the Council of 22 September 2003 on genetically modified food and feed;

- Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC;

- Commission Regulation (EC) No 641/2004 of 6 April 2004 on detailed rules for the implementation of Regulation (EC) No 1829/2003 of the European Parliament and of the Council as regards the application for the authorisation of new genetically modified food and feed, the notification of existing products and adventitious or technically unavoidable presence of genetically modified material which has benefited from a favourable risk evaluation;

- Regulation (EC) No 1946/2003 of the European Parliament and of the Council of 15 July 2003 on transboundary movements of genetically modified organisms;

- Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms and repealing Council Directive 90/220/EEC;

- Directive 2009/41/EC of the European Parliament and of the Council of 6 May 2009 on the contained use of genetically modified micro-organisms;

- Commission Decision 2009/770/EC of 13 October 2009 establishing standard reporting formats for presenting the monitoring results of the deliberate release into the environment of genetically modified organisms, as or in products, for the purpose of placing on the market, pursuant to Directive 2001/18/EC of the European Parliament and of the Council;

●Commission Recommendation 2010/C 200/01 of 13 July 2010 on guidelines for the development of national co-existence measures to avoid the unintended presence of GMOs in conventional and organic crops.

The draft Law proposes to introduce comprehensive regulation of legal and organisational basis of genetic engineering activity and ensure food security through state supervision (control) of the use of genetically modified organisms and circulation of genetically modified products.

Key provisions of the draft Law envisage the following:

●delineate the powers of public authorities to eliminate the overlap of functions in the field of handling GMOs.

●improve the system of GMO risk assessment as regards the potential effects on human health and the environment;

●introduce European mechanisms of state GMOs registration;

●improve requirements for the labelling of GMO products, introduce rules on its traceability;

●enhance state control in the field of handling GMOs, establish liability for the infringement of legislation in this field.

The adoption of this Law will allow to achieve systematic compatibility of Ukrainian legislation with the EU legislation on handling GMOs.

Amendments to the Code of Ukraine on Administrative Offences are envisaged in line with the provisions of the proposed draft Law since the referenced Code is an integral part of the whole package of the necessary amendments in connection with this draft Law.

Annexes to this Chapter may be found under the link: <https://bit.ly/3PexNDF>

CHAPTER 13: FISHERIES

I. GENERAL

A. Fisheries legislation

1. Please describe the main elements of the legislation of Ukraine concerning fisheries and aquaculture.

Fundamental principles governing the activity and public regulation in the field of fisheries, conservation and sustainable use of aquatic bioresources, the relationship between public authorities, local self-governments and business entities engaged in the fishery management in inland water bodies of Ukraine, inland waters and territorial sea, continental shelf, exclusive (maritime) economic zone of Ukraine and open sea area, including in aquaculture, which is a division of the fisheries sector, are regulated by:

- a. Laws of Ukraine “On Fisheries, Industrial Fisheries and Protection of Aquatic Bioresources” No. 3677-VI of 8 July 2011 and “On Aquaculture” No. 5293-VI of 18 September 2012.;
- b. legal and normative acts, in particular, Resolutions of the Cabinet of Ministers of Ukraine:
 - i. “On Approval of the Regulation on the State Agency for Land Reclamation and Fisheries of Ukraine” No. 895 dated 30 September 2015,
 - ii. “On Approval of the Procedure for Special Use of Aquatic Bioresources in Inland Fishery Water Bodies (Their Parts), Inland Waters, Territorial Sea, Exclusive (Marine) Economic Zone and on the Continental Shelf of Ukraine” No. 992 dated 25 November 2015,
 - iii. “On the Procedure for Setting Limits of Special Use and Assessment of the Forecast of Allowable Catch of Aquatic Bioresources” No. 1149 dated 5 December 2012,
 - iv. “On Approval of the Procedure for Issuing Permit for Special Use of Aquatic Bioresources in Fishery Water Bodies (Their Parts) or Refusing to Issue It, Reissuing and Revoking the Permit” No. 801 dated 30 October 2013,
 - v. “On Approval of the Procedure for Charging for the Special Use of Aquatic Bioresources and Amount of Payment for Their Use” No. 125 dated 12 February 2020,
 - vi. “On Approval of the Licensing Conditions for Conducting Business Activities in the Industrial Catch of Aquatic Bioresources Outside the Jurisdiction of Ukraine” No. 845 dated 23 November 2016,
 - vii. “On Approval of Standard Contracts for the Lease of Part of Fishery Water Body, Inland Aquatic Waters, Territorial Sea, Exclusive Economic Zone of Ukraine” No. 981 dated 30 September 2015,
 - viii. “On the Temporary Closure of the Sea Fishing Ports” No. 263 dated 6 April 2016,

- ix. “On Approval of the Procedure for Recreational and Sport Fishing” No. 1126 dated 18 July 1998,
- x. “On Measures to Ensure the Implementation of Ukraine’s International Obligations in Connection with its Accession to the Convention on International Trade in Endangered Species of Wild Fauna and Flora” No. 1822 dated 13 December 2000,
- xi. “On Approval of the Procedure for Issuing Permits for Import and Export of Specimens of Wild Fauna and Flora, Certificates for Mobile Exhibitions, Re-Export and Introduction from the Sea of these Specimens Regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora” No. 953 dated 25 July 2007,
- xii. “On Measures to Conserve Antarctic Marine Living Resources” No. 1420 dated 26 September 2002,
- xiii. “On Approval of the List of Certain Actions Related to Business Activity or Types of Business Activity that Cannot be Conducted against Presentation of Business Activity Declaration” No. 725 dated 25 August 2010,
- xiv. “On Approval of Criteria for Assessing the Degree of Risk from Business Activity and Determining the Frequency of Planned Measures of State Supervision (Control) in Fisheries by the State Agency of Fisheries, and Recognition of Some Resolutions of the Cabinet of Ministers of Ukraine as Invalid” No. 897 dated 31 October 2018,
- xv. “On Approval of Fees for Calculating the Amount of Compensation for Damage Caused by Illegal Extraction (Collection) or Destruction of Valuable Species of Aquatic Bioresource” No. 1209 dated 21 November 2011,
- xvi. “On Approval of the Procedure for Issuing Confirmation of the Legality of Extraction of Aquatic Bioresources from their Habitat and Processing of Fishing Products (If Necessary, the Business Entity to Conduct Foreign Trade Operations)” No. 596 dated 4 July 2012,
- xvii. “On Approval of the Procedure for Issuing Forms of Registration of Catches (Re-Exports) of Antarctic and Patagonian Toothfish” No. 760 dated 15 August 2012,
- xviii. “On Approval of the Procedure for Issuing Permit for Special Use of Aquatic Bioresources Outside the Jurisdiction of Ukraine or Refusing to Issue It, Reissuing, Issuing the Duplicate and Revocation the Above Permit” No. 800 dated 30 October 2013,
- xix. “Functioning of Territorial Bodies of the State Agency of Fisheries” No. 894 dated 30 September 2015,
- xx. “On Approval of the Procedure for Maintaining the State Register of Fishery Water Bodies (Their Parts)” No. 979 dated 30 September 2015,
- xxi. “On the List of Industrial Areas of Fishery Water Bodies (Their Parts)” No. 552 dated 22 May 1996,
- xxii. the Order of the Cabinet of Ministers of Ukraine “Some Issues of Territorial Bodies of the State Agency for Land Reclamation and Fisheries” No. 1066-p dated 8 September 2021, and
- c. international treaties to which Ukraine is a party, implemented in Ukraine in the manner prescribed by the Law of Ukraine “On International Treaties of Ukraine”, those listed in point 49 of the questionnaire as well as the Charter of the United Nations Convention on the Law of the

Sea (UNCLOS), according to which Ukraine is a party to UNCLOS since 1999 and legal and normative acts adopted in accordance with them, which are the key elements in the fisheries sector.

d. In addition, fisheries are regulated in accordance by a number of other legal and normative acts, including allied [which also cover other] economic sectors, in particular, with the [such as]:

i. Water Code of Ukraine of 6 June 1995 No. 213/95-BP directed at formation of legislation on the protection of water and environment and ensuring ecological safety of the population of Ukraine, as well as more efficient, science-based management of water bodies and their protection against pollution, contamination and depletion,

ii. Code of Administrative Offenses of 7 December 1984 No. 8073-X aimed at protection of the rights and freedoms of citizens, property, constitutional structure of Ukraine, rights and legitimate interests of the undertakings, institutions and organisations, established rule of law, strengthening the rule of law, crime prevention, instructing citizens in respect for strict observance of the Constitution and laws of Ukraine, respect for the rights, honor and dignity of other citizens, cohabitation rules, conscientious performance of their duties, social responsibility,

iii. Merchant Shipping Code of Ukraine of 23 May 1995 No. 176/95-BP, which activity is associated with using vessels for transportation of cargoes, passengers, luggage and post, fisheries, prospecting for and extraction of mineral resources, search and rescue activities for people in distress at sea, tugging, ice-breaking and rescue operations, navigation and hydrographic works, cable laying as well as for other business, scientific and cultural purposes,

iv. Law of Ukraine “On Fauna” of 13 December 2001 No. 2894-III regulating relationships in the field of protection, use and recreation of wildlife, the objects of which are in the state of natural freedom, in semi-free conditions or in captivity, on land, in water, soil and air, permanently or temporarily inhabit the territory of Ukraine or belong to the natural wealth of its continental shelf and the exclusive (maritime) economic zone,

v. Law of Ukraine “On Nature Reserve Fund of Ukraine” of 16 June 1992 No. 2456-XII stipulating legal framework for organisation, protection, efficient use of the nature reserve fund of Ukraine, reproduction of its natural complexes and objects.

Since 01 January 2022, the Law of Ukraine “On Inland Water Transport” No. 1054-IX dated 3 December 2020 has terminated the powers and authority of the State Agency for Land Reclamation and Fisheries of Ukraine in respect of maritime safety of fishing fleet vessels, including maintenance of the State Ship Register of Ukraine and Ship Book of Ukraine. The above functions are assigned to the State Service of Maritime and River Transport of Ukraine (renamed the State Service of Maritime and River Transport of Ukraine).

B. Administrative structure

2. Have you established an institutional, legal, technical foundation or framework for fisheries management that includes, at a minimum:

a) Governmental agency or state authority/body with a clear mandate and accountability for the results of fisheries management policy;

The State Agency for Land Reclamation and Fisheries of Ukraine is the central executive authority. Its activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food, which implements state policy in the field of fisheries and fishing industry, protection, use and reproduction of aquatic bioresources, fisheries regulation, land reclamation and operation of state integrated waterworks facilities, inter-farm irrigation and drainage systems.

The list of tasks of the State Agency for Land Reclamation and Fisheries of Ukraine is defined in the “Regulation on the State Agency for Land Reclamation and Fisheries of Ukraine” approved by the Resolution of the Cabinet of Ministers of Ukraine No. 895 dated 30 September 2015.

The State Agency for Land Reclamation and Fisheries of Ukraine reports to the Minister of Agrarian Policy and Food on the implementation of action plans of the State Agency of Fisheries and its tasks, and elimination of violations and defects identified during inspection of the State Agency of Fisheries and its territorial bodies.

The State Agency for Land Reclamation and Fisheries of Ukraine (fishery protection bodies) exercises its powers and authority directly, as well as through the territorial bodies (fishery protection bodies) organized in accordance with the established procedure.

b) An agency or authority to issue legislation and ensure control and enforcement;

The Ministry of Agrarian Policy and Food of Ukraine is the main body in the central executive authorities that forms and implements state policy in the field of fisheries and fishing industry, protection, use and reproduction of aquatic bioresources, fisheries regulation, land reclamation and operation of state integrated waterworks facilities, inter-farm irrigation and drainage systems.

According to the Law of Ukraine “On Fisheries, Industrial Fisheries and Protection of Aquatic Bioresources” and “Regulation on the State Agency for Land Reclamation and Fisheries of Ukraine”, the State Agency for Land Reclamation and Fisheries of Ukraine in accordance with the tasks assigned to it:

- i. exercises state supervision (control) in the field of protection, use and reproduction of aquatic bioresources in the exclusive (marine) economic zone of Ukraine, territorial sea, inland waters of Ukraine and in waters outside jurisdiction of Ukraine over fishing vessels flying the State Flag of Ukraine in accordance with international treaties of Ukraine;
- ii. exercises state control over the technical condition of fish protection structures, implements fish protection measures at the water intake and engineering facilities of reclamation systems;
- iii. monitors compliance with fishing regulations;
- iv. monitors compliance with limits and standards for the use of aquatic bioresources;
- v. monitors compliance with the fauna use regulations in terms of aquatic bioresources;
- vi. monitors the accuracy of submission of reporting data on the use of aquatic bioresources by the fishing entities related to the extraction and use of aquatic bioresources;

vii. monitors compliance with the procedure for purchasing or selling sturgeon species and their products;

viii. exercises state control over the monitoring system of fishing vessels;

ix. submits proposals in the prescribed manner and exercises control over the level of operation of fishery water bodies, which ensures the full existence of aquatic organisms;

x. agrees on the conditions of fishery operation of water bodies and monitors the activities of special commercial fisheries (in accordance with the Order of the State Fishery Committee of Ukraine of “On approval of the Instructions on the procedure for artificial breeding, cultivation of aquatic bioresources and use thereof in special commercial fisheries” of 15 January 2008 No. 4) a special commercial fishery is an undertaking with the main aim of increasing the yield of a fishery water body by artificial reproduction of living resources as well as by preservation and sustainable use of valuable aquatic bioresources);

xi. establishes the prohibition in the prescribed manner on catching aquatic bioresources in fishery water bodies (their parts) and monitors compliance with the above prohibition;

xii. monitors the activities of the branch system of scientific and technical information;

xiii. within the powers and authority prescribed by law, implements measures to prevent corruption and monitors their implementation in the Office of the State Agency for Land Reclamation and Fisheries of Ukraine, its territorial bodies, enterprises, institutions and organizations belonging to the sphere of its management;

The State Agency for Land Reclamation and Fisheries of Ukraine exercises the powers and authority to monitor compliance with legislation in the field of protection, use and reproduction of aquatic bioresources, fisheries regulation.

Since 01 January 2022, the State Service of Maritime and Inland Water Transport and Shipping of Ukraine (Shipping Authority) has been assigned the functions to implement state policy and exercise control in the field of maritime and inland water transport and shipping, in particular, in the fishing vessel fleet.

c) Internal organization for department coordination, in particular coordination between fisheries authorities and vessel registry authorities;

The Law of Ukraine “On Inland Water Transport” No. 1054-IX dated 03.12.2020 delegates from January 2022 the powers and authority of the Ministry of Agrarian Policy and Food of Ukraine and the State Agency for Land Reclamation and Fisheries of Ukraine in respect of maritime safety of fishing fleet vessels, including maintenance of the State Ship Register of Ukraine and Ship Book of Ukraine, to the State Service of Maritime and Inland Water Transport and Shipping of Ukraine. Work is being done to promote coordination through alignment of the positions between the State Agency for Land Reclamation and Fisheries of Ukraine and the State Service of Maritime and Inland Water Transport and Shipping of Ukraine and other concerned authorities in drafting new and amending existing legal and normative acts.

d) Infrastructure for scientific advice

Scientific support of fisheries is provided by fishing and other specialized research institutions, scientific entities and organizations, breeding centres, whose main objectives are as follows:

- i. to exercise state monitoring of the reserves of aquatic bioresources and the state of fishery water bodies;
- ii. to develop scientific and biologically-based grounds for breeding and/or cultivation of a particular species of alien and non-native aquatic species to prevent their uncontrolled spread to new locations, absence of negative effects on local populations of the aquatic bioresources and conditions for the functioning of aquatic ecosystems;
- iii. to conduct research in order to assess the state, to study biology and habitat of the aquatic bioresources, to collect biological and industrial statistics, identification of the current condition of the spread of alien species, assessment of their impact and determination of the methods to monitor and prevent their spread, to forecast allowable catches and limits of certain species of aquatic bioresources for which it is advisable to determine the above catches and limits;
- iv. to develop efficient environmentally-friendly methods to prevent diseases of aquatic bioresources;
- v. to develop and create new extraction tools;
- vi. to develop methods of management and sustainable use of aquatic bioresources, their conservation and reproduction in waters under the jurisdiction of Ukraine, open sea areas, as well as in waters under the jurisdiction of other states in accordance with international treaties of Ukraine;
- vii. to develop and improve methods to enhance productivity of fishery water bodies (their parts) by introducing aquaculture, creating new high-yield fish farms on a breeding and genetic basis;
- viii. to develop new resource saving technologies and aquatic bioresources processing technologies;
- ix. to develop and improve methods of production (from aquatic bioresources) of food, treatment and prophylactic drugs, biologically active substances, feeds and food additives for the population and farm livestock;
- x. to participate in the creation of international system of conservation and management of biological resources in the Azov and Black Sea basin and open sea area, to establish and maintain relations with foreign fisheries, scientific institutions and organizations;
- xi. to conduct marketing research in fisheries, industrial fisheries, to develop strategies for further activities of fishing entities and industrial fisheries, to protect aquatic bioresources, to increase their competitiveness, and to ensure integration into international organizations;
- xii. to create investment projects, plans for business development, reconstruction and restructuring;
- xiii. to use sectoral labour, material and financial resources.

The following entities provide scientific consultations in the field of management of the State Agency for Land Reclamation and Fisheries of Ukraine: State-Owned Enterprise “Odesa Centre of the Southern Research Institute of Marine Fisheries and Oceanography”, State-Owned Enterprise “Institute of Fisheries and Marine Ecology”, State-Owned Institution “Ichthyopathological Laboratory” and Budget Institution “Methodological and Technological Centre for Aquaculture”.

The State Agency for Land Reclamation and Fisheries of Ukraine has also established advisory and consulting bodies, including the Scientific and Technical Research Council and the Scientific and Industrial Research Council, which serve as a platform for exchanging information between experts and representatives of scientific institutions in the fisheries sector of Ukraine.

Their functions include as follows:

- i. to provide recommendations on the sustainable use, protection and reproduction of aquatic bioresources;
- ii. to review study findings, which relate to the assessment of impact on aquatic bioresources by all human activities and natural factors;
- iii. to provide, within the competence, the scientific substantiation for the issues in the field of fisheries that need to be resolved at the level of legislation of Ukraine;
- iv. to prepare proposals for the formation and implementation of state policy in the field of fisheries in Ukraine;
- v. to determine ways, mechanisms and methods to address issues arising in the field of fisheries in Ukraine;
- vi. to provide scientifically substantiated conclusions and recommendations on the focal points of state policy in the field of fisheries;
- vii. to determine priority directions of scientific and technical policy in the field of fisheries;
- viii. to determine ways, mechanisms and methods to solve problems that arise during the formation and implementation of state policy in the field of fisheries;
- ix. to review recommendations of research institutions on the main directions of science and technology development, conclusions of independent expertise on the formation.

C. Economic data

3. Describe the evolution in catch quantity, first sale value and export value in the fisheries sector (catching, processing, marketing and support services), including aquaculture, over the last years.

According to the State Statistics Service of Ukraine, the level of extraction (catch) of aquatic bioresources in Ukraine has decreased by almost 25 percent over the past five years. In 2017, fisheries entities, as well as technologically related enterprises and organizations that ensure the activities and development of the fisheries industry, extracted (caught) more than 92.6 thousand tons of aquatic bioresources; in 2020, this figure declined up to 76.5 thousand tons and, in 2021, amounted to 69.8 thousand tons. At the same time, the average price of extracted aquatic bioresources is constantly growing. In 2017, it was UAH 14,808 per ton, in 2020, this figure increased to UAH 15,601.5, and, in 2021, it amounted to UAH 15,760.1, which is 6.4% higher than in 2017.

The average catch level for the last 5 years in the inland fishery water bodies (their parts) is around 42 thousand tons of aquatic bioresources: among them 16 thousand tons are from pond aquaculture (carp and herbivorous species of fish), 8 thousand tons are from the special commercial

fisheries, 12 thousand tons are from the reservoirs of the Dnieper River, and 7 thousand tons are from other inland fishery water bodies (crucian, roach, bream, kilka (bleak) and herbivorous species of fish). In addition, 7 thousand tons of aquatic bioresources on average are extracted from the Black Sea (rapana, sprat, shrimp, mussels and atherina), 28 thousand tons from the Sea of Azov (gobies, kilka, khamsa, mullet and turbot) and 14 thousand tons at locations beyond the jurisdiction of Ukraine (krill, toothfish).

The volume [value] of sold processed and canned fish, crustaceans and molluscs in 2021 amounted to UAH 7,896.6 million, which is almost 20% higher than in 2020 and twice higher than in 2017 (UAH 3,782.2 million).

According to the customs authorities, the value of exported fish, fish products and other aquatic bioresources in 2021 increased by USD 16.2 million and in total amounted to USD 68.6 million, which is 31% higher than in 2020 (USD 52.4 million). In total, for 2021 the net weight of fish, fish products and other aquatic bioresources exported by Ukraine amounted to 13.1 thousand tons, which is 3% higher than in 2020 (12.7).

According to the State Statistics Service of Ukraine, average consumer prices for fish and fish products in 2021 increased for all positions and grew by 11.8% on average. The prices for herring (+26.2%), live or iced fish (+14.0%) and crab sticks (+12.5%) increased the most.

According to the reporting form 1-A fish "Aquaculture Production", nearly 19.0 thousand tons marketable products have been grown for the last five years in Ukraine annually, of which 15.0 thousand tons are caught. The cost of sales is UAH 780 million.

Currently, legal and normative acts do not stipulate the monitoring and summarising of information about the first sale of fish.

4. Describe the evolution in overall employment in the fisheries sector, including aquaculture, over the last years.

According to the Regulation on the State Agency for Land Reclamation and Fisheries of Ukraine approved by the Resolution of the Cabinet of Ministers of Ukraine No. 895 dated 30 September 2015, the collection of information on employment in the fisheries sector is not provided.

According to the State Statistics Service of Ukraine, the salary fund of full-time employees by type of business activity "Fisheries" increased by 30.5% in 2021 compared to the previous year and amounted to UAH 244.5 million. At the same time, during 2021 the average number of full-time employees decreased by 3%, and the average monthly salary increased by almost 20% and amounted to UAH 8,205.

In total, the average number of full-time employees by type of business activity "Fisheries" according to the State Statistics Service of Ukraine was 2398 persons at the end of 2021 (Note. Data are presented on legal entities and separate subdivisions of legal entities with 10 or more employees, excluding the Temporarily Occupied Autonomous Republic of Crimea, Sevastopol and part of the Temporarily Occupied Donetsk and Luhansk Regions).

Currently, legal and normative acts do not stipulate the monitoring and summarising of information about employment in the aquaculture sector. At the same time, changes are being made to the sectoral reporting form No. 1A-fish (annual) "Aquaculture production in 20__" in accordance

with the requirements of the Regulation of the European Parliament and of the Council (EU) No. 762/2008 of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96. As part of this work, collection of data on employment in aquaculture sector is planned.

II. RESOURCE AND FLEET MANAGEMENT

D. Fishing fleet

5. What are the principal fisheries in Ukraine and what is their geographical distribution?

The major species of aquatic bioresources extracted in Ukraine are fish and, to a lesser degree, invertebrates. Fishing activities are undertaken in the basins of the Sea of Azov, the Black Sea (and its estuaries), the lower part of the Dniester river including the Dniester estuary, the Danube river, and in reservoirs of the Dnipro river cascade. To a lesser extent, extraction of aquatic bioresources is undertaken in channel ponds and lakes all over Ukraine's territory.

For division between marine and freshwater fishing fleets, broken down into vessel length segments, please see Table 1 of question 8.

In 2022, 5 vessels under the national flag of Ukraine are undertaking fishing activities in the zone under the Convention on the Conservation of Antarctic Marine Living Resources and reside in the ports of Punta Arenas (the Republic of Chile) and Cape Town (the South African Republic).

In accordance with Article 25 of the Law of Ukraine "On Fishery, Industrial Fisheries and Protection of Fishing Resources" (hereinafter referred to as the Law), use of aquatic bioresources, which are in the state of natural freedom, is carried out as common and special use.

In accordance with Article 26 of the Law, common use of aquatic bioresources implies the right of citizens to use aquatic resources free of charge for scientific, cultural educational and pedagogic purposes to satisfy aesthetical, health, recreational and other needs without removing them from the natural environment, as well as to engage in leisure and sports fishing in public water bodies within the limits of free-of-charge use of aquatic bioresources laid down in the legislation.

In accordance with Article 27 of the Law, special use of aquatic bioresources involves their removal from their natural environment (except for leisure and sports fishing in public water bodies within the free-of-charge catching limit) and includes:

- i. industrial fishing (fisheries) — a kind of special use of aquatic bioresources (extraction, reception, processing, storage, transportation, etc., including supply of fuel, water, tare and food for functioning of fishing fleet vessels and their crews) in fishery water bodies (their parts), including waters outside the jurisdiction of Ukraine);
- ii. catching of aquatic bioresources for scientific research, scientific industrial, research design purposes, as well as for assessing their sanitary and epidemiological state (hereinafter referred to as research catching);
- iii. monitoring catching of aquatic bioresources for assessment of their state and reserves;
- iv. ameliorative catching of aquatic bioresources in order to form their optimal species and age composition;
- v. catching of aquatic bioresources in order to obtain biological material for artificial reproduction of their reserves and undertaking aquaculture;

vi. leisure and sports fishing in public water bodies exceeding laid down scopes of free-of-charge catching.

The legislation may define also other types of special use of aquatic bioresources.

Special use of aquatic bioresources is carried out in inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine under the procedure established by the Cabinet of Ministers of Ukraine, while in the open sea areas and in exclusive economic zones of foreign countries — in accordance with conditions of Ukraine's international treaties or foreign countries' legislation.

Special use of aquatic bioresources by foreigners and foreign legal entities in the exclusive (marine) economic zone and on the continental shelf of Ukraine is subject to the procedure established by the Cabinet of Ministers of Ukraine in accordance with Ukraine's international treaties.

6. Where are fishing vessels located and what are their areas of operation?

Ukrainian fishing vessels are mostly located in ports and on basing sites directly in the areas of their operation in inland water bodies of Ukraine, the coasts of the Sea of Azov and Black Sea, as well as in ports of other countries.

At the beginning of 2022, the Ship Book of Ukraine listed 3,438 vessels of the fishing fleet, which had not been subject to oversight of the classification agency until 2022, belonging to navigation area IV (vessels with minimal freeboard height of at least 0.5 metre, operated in fishery water bodies (their parts) open for navigation — rivers, open parts of reservoirs, coastal parts of the Sea of Azov and the Black Sea (20 miles from the shore)).

65 vessels of the fishing fleet, registered with the State Shipping Register of Ukraine (subject to oversight of the classification agency before 2022), have been conducting fishing activities in the Azov-Black Sea basin.

5 vessels under the national flag of Ukraine are undertaking fishing activities in the zone under the Convention on the Conservation of Antarctic Marine Living Resources and reside in the ports of Punta Arenas (the Republic of Chile) and Cape Town (the South African Republic).

What type of gear do they use?

Nets, beach seines, fixed gillnets, purse seines, fine-mesh bow nets, small traps (up to 5 m long), creel, dragnets, pelagic trawls, longlines, dredges.

How many fishing vessels compose the fishing fleet?

The Register of Fishing Craft, which is a part of the State Shipping Register of Ukraine, as of 01 January 2022, listed 117 vessels (for marine fisheries) of the fishing fleet subject to oversight by the classification agency (with engine power of 55 kW (75 hp) or more) of which in the exclusive (marine) economic zones of other countries and in the open sea area [international waters] 5 vessels of the fishing fleet, that are subject to oversight by the classification agency were operating, in the

Azov and Black Sea basin, 65 vessels of the fishing fleet that are subject to oversight by the classification agency were operating.

The Ship Book of Ukraine, as of 01 January 2022, listed 8,417 fishing vessels (for marine and freshwater fisheries) that are not subject to oversight by the classification agency (with engine power of less than 55 kW), of which 3,438 belonged to navigation area IV (vessels with minimal freeboard height of at least 0.5 metre, operated in fishery water bodies (their parts) open for navigation — rivers, open parts of reservoirs, coastal parts of the Sea of Azov and the Black Sea (20 miles from the shore) and 4,979 — to navigation areas I to III (navigation area I vessels — vessels with minimal freeboard height of at least 0.2 metre, operated in fishery water bodies (their parts) closed for navigation — lakes, ponds, cooling ponds of energy facilities, etc. with total area of up to 200 hectares; navigation area II vessels — vessels with minimal freeboard height of at least 0.3 metre, operated in fishery water bodies (their parts) closed for navigation — lakes, ponds, cooling ponds of energy facilities, etc. with total area of up to 200 hectares and in parts of navigable rivers; navigation area III vessels — vessels with minimal freeboard height of at least 0.4 metre, operated in fishery water bodies (their parts) open for navigation — rivers, shallow parts of reservoirs).

A. Fleet register

7. Does Ukraine have a fleet register? If yes, describe the administrative structure for the fleet register and specify its status.

Ukraine has no concept of a separate fleet register for fishing vessels.

Until 01 January 2022, in Ukraine, the relevant official vessel registration bodies were maintaining the following:

- i. the State Shipping Register of Ukraine, whose part was the Register of Fishing Craft;
- ii. the Ship Book of Ukraine.

In accordance with Article 26 of the Merchant Shipping Code of Ukraine, Ukrainian vessels under technical oversight of the classification agencies were subject to registration with the State Shipping Register of Ukraine.

Ukrainian vessels that were not subject to registration with the State Shipping Register of Ukraine were being registered in the Ship Book of Ukraine.

The requirements of registration and recording of merchant vessels in Ukraine were established by the Procedure of maintaining the State Shipping Register of Ukraine and the Ship Book of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 26 September 1997 No. 1069 (hereinafter referred to as the Procedure).

In accordance with point 4 of the Procedure, the management and supervision of fishing vessels registration and recording was being performed by the State Agency for Land Reclamation and Fisheries of Ukraine, while the general management and supervision of state registration of vessels (except for fishing ones) was being performed by the Ministry of Infrastructure of Ukraine.

In accordance with point 5 of the Procedure, the state registration of vessels in Ukraine was being performed as follows:

seagoing ships — by masters of maritime ports;

river vessels and vessels not subject to oversight by the classification agency — by the Maritime Administration;

fishing vessels not subject to oversight by the classification agency — by the State Fisheries Agency.

The registration of merchant vessels was being performed in maritime ports from the list established by the Ministry of Infrastructure of Ukraine.

The registration of fishing vessels subject to oversight by the classification agency was being performed in any maritime fishing port.

Fishing vessels that were not subject to registration with the State Shipping Register of Ukraine (fishing vessels with main engine power of 55 kW and less) were being registered with the Ship Book of Ukraine.

The registration of fishing vessels in the Ship Book of Ukraine was being performed by the State Agency for Fisheries of Ukraine and masters of maritime fishing ports.

Since 01 January 2022, provisions of the Law of Ukraine “On Inland Water Transport” (hereinafter referred to as the Law) have entered into force.

Subpoint 22 of point 4 of Section XII “Final and Transitional Provisions” of the Law amends, in particular, the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of Fishing Resources” and cancels the authority of the State Agency for Land Reclamation and Fisheries of Ukraine regarding maintenance of the State Shipping Register of Ukraine and the Ship Book of Ukraine. The functions mentioned are vested in the State Service of Maritime and River Transport of Ukraine (the Administration of the State Service of Maritime and River Transport).

The Merchant Shipping Code of Ukraine stipulates that the state oversight and enforcement of the state merchant maritime policy is vested into the central executive authority implementing the state maritime transport policy. A fishing vessel in this Code is any merchant vessel used for fishing or other maritime harvesting operations.

The only manager of the State Shipping Register of Ukraine and the Ship Book of Ukraine is the State Service of Maritime and River Transport of Ukraine issuing relevant shipping registration documents.

Ukraine has the State Shipping Register of Ukraine and the Ship Book of Ukraine in which vessel details are entered.

Ukrainian seagoing ships and inland waterway vessels are subject to registration with the State Shipping Register of Ukraine.

Vessels not subject to registration with the State Shipping Register of Ukraine are registered in the Ship Book of Ukraine in accordance with the Law of Ukraine “On Inland Water Transport”.

The procedure for registration of vessels in the State Shipping Register of Ukraine and the Ship Book of Ukraine is established by the central executive authority responsible for development and implementation of the state maritime and inland water transport policy.

The new Procedure for registration of vessels in the State Shipping Register of Ukraine and the Ship Book of Ukraine is approved by the Order of the Ministry of Infrastructure of Ukraine of 11 April 2022 No. 203 (developed due to amendments to the Merchant Shipping Code of Ukraine and adoption of the Law of Ukraine “On Inland Water Transport”).

The following kinds of vessels are registered with the State Shipping Register of Ukraine: vessels exceeding 20 metres in length; as well as the following types irrespective of their length: passenger ships, tugs and pusher craft intended for guiding vessels that are not small, and recreational craft 20 to 24 metres long.

The State Shipping Register of Ukraine consists of the following integral parts:

- i. the Seagoing Ships Register;
- ii. the Inland Waterways Vessels Register.

Vessels not subject to registration with the State Shipping Register of Ukraine (small vessels, recreational craft 4 to 20 metres long, small vessels with engine power 10 kW and more irrespective of their size, and small vessels used for fishing activities) are subject to registration with the Ship Book of Ukraine in accordance with the Law of Ukraine “On Inland Water Transport”.

It is prohibited to register vessels whose owner or shipowner has direct or indirect links with an aggressor state or an occupant state.

The following types of vessels are subject to mandatory registration with the Ship Book of Ukraine:

1) small motor vessels equipped with a mechanical engine (engines) with total maximum power of 10 kW or more;

2) small vessels exceeding 4 metres long irrespective of availability of a mechanical engine (except for rowing racing boats (kayaks), canoes, gondolas, catamarans (pedal boats) and replicas of historical ships);

3) small vessels used for fisheries activities, transporting goods and/or passengers as a commercial activity (except for rowing racing boats (kayaks), canoes, gondolas, catamarans (pedal boats) and replicas of historical ships);

4) personal watercraft, recreational sail craft 4 to 20 metres long.

Small vessels, sports vessels, historical ship replicas, other vessels not subject to mandatory registration are registered with the Ship Book of Ukraine at the shipowner's desire.

Administration of the State Service of Maritime and River Transport maintains the State Shipping Register of Ukraine and the Ship Book of Ukraine with the purpose of taking actions ensuring appropriate recording of vessels registered in Ukraine for accumulation, processing, recording, protection and provision of information on vessels entitled to navigation under the national flag of Ukraine.

8. What is the composition of the fishing fleet according to the following vessel length categories:

0-6 / 6-12 / 12-15 / 15-24 mt, etc.?

Table 1.

The number of marine vessels and vessels in inland water bodies according to the vessel length categories in 2020.

length overall of the boat (LOA)	Number of marine vessels in 2020	length overall of the boat (LOA)	Motorised/ non-motorised	Number of vessels in inland water bodies in 2020
Up to 11.9	10	Up to 5.9	Motorised	871
12–17.9	2		Non-motorised	26
18–23.9	56	6–11.9	Motorised	1,624
24–29.9	25		Non-motorised	19
30–35.9	7	12–17.9	Motorised	166
36–44.9	1		Non-motorised	—
45–59.9	9	18–23.9	Motorised	10
60–74.9	0		Non-motorised	—
75 and more	1	Total	Motorised	2,671
Total	111		Non-motorised	45

Source: [Data provided by State Agency of Melioration and Fisheries for FAO statistic form]

9. If there is a fleet register, which of the following characteristics are recorded for each vessel?

a) information on ownership;

Yes

b) tonnage, power of the main engine;

Yes

c) length overall of the boat (LOA);

Yes

d) fishing gears used/authorised;

No

e) other (please specify).

In accordance with the new Procedure for registration of vessels in the State Shipping Register of Ukraine and the Ship Book of Ukraine, approved by the Order of the Ministry of Infrastructure of Ukraine of 11 April 2022 No. 203, the State Shipping Register of Ukraine and the Ship Book of Ukraine are maintained in the electronic and paper forms.

The following details are entered in the State Shipping Register of Ukraine:

- i. the sequential number, registration date, registration type, charter party (if any) validity period, vessel name, vessel model, IMO vessel identification number, ENI unique European vessel identification number, vessel type and purpose, vessel classification, navigation area, vessel construction year and place;
- ii. the owner of the ship and his/her location (residence) (in case of an owner change: the grounds, change date, new owner of the ship and his/her location (residence));
- iii. the shipowner and his/her location (residence) (in case of a shipowner change: the grounds, change date, new shipowner and his/her location (residence));
- iv. the organisation exercising the technical oversight (classification, conventional);
- v. the vessel's main sizes: length overall (m), width (m), hull height (m);
- vi. the light displacement (m);
- vii. the gross tonnage (units);
- viii. the main propulsion machinery: type, number, power (kW (ehp));
- ix. the sails total area (sq. m) (for sail ships);
- x. the load capacity;
- xi. the hull material;
- xii. the number of decks;
- xiii. the number of masts;
- xiv. the passenger capacity (persons);
- xv. the crew (persons);
- xvi. the vessel's encumbrance or arrest: the place of issue, date of issue, encumbrance amount, encumbrance validity period, encumbrancer name and place, encumbrance discharge mark;
- xvii. the mark of exclusion of the vessel from the State Shipping Register of Ukraine: permanent or temporary;
- xviii. the mark of registration renewal;
- xix. the mark about registration documents issued to the shipowner.

The following details are entered in the Ship Book of Ukraine:

- i. the listing sequential number, registration date, registration identification number or vessel's name (assigned and former), vessel type and purpose, vessel classification, vessel construction year and place, construction number, owner/shipowner and his/her place (residence), owner/shipowner change date and grounds, hull material;
- ii. the vessel's main sizes: length overall, width, hull height;
- iii. the gross tonnage (units);

- iv. the crew (persons);
- v. the area and conditions of navigation;
- vi. the main propulsion machinery: type, number, power (kW (ehp));
- vii. the organisation exercising technical oversight;
- viii. the sails total area (sq. m);
- ix. the mark of exclusion from the Ship Book of Ukraine;
- x. the vessel's encumbrance: the place of issue, date of issue, encumbrance amount, encumbrance discharge term, encumbrancer name and place, discharge mark;
- xi. the charter party validity term.

Until 01 January 2022, the following details were being entered in the State Shipping Register of Ukraine (which was kept in paper form) by responsible vessel registration authorities:

the sequential number, registration date, registration type, charter party validity period, vessel name, vessel callsign, IMO vessel identification number, vessel type and purpose, navigation area, vessel construction year and place;

the owner of the ship and his/her registered address, shipowner or charterer and his/her registered address;

the organisation exercising the technical oversight (classification, conventional);

the vessel's main sizes: length overall (m), width (m), hull height (m);

the draft to the summer load line (m);

the gross and net capacity (units);

the main propulsion machinery: type, number, total power;

the main steam boilers (type, number, total performance (t/h));

the cargo holds (tanks (type, number, total capacity (thous. cub. m)));

the refrigerator holds (number, total capacity (cub. m));

the hull material;

the number of decks;

the number of watertight bulkheads;

the number of masts;

the passenger capacity (persons);

the crew (persons);

the vessel's encumbrance: the place of issue, date of issue, encumbrance amount, encumbrance validity term, encumbrancer name and registered address, encumbrance discharge mark;

the mark of exclusion of the vessel from the State Shipping Register of Ukraine: permanent or temporary;

the mark of registration renewal;
the mark of reception of the shipowner's (charterer's) registration documents;
the registration fee.

Until 01 January 2022, the following details were being entered in the Ship Book of Ukraine (which was kept in paper form):

the listing sequential number, registration date, ship's board registration number (assigned and former), vessel type and purpose, vessel construction year and place, owner of the ship and his/her registered address, hull material;

the main sizes (m): length overall, width, hull height;

the draught with load (m);

the load capacity (t);

the gross tonnage (units);

the speed (knots);

the crew (persons);

the area and conditions of navigation;

the engine: type, number, power (kW (ehp));

the organisation exercising technical oversight;

the sails total area (sq. m);

the mark of exclusion from the Ship Book of Ukraine;

the vessel's encumbrance: the place of issue, date of issue, encumbrance amount, encumbrance discharge term, encumbrancer name and address, encumbrance discharge mark, charter party validity term.

B. Fishing licenses

10. How is the issuing of fishing licenses organised?

Article 7 of the Law of Ukraine "On Licencing of Economic Activities" (hereinafter referred to as the Law) determines the exhaustive list of economic activities subject to licencing (hereinafter referred to as the List).

The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Deregulation in the Agro-Industrial Sector" amends the List in accordance with which industrial fisheries, except for inland water bodies and rivers, as an economic activity subject to licencing, is replaced with industrial catching of aquatic bioresources outside the Ukrainian jurisdiction. That is, the economic activity in the fishery sector conducted in the exclusive (marine) economic zone of Ukraine, territorial sea, Ukraine's inland water bodies is not subject to licencing.

By the Order of the Ministry of Agrarian Policy and Food of Ukraine of 26 February 2016 No. 61 (hereinafter referred to as the Order), registered with the Ministry of Justice of Ukraine on 16 March 2016 under the No. 399/28529, the Order of the Ministry of Agrarian Policy and Food of Ukraine of 31 May 2013 No. 341 “On Approval of Licencing Terms and Conditions Related to Industrial Fisheries Except for Internal Fisheries in Waterbodies (Ponds) of Business Entities”, registered with the Ministry of Justice of Ukraine on 17 June 2013 under the No. 983/23515, has been recognised as invalid.

The Order has entered into force 06 December 2016 — on the day the Resolution of the Cabinet of Ministers of Ukraine of 23 November 2016 No. 845 “On approval of Licence Conditions for economic activities of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine” has entered into force.

The EU application practice largely varies.

For instance, Council Regulation (EC) No. 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No. 847/96, (EC) No. 2371/2002, (EC) No. 811/2004, (EC) No. 768/2005, (EC) No. 2115/2005, (EC) No. 2166/2005, (EC) No. 388/2006, (EC) No. 509/2007, (EC) No. 676/2007, (EC) No. 1098/2007, (EC) No. 1300/2008, (EC) No. 1342/2008 and repealing Regulations (EEC) No. 2847/93, (EC) No. 1627/94 and (EC) No. 1966/2006 (hereinafter referred to as (EC) No. 2371/2002) establishes a Community system for control, inspection and enforcement to ensure compliance with the rules of the common fisheries policy.

Article 4 of Regulation (EC) No. 2371/2002 provides the terms for which terms and definitions laid down in the Regulation are used. The following terms and definitions apply:

- “fishing licence” means an official document conferring on its holder the right, as determined by national rules, to use a certain fishing capacity for the commercial exploitation of living aquatic resources. It contains minimum requirements concerning the identification, technical characteristics and fitting out of a Community fishing vessel;

- “fishing authorisation” means a fishing authorisation issued in respect of a Community fishing vessel in addition to its fishing licence, entitling it to carry out specific fishing activities during a specified period, in a given area or for a given fishery under specific conditions.

Articles 6 and 7 of Title “General conditions of access to waters and resources” of Regulation (EC) No. 2371/2002 lay down the peculiarities of a fishing licence and authorisation.

A Community fishing vessel may be used for commercial exploitation of living aquatic resources only if it has a valid fishing licence.

The flag Member State shall ensure that the information contained in the fishing licence is accurate and consistent with that contained in the Community fishing fleet register referred to in Article 15 of Regulation (EC) No. 2371/2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy (hereinafter referred to as the Regulation (EC) No. 2371/2002).

The flag Member State shall suspend temporarily the fishing licence of a vessel which is subject to temporary immobilisation decided by that Member State or which has had its fishing authorisation suspended in accordance with Article 45(4) of Regulation (EC) No. 1005/2008

of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No. 2847/93, (EC) No. 1936/2001 and (EC) No. 601/2004 and repealing Regulations (EC) No. 1093/94 and (EC) No. 1447/1999 (hereinafter referred to as the Regulation (EC) No 1005/2008).

The flag Member State shall withdraw permanently the fishing licence of a vessel which is the subject of a capacity adjustment measure referred to in Article 11(3) of Regulation (EC) No 2371/2002, or which has had its fishing authorisation withdrawn in accordance with Article 45(4) of Regulation (EC) No. 1005/2008.

The flag Member State shall issue, manage and withdraw the fishing licence in accordance with the detailed rules adopted in accordance with the procedure referred to in Article 119 of the Regulation.

A Community fishing vessel operating in Community waters shall be authorised to carry out specific fishing activities only insofar as they are indicated in a valid fishing authorisation when the fisheries or fishing zones where the activities are authorised are subject to:

- (a) a fishing effort regime;
- (b) a multiannual plan;
- (c) a fishing restricted area;
- (d) fishing for scientific purposes;
- (e) other cases laid down in Community legislation.

Where a Member State has a specific national fishing authorisation scheme, it shall send to the Commission at its request a summary of the information contained in the authorisation issued and the related aggregated figures on fishing effort.

Where the flag Member State has adopted national provisions in the form of a national fishing authorisation scheme for the allocation to individual vessels of the fishing opportunities available to it, it shall send to the Commission at its request information on the fishing vessels authorised to engage in a fishing activity in a given fishery, in particular concerning the external identification number, the name of the fishing vessels concerned, and the individual fishing opportunities allocated to them.

A fishing authorisation shall not be issued if the fishing vessel concerned does not have a fishing licence obtained in accordance with Article 6 or if its fishing licence has been suspended or withdrawn. A fishing authorisation shall be automatically withdrawn where the fishing licence corresponding to the vessel has been withdrawn permanently. It shall be suspended where the fishing licence has been suspended temporarily.

In accordance with the Law of Ukraine “On Licensing of Economic Activities”, the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of Fishing Resources”, the Regulation on the State Agency for Land Reclamation and Fisheries of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 September 2015 No. 895 (as amended), the State Agency for Land Reclamation and Fisheries of Ukraine, in line with its duties, issues a licence for economic activities of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine (hereinafter referred to as the licence).

In accordance with the Law's requirements, the Licence Conditions for economic activities of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 23 November 2016 No. 845 (hereinafter referred to as the Licence Conditions), a licence applicant submits the following documents to the State Agency for Land Reclamation and Fisheries of Ukraine:

- an application for a licence in the form in accordance with Annex 1 to the Licence Conditions;
- a licence applicant's record of equipment for undertaking the economic activity of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine in the form in accordance with Annex 2 to the Licence Conditions;
- a copy of a passport of a chief executive officer of a licence applicant (or the one of his/her authorised representative) with a mark of the relevant control body of a notification of refusal of a taxpayer identification number due to the person's religious beliefs (to be submitted by the individual entrepreneurs who refused a taxpayer identification number due to their religious beliefs and notified the relevant control body);
- a description of the documents being submitted for a licence, in two copies (in case the documents are being submitted in hardcopy).

The procedure for admittance of an application for a licence to examination and grounds for dismissal thereof is established by Article 12 of the Law.

In line with the requirements of Articles 12, 13 of the Law, the State Agency for Land Reclamation and Fisheries of Ukraine shall, within five working days from receipt of an application, establish whether there are grounds for dismissal of an application or not, and shall take the relevant decision if those grounds are in place. Upon establishing that there are no grounds for dismissal of an application, the State Agency for Land Reclamation and Fisheries of Ukraine shall examine it to establish whether there are grounds for licence dismissal or not, by way of analysis of supporting documents and obtaining information from the electronic information resources as hard copies or in electronic format.

The grounds for dismissal of an application and the grounds for adoption of a decision on licence dismissal upon examination of an application for a licence are laid down in Articles 12 and 13 of the Law, respectively.

Where during examination of an application for a licence, no grounds for dismissal of a licence have been established, the State Agency for Land Reclamation and Fisheries of Ukraine shall take a decision on licence issuance.

The time limit for adoption of a decision on licence issuance or dismissal shall be ten working days from receipt of an application for a licence by the State Agency for Land Reclamation and Fisheries of Ukraine.

The licence shall be issued for an unlimited duration.

In accordance with Article 14 of the Law, a single payment shall be made for the licence issuance, in the amount of a minimum subsistence wage, on the basis that a minimum subsistence wage for able-bodied persons effective on the date of adoption of the decision on licence issuance by the licensing body. Payment for licence issuance shall be made by a licensee not later than within ten working days from entering information on the decision on licence issuance in the licence register.

In accordance with paragraph 1 of Article 9 of the Law and point 4 of the Licence Conditions, the licensee shall comply with the Licence Conditions, and the licence applicant shall conform with the Licence Conditions to obtain it.

It should be noted that in accordance with Article 25 of the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of additionality Resources”, use of aquatic bioresources, which are in the state of natural freedom, is carried out as common and special use.

The mechanism for special use of aquatic bioresources that are in the state of natural freedom (except for the species listed in the Red Book of Ukraine) in the inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine is established by the Procedure of special use of aquatic bioresources in the inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine on 25 November 2015 No. 992.

The Procedure of issuance of an authorisation for special use of aquatic bioresources in fishery water bodies (their parts) or its dismissal, as well as renewal and revocation of such authorisation (hereinafter referred to as the Procedure) is approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 October 2013 No. 801.

In accordance with point 2 of the Procedure, an authorisation for special use of aquatic bioresources in fishery water bodies (their parts) (hereinafter referred to as the permit) is issued per each water body (its part) by the State Agency for Land Reclamation and Fisheries of Ukraine or its territorial body.

An authorisation is issued by:

the State Agency for Land Reclamation and Fisheries of Ukraine to a territorial body for carrying out monitoring catching of aquatic bioresources and assessing their state and reserves;

a territorial body to an economic operator for undertaking industrial fisheries, catching of aquatic bioresources for scientific research, scientific industrial, research design purposes, as well as for assessment of their sanitary and epidemiological state; ameliorative catching of aquatic bioresources in order to form their optimal species and age composition; catching of aquatic bioresources for obtaining biological material for artificial reproduction of their reserves and undertaking aquaculture; leisure and sports fishing in public water bodies exceeding laid down scopes of free-of-charge catching.

The authorisation validity term is five years.

11. What is the mechanism to withdraw licenses when the conditions for these are not met?

Article 7 of the Law of Ukraine “On Licencing of Economic Activities” (hereinafter referred to as the Law) determines the exhaustive list of economic activities subject to licensing (hereinafter referred to as the List).

The Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Deregulation in the Agro-Industrial Sector” amends the List in accordance with which industrial fisheries, except

for inland water bodies and rivers, as an economic activity subject to licencing, is replaced with industrial catching of aquatic bioresources outside the Ukrainian jurisdiction. That is, the economic activity in the fishery sector conducted in the exclusive (marine) economic zone of Ukraine, territorial sea, Ukraine's inland water bodies is not subject to licencing.

By the Order of the Ministry of Agrarian Policy and Food of Ukraine of 26 February 2016 No. 61 (hereinafter referred to as the Order), registered with the Ministry of Justice of Ukraine on 16 March 2016 under the No. 399/28529, the Order of the Ministry of Agrarian Policy and Food of Ukraine of 31 May 2013 No. 341 "On Approval of Licencing Terms and Conditions Related to Industrial Fisheries Except for Internal Fisheries in Waterbodies (Ponds) of Business Entities", registered with the Ministry of Justice of Ukraine on 17 June 2013 under the No. 983/23515, has been recognised as invalid.

The Order has entered into force 06 December 2016 — on the day the Resolution of the Cabinet of Ministers of Ukraine of 23 November 2016 No. 845 "On approval of Licence Conditions for economic activities of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine" has entered into force.

In accordance with paragraph 1 of Article 9 of the Law of Ukraine "On Licensing of Economic Activities" (hereinafter referred to as the Law) and point 4 of the Licence Conditions for economic activities of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 23 November 2016 No. 845 (hereinafter referred to as the Licence Conditions), a licensee shall be required to conform with the Licence Conditions requirements, and a licence applicant shall be required to conform with the Licence Conditions to obtain the licence.

In accordance with paragraph 12 of Article 16 of the Law, the following shall be the ground for adoption by the State Agency for Land Reclamation and Fisheries of Ukraine of a decision to cancel the licence, in full or in part:

1) a certificate of a licensee's failure to remove the reasons which caused full or partial suspension of a licence over the period of full or partial suspension thereof;

2) a certificate of a repeated violation of the licence conditions by the licensee. A repeated violation shall be deemed another violation of at least one of the requirements of the licence conditions specified in an order to remedy the violations, committed by a licensee within one year from the date of issue of such an order by the licensing body;

3) a certificate of identification of corrupt data in the documents submitted by an economic operator together with the application for a licence.

Where information on absence of control of the licensee's activities within the meaning of Article 1 of the Law of Ukraine "On Protection of Economic Competition" exercised by the residents of the states which carry out armed aggression against Ukraine in the meaning of Article 1 of the Law of Ukraine "On Defence of Ukraine", contained in the documents submitted by the economic operator in support of an application is false, the certificate as provided for in point 9 of this paragraph shall be drawn up;

4) a certificate of the licensee's refusal of the check to be conducted by the licensing body. The licensee's refusal of the check to be conducted by the licensing body shall be deemed barring the

authorised officials of the licensing body from carrying out the check of compliance by a licensee with the relevant licence conditions, absent the legitimate grounds for such actions (denial of access of the officials of the licensing body to the places of economic activity subject to licensing, and to facilities used by a licensee in conducting economic activities subject to licensing or absence, in the first day of the check, of a person authorised to represent the licensee's interest during the check, at the licensee's registered office);

5) a certificate containing documentary evidence of control of the activities of the licensee within the meaning of Article 1 of the Law of Ukraine "On Protection of Economic Competition", established by the residents of the states which carry out armed aggression against Ukraine in the meaning of Article 1 of the Law of Ukraine "On Defence of Ukraine";

6) a certificate of the licensee's failure to provide documents and information on the scope of check to the licensing body, at the written request from the officials of the licensing body during the check.

Cancellation of the licence may be applied as a sanction against the licensees in accordance with the Laws of Ukraine "On prevention of and Counteraction to Legalisation (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction", "On Sanctions".

In accordance with paragraph 14 of Article 14 of the Law, the State Agency for Land Reclamation and Fisheries of Ukraine takes a decision to cancel a licence, in full or in part, within five working days from:

receipt of a document as provided for in point 1 of paragraph 12 of this Article;

drawing up of certificates as provided for in points 2, 6–10 of paragraph 12 of this Article;

entering information as provided for in points 3–5 of paragraph 12 of this Article in the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organisations.

In accordance with the requirements of paragraph 18 of Article 16 of the Law, the State Agency for Land Reclamation and Fisheries of Ukraine shall enter information on the decision on cancellation of licence in the licence register, and shall also publish it on the official website on the next working day following the date of adoption; and shall notify the licensee of its decision on cancellation of licence, in full or in part, within five calendar days by registered mail.

A decision of the licensing body may be challenged in the Expert Board of Appeal in the Matters of Licensing or in court.

12. Does Ukraine apply specific rules for recreational/leisure fisheries?

Yes, Ukraine does apply such rules both in inland fishery water bodies and in the territorial waters of the Sea of Azov and the Black Sea. Firstly, the general requirements for regulation of leisure and sports fishing are established by the Procedure of undertaking leisure and sports fishing, approved by the Resolution of the Cabinet of Ministers of Ukraine of 18 July 1998 No. 1126. Other, more detailed requirements like extraction (catching) limits, forbidden places, timeline of prohibition for extraction (catching) of aquatic resources, minimal sizes of the fish and other aquatic bioresources, conditions for holding fishing and underwater hunting sports contests, allowed and prohibited gear

and methods of extraction (catching), etc. are established by the Rules of leisure and sports fishing, approved by the Order of the State Fishery Committee of Ukraine of 15 February 1999 No. 19, registered with the Ministry of Justice of Ukraine on 28.04.1999 under the No. 269/3562.

C. Fishing authorization

13. Does your flag State have in place a regime for authorizing fishing and fishing related activities (e.g. licencing), which ensure that no vessels is allowed to operate unless so authorized in a manner consistent with the international law and with the sustainability of the relevant stocks?

Article 7 of the Law of Ukraine “On Licencing of Economic Activities” (hereinafter referred to as the Law) determines the exhaustive list of economic activities subject to licensing (hereinafter referred to as the List).

The Law of Ukraine “On Amendments to Certain Legislative Acts of Ukraine on Deregulation in the Agro-Industrial Sector” amends the List in accordance with which industrial fisheries, except for inland water bodies and rivers, as an economic activity subject to licencing, is replaced with industrial catching of aquatic bioresources outside the Ukrainian jurisdiction. That is, the economic activity in the fishery sector conducted in the exclusive (marine) economic zone of Ukraine, territorial sea, Ukraine’s inland water bodies is not subject to licencing.

By the Order of the Ministry of Agrarian Policy and Food of Ukraine of 26 February 2016 No. 61 (hereinafter referred to as the Order), registered with the Ministry of Justice of Ukraine on 16 March 2016 under the No. 399/28529, the Order of the Ministry of Agrarian Policy and Food of Ukraine of 31 May 2013 No. 341 “On Approval of Licencing Terms and Conditions Related to Industrial Fisheries Except for Internal Fisheries in Waterbodies (Ponds) of Business Entities”, registered with the Ministry of Justice of Ukraine on 17 June 2013 under the No. 983/23515, has been recognised as invalid.

The Order has entered into force 06 December 2016 — on the day the Resolution of the Cabinet of Ministers of Ukraine of 23 November 2016 No. 845 “On approval of Licence Conditions for economic activities of industrial catching of aquatic bioresources outside the jurisdiction of Ukraine” has entered into force.

In accordance with the Law of Ukraine “On the List of Permits in the Sphere of Business Activity”, Article 23-24 of the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of Fishing Resources” (hereinafter referred to as the Law), the Regulation on the State Agency for Land Reclamation and Fisheries of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 September 2015 No. 895 (as amended), the State Agency for Land Reclamation and Fisheries of Ukraine, in line with its duties, issues permits in the sphere of fisheries, including authorisations for special use of aquatic bioresources outside the jurisdiction of Ukraine.

In accordance with the Law of Ukraine “On the List of Permits in the Sphere of Business Activity”, Article 23-24 of the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of Fishing Resources”, the State Agency for Land Reclamation and Fisheries of Ukraine issues the following permits, including authorisations for special use of aquatic bioresources in inland fishery water bodies (their parts) (hereinafter referred to as an inland catching authorisation) and authorisations for special use of aquatic bioresources outside the jurisdiction of Ukraine (hereinafter referred to as an outland catching authorisation).

Point 4 of the Procedure of special use of aquatic bioresources in the inland fishery water bodies (their parts), inland marine waters (in accordance with the Resolution of the Cabinet of Ministers of Ukraine “On approval of the Rules of protection of the inland marine waters and territorial sea from pollution and littering” of 29 February 1996 No. 269, inland marine waters of Ukraine are:

- marine waters situated towards the coast from straight reference lines adopted for measuring the width of the territorial sea of Ukraine;

- waters of ports of Ukraine bounded by a line drawn through a port's permanent structures most protruding into the sea;

- waters of gulfs, bays, firths and estuaries, harbors and roadsteads, whose shores completely belong to Ukraine, to a straight line drawn from shore to shore in the place where a passage or several passages from the sea form for the first time, if the width of each does not exceed 24 nautical miles;

- waters of gulfs, bays, firths and estuaries, seas and channels that historically belong to Ukraine), territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine on 25 November 2015 No. 992, stipulates that special use of aquatic bioresources is carried out by the users of aquatic bioresources based on the permit for such use in fishery water bodies (their parts) after allocation of a limit or forecast of allowed catching into extraction (catching) shares for industrial and non-industrial purposes and extraction (catching) reserve.

The Procedure of issuance of an authorisation for special use of aquatic bioresources in fishery water bodies (their parts) or its dismissal, as well as renewal and revocation of such authorisation (hereinafter referred to as the Procedure) is approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 October 2013 No. 801.

In accordance with point 2 of the Procedure, such an authorisation is issued per each water body (its part) by the State Agency for Land Reclamation and Fisheries of Ukraine or its territorial body.

An inland catching authorisation is issued by:

- i. the State Agency for Land Reclamation and Fisheries of Ukraine to a territorial body for carrying out monitoring catching of aquatic bioresources and assessing their state and reserves;

- ii. a territorial body to an economic operator for undertaking industrial fisheries, catching of aquatic bioresources for scientific research, scientific industrial, research design purposes, as well as for assessment of their sanitary and epidemiological state; ameliorative catching of aquatic bioresources in order to form their optimal species and age composition; catching of aquatic bioresources for obtaining biological material for artificial reproduction of their reserves and undertaking aquaculture; leisure and sports fishing in public water bodies exceeding laid down scopes of free-of-charge catching.

The inland catching authorisation validity term is five years.

Point 3 of the Procedure sets out that an economic operator submits the following documents to obtain an authorisation:

- a statement of obtaining an authorisation for special use of aquatic bioresources in fishery water bodies (their parts);

the economic operator's certificate of possessing fishing vessels (watercraft), allowed fishing gear (in compliance with the fishing rules and regimes) and fish-receiving facilities (whose locations are agreed in accordance with the legislation) at a specific fishery water body (its part) (hereinafter referred to as a certificate). If territorial bodies or scientific institutions (organisations, undertakings) are unable to carry out monitoring or research catching by their own efforts, the certificate should specify fishing vessels (watercraft), fishing gear and fish-receiving facilities of a co-performer;

a work programme specifying methods, aims and tasks of works, types and number of fishing vessels (watercraft), names and number of necessary fishing gear — in case of catching aquatic bioresources for scientific research, scientific industrial, research design purposes, monitoring catching of aquatic bioresources for assessing their state and stock, fishing of aquatic bioresources for obtaining biological material for artificial reproduction of their stock and undertaking aquaculture;

a document providing grounds for special use of aquatic bioresources.

In accordance with point 5 of the Procedure, an authorisation for special use of aquatic bioresources in fishery water bodies (their parts) or a written notice on refusal of issuance of such authorisation is provided within five working days since submission by the economic operator of the document package required for obtaining an authorisation.

An authorisation is issued free of charge.

In accordance with point 6 of the Procedure, the grounds for refusal of issuance of an authorisation to an economic operator are as follows:

submission of an incomplete package of documents required for obtaining an authorisation;

discovery of corrupt data in the submitted documents;

lack of scientifically justified information on special use of aquatic bioresources (a decision of the State Agency for Fisheries);

lack of a share of an unallotted limit of aquatic bioresources;

systematic (three and more) gross violations within a year of requirements of legislation for aquatic bioresources protection, use and reproduction of aquatic bioresources;

failure of paying penalties for violations of requirements of legislation for aquatic bioresources protection, use and reproduction of aquatic bioresources or existence of non-compensated damages to fisheries at the time of consideration of the authorisation issuance matter;

existence of overdue debts owed to the state or local budget;

exploitation of the allotted amount of aquatic bioresources by less than 75 per cent over the previous four years.

The grounds for revocation of an authorisation issued to an economic operator are as follows:

an application for revocation of an authorisation;

termination of an economic operator that is a legal entity;

termination of business activity of a natural person;

a judgement of the Court on revocation of an authorisation;

systematic (three and more) gross violations within the previous year of requirements of legislation for aquatic bioresources protection, use and reproduction of aquatic bioresources;

establishing of provision of corrupt information in the application and documents appended to it (point 7 of the Procedure).

A decision on revocation of an authorisation is handed in in person or sent by mail with the list of enclosures not later than five days since its termination. An authorisation is terminated in 15 working days from adoption of the decision of its revocation.

An authorisation revocation decision may be appealed in court.

The Procedure of issuance of an authorisation for special use of aquatic bioresources outside the jurisdiction of Ukraine or its dismissal, as well as renewal, duplication and revocation of such authorisation (hereinafter referred to as the Procedure of issuance) is approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 October 2013 No. 800.

The requirements of point 2 of the Procedure of issuance stipulate that an outland catching authorisation is a document certifying an economic operator's right for undertaking special use of aquatic bioresources outside the jurisdiction of Ukraine in compliance with norms stipulated by Ukraine's international treaties and legislation of relevant foreign countries or international fisheries management organisations.

In accordance with point 3 of the Procedure of issuance, an economic operator submits the following documents for an authorisation:

i. an application within the term of 30 calendar days before the fishing season in coverage areas of international fisheries management organisations, where Ukraine is a member, or fishing timeline stipulated by resolutions of competent authorities of a coastal state concerning allotment of a catching quota;

ii. details on the fishing gear as required by an international fisheries management organisation or a coastal state in whose waters fishing using a fishing vessel under the national flag of Ukraine is planned, namely: the mesh size of a net fishing gear, the trawl design features (pelagic, bottom, pair, wide-body), the traps design features, the hook size in case of line fishing, as required by international fisheries management organisations in implementation of preservation measures;

iii. endorsed duplicates of the documents certifying the economic operator's property rights for owned or leased fishing vessels registered in line with a procedure established by the legislation (a certificate of ownership of the fishing vessel, a lease contract or a charter party);

iv. an endorsed duplicate of the Ukrainian Flag Certificate;

v. an endorsed duplicate of the seaworthiness certificate;

vi. an endorsed duplicate of the classification certificate;

vii. an endorsed duplicate of the document certifying installation of a remote monitoring system complying with the Ukrainian legislative requirements and enabling tracking of a fishing vessel's position by both the Remote Monitoring Centre belonging to the sphere of management of the State Agency for Land Reclamation and Fisheries of Ukraine and centralised monitoring systems of international fisheries management organisations.

Duplicates of the documents and certificates mentioned are endorsed by the economic operator;

other documents in accordance with norms stipulated by Ukraine's international treaties, legislation of relevant foreign countries or international fisheries management organisations in whose waters special use of aquatic bioresources by a fishing vessel under the national flag of Ukraine is planned.

An outland catching authorisation is issued by the State Agency for Land Reclamation and Fisheries of Ukraine per each fishing vessel in Ukrainian and English. Upon request of a coastal state in whose waters special use of aquatic bioresources by a fishing vessel under the national flag of Ukraine is planned, other foreign language adopted by control bodies of such state may be used besides English.

Point 4 of the Procedure of issuance stipulates that an outland catching authorisation is issued for a term that cannot exceed 12 calendar months.

In accordance with point 7 of the Procedure of issuance, the grounds for revocation of an outland catching authorisation are as follows:

- i. an economic operator's application for revocation of an authorisation;
- ii. termination of an economic operator that is a legal entity (a merger, accession, division, transformation or liquidation);
- iii. termination of business activity of an economic operator who is a natural person;
- iv. establishing of provision of corrupt information in the application and documents appended to it;
- v. a violation by the fishing vessel of fishing rules and regime;
- vi. a violation by the fishing vessel of requirements of legislation for aquatic bioresources protection, use and reproduction or Ukraine's international treaties;
- vii. inclusion of the fishing vessel to a list of vessels involved in illegal fishing;
- viii. intentional extraction of aquatic bioresources covered by a moratorium or prohibition of use of aquatic bioresources provided for by relevant Ukraine's international treaties and international competent authorities;
- ix. use by the fishing vessel of prohibited fishing gear;
- x. intentional damage of ship equipment preventing remote monitoring of the fishing vessel;
- xi. falsification or concealment of the fishing vessel's identification signs, name or registration port;
- xii. expiry of the ship documents.

D. Catches and landings

14. Please provide statistics for catches and landings per type of fishery.

The State Statistics Service of Ukraine is conducting state statistical observation (hereinafter – SSO) “Fishery” aimed at compiling information on amounts, average prices and dynamics of aquatic bioresources extraction by the economic operators, engaged in the fishery management, for information support of analysis of the fishery and fish-farming sector progress in the country, the national accounts system, compiling the fish and fish products balance. The SSO data users may be public authorities and local self-government, scientists and researchers, mass media, international organizations, enterprises (associations), natural persons.

The SSO data sources are: information, obtained from the respondents according to the form No.1-fish (annual) “Aquatic Bioresources Extraction Report” (hereinafter – the form No.1-fish (annual)), on: the amount of aquatic bioresources extracted per bioresorce type in accordance with the Nomenclature of Fishery and Aquaculture Products (hereinafter – NFAP), per aquatic bioresource extraction area, per type of fishing (extraction) tools; the cost of aquatic bioresources extracted (w/o VAT) per bioresorce type in accordance with the NFAP. The mentioned data are obtained in the second decade of January of the year following the reporting year, in paper or electronically; the compiled data of the State Agency of Fisheries on aquatic bioresources extraction by individual entrepreneurs (within or without the established nationwide significance quotas) per bioresorce type in accordance with the NFAP, per aquatic bioresource extraction area, per type of fishing (extraction) tools are obtained in the second decade of January of the year following the reporting year, in paper or electronically, according to the relevant agreement on exchange of information resources.

Table 2.

Catch statistics of Ukraine.

Extraction of aquatic bioresources

(tonne)

	<i>Extraction of aquatic bioresources</i>					<i>Including fish</i>
	<i>total</i>	<i>including by type of water reservoir</i>				
		<i>in the inland waters objects</i>	<i>in the exclusive (marine) economic zone of Ukraine</i>	<i>in the exclusive (marine) economic zone of other countries</i>	<i>on the high</i>	

2017 ¹	92,645	42,176	42,520	c	c	81,875
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The form No.1-fish (annual) “Aquatic Bioresources Extraction Report” has been altered starting 2018.

(tonne)

	<i>Extraction of aquatic bioresources</i>				<i>Including fish</i>
	<i>total</i>	<i>including by major fishing areas</i>			
		<i>aquaculture</i>	<i>inland waters bodies</i>	<i>other fishing areas</i>	
2018 ¹	86,222.5	13,576.6	46,819.8	25,826.1	64,737.9
2019 ¹	92,682.0	12,675.4	22,928.7	57,077.9	58,095.8
2020 ¹	76,508.1	11,932.6	23,291.4	41,284.1	48,228.6
2021 ¹	69,872.9	11,100.7	22,663.0	36,109.2	41,816.1

The data exclude the temporarily occupied territory of the Autonomous Republic of Crimea, the city of Sevastopol and a part of temporarily occupied territories in the Donetsk and Luhansk regions.

Symbol (c) – data are not published in order to ensure compliance with the requirements of the Law of Ukraine “On the State Statistics” regarding confidentiality of statistical information.

The data on aquaculture are provided for by the State Statistics Service of Ukraine data collection format.

Besides, the State Agency for Land Reclamation and Fisheries, within its powers, collects and generalises the following data on aquatic bioresources harvesting (extraction):

Extraction of aquatic bioresources by the users of aquatic bioresources according to point 45 of the Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No. 992 “On Approval of the Procedure for Special Use of Aquatic Bioresources in Inland Fishery Water Bodies (Their Parts), Inland Waters, Territorial Sea, Exclusive (Marine) Economic Zone and on the Continental Shelf of Ukraine.”

Catching amounts of fish and other aquatic bioresources in fishery water bodies and on the continental shelf of Ukraine

tonnes

Fishery water bodies	2017	2018	2019	2020	2021
The Black Sea	5,253.4	8,613.0	14,128.0	9,765.7	8,305.0
The Sea of Azov	37,266.0	21,360.0	16,063.0	8,839.4	4,482.4
<i>Total in the Azov-Black Sea basin</i>	<i>42,519.4</i>	<i>29,973.0</i>	<i>30,191.0</i>	<i>18,605.1</i>	<i>12,787.4</i>
Black Sea Estuaries	142.2	481.0	70.0	64.3	143.8
Danube River and Stentsovska Floodplain	472.5	254.4	561.4	349.0	521.6
Dniester Downstream incl. its Estuary and the Cuciurgan Reservoir	2,403.1	2,050.5	2,581.8	1,510.2	1,440.3
Dnipro-Buh Estuary System	2,552.6	4,222.9	3,885.3	2,787.4	2,573.6
Dnipro Reservoirs	13,753.3	13,170.2	13,959.8	11,683.8	12,864.6
Other basins	233.2	222.4	226.5	110.2	149.6
<i>Total Inland Water Bodies</i>	<i>19,556.8</i>	<i>20,401.4</i>	<i>21,284.8</i>	<i>16,505.0</i>	<i>17,693.5</i>
TOTAL	62,346.7	51,475.8	51,475.8	35,110.1	30,480.9

Extraction of aquatic bioresources at special commercial fisheries, in accordance with the Order of the State Fishery Committee of Ukraine of 15.01.2008 No. 4 “On approval of the Instructions on the procedure for artificial breeding, cultivation of aquatic bioresources and use thereof in special commercial fisheries,” registered with the Ministry of Justice of Ukraine on 28 January 2008 under No. 64/14755.

Harvesting of Aquatic Bioresources at Special Commercial Fisheries

tonnes

	2017	2018	2019	2020	2021
Special commercial fisheries	7,802	7,199	8,258	8,121	7,069

Aquaculture production in accordance with the Order of the Ministry of Agrarian Policy and Food of Ukraine of 21.03.2012 No. 141 ‘On Approval of the Reporting Form No. 1A-fish (annual) “Aquaculture Production in 20__” and Instructions on its Filling,’ registered with the Ministry of Justice of Ukraine on 9 April 2012 No. 514/20827.

Harvesting of commercial aquaculture products

tonnes

	2017	2018	2019	2020	2021
Ponds	16071.9	14,974.1	13,543.7	12,947.2	11,981.2
Keepnets	73.2	48.9	21.4	25.7	29.9
Pools	183.1	193.3	527.4	478.6	285.4
Aquariums	36.9	81.1	117.3	130.7	131.2
Other water facilities	568.3	679.7	749.6	586.0	4,653.6
Total	16,933.4	15,977.1	14,959.4	14,168.3	12,893.0

Catching in the zone under the Convention on the Conservation of Antarctic Marine Living Resources and in the open sea.

tonnes

FAO fishing area	2017	2018	2019	2020	2021
48	7,949	15,081	22,432	20,770	22,187
41, 48, 88	505	620	372	527	725

The is no legal basis for unloading reporting

E. Management of resources

15. Are there any management measures in place concerning the exploitation of marine fisheries resources in domestic and in international waters, including measures to reduce the impact on sensitive habitats?

The State Agency for Melioration and Fisheries of Ukraine is the central executive authority implementing the state policy in the field of fisheries and fishing industry, the protection, use and reproduction of aquatic bioresources, the regulation of fisheries, and is responsible for implementation of the following management measures.

In accordance with the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of Fishing Resources”, special use of aquatic bioresources is carried out in inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine under the procedure established by the Cabinet of Ministers of Ukraine, while in the open sea areas and in exclusive economic zones of foreign countries — in accordance with conditions of Ukraine’s international treaties or foreign countries’ legislation.

The Procedure of special use of aquatic bioresources in the inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental

shelf of Ukraine is approved by the Resolution of the Cabinet of Ministers of Ukraine of 25 November 2015 No. 992.

Special use of aquatic bioresources by foreigners and foreign legal entities in the exclusive (marine) economic zone and on the continental shelf of Ukraine is subject to the procedure established by the Cabinet of Ministers of Ukraine in accordance with Ukraine's international treaties.

The Procedure and Conditions of use of fish and other aquatic living resources of the exclusive (marine) economic zone of Ukraine by foreign legal entities and natural persons are approved by the Resolution of the Cabinet of Ministers of Ukraine of 13 August 1999 No. 1490.

Special use of aquatic bioresources (besides leisure fishing and use of resources whose reserves are ensured exclusively by their artificial breeding) is carried out in conformance with the limits and forecast of allowable catching.

In order to preserve and ensure rational use of specific aquatic resources that are intensely used and/or are in a poor state as scientifically justified by scientific institutions belonging to the sphere of management of the central executive authority implementing the state fisheries policy, limits of industrial catching are established for the next calendar year which are then allotted into quotas approved by the Orders of the Ministry of Agrarian Policy and Food of Ukraine. The list of species of aquatic bioresources subject to limits of industrial extraction, as well as the limit scopes scientifically justified by scientific institutions belonging to the sphere of management of the central executive authority implementing the state fisheries policy, are approved by the central executive authority ensuring development of the state fisheries and fishing industry policy.

For regulation of extraction of the aquatic bioresources not subject to catching limits, the central executive authority implementing the state fisheries policy estimates a forecast of allowable catching for the next calendar year based on scientific justifications provided by scientific institutions. The allowable catching forecast may be adjusted by the central executive authority implementing the state fisheries policy. The forecasts have the same legal status as the limits, but allow for adjustments during a year in line with scientific and biological justifications.

For special use of those species of aquatic bioresources for which an extraction level that might threaten the resources' reserves state cannot be reached due to the peculiarities of their spatial distribution in a water body or due to the extraction technical capabilities, no limits and forecasts of allowable catching are established (meaning that the catching of such aquatic bioresources is not limited since regardless of the intensity it cannot harm the population).

The Procedure of establishment of special use limits and assessment of forecast for allowable catching of aquatic bioresources is approved by the Resolution of the Cabinet of Ministers of Ukraine of 05 December 2012 No. 1149.

The limits are established for the species (groups of species) of aquatic bioresources subject to industrial extraction in relevant water bodies, except for isolated water bodies (where structures or technical facilities are used, or artificial water bodies used for aquaculture) and industrial water bodies whose reserves are formed exclusively by artificial breeding of the aquatic bioresources.

The justifications of allowable scopes of special use of aquatic bioresources by the species (groups of species) in water bodies are developed by scientific institutions and organisations belonging to the sphere of management of the central executive authority implementing the state

fisheries policy, and by scientific institutions belonging to the National Academy of Sciences of Ukraine and the National Academy of Agrarian Sciences of Ukraine, as requested by the central executive authority implementing the state fisheries and fishery entities policy.

The limits for special use of aquatic bioresources within Ukraine's jurisdiction zone are approved within a month since the receipt of documents by the central executive authority ensuring development of the state fisheries and fishing industry policy based on the scientific biological justification provided by scientific institutions and organisations.

The aquatic bioresources catching limits are allotted by the central executive authority implementing the state fisheries policy.

The users of aquatic bioresources report to the territorial bodies of the State Agency for Melioration and Fisheries of Ukraine. After the limit is reached, the territorial body of the State Agency for Melioration and Fisheries of Ukraine issues an order on the suspension of catching of certain species in a particular water body. Based in the order of the State Agency for Melioration and Fisheries of Ukraine economic operators are assigned shares expressed as percentage, and after the limits are approved, quotes are allocated and expressed in kind according to the assigned shares.

By a decision of the central executive authority implementing the state fisheries policy the aquatic bioresources catching limits, as well as allowable catching forecasts can be allotted into quotas:

- i. for user for extraction;
- ii. for scientific institutions and organisations;
- iii. for monitoring catching by fishery bodies;
- iv. for training and cultural educational fishing;
- v. for extraction (catching) of aquatic bioresources as fishing with purposes of aquaculture, reproduction and acclimatisation of aquatic bioresources;
- vi. for extraction (catching) of aquatic bioresources as leisure and sports fishing.

The central executive authority ensuring development of the state fisheries and fishing industry policy approves the industrial fishing rules developed based on scientific justifications on the basin principle. The industrial fishing rules determine the areas, methods and timeline of removal (catching, extraction, harvesting) of aquatic bioresources, types, sizes and numbers of fishing vessels, fishing gear and its quantities, sizes of fishery objects allowed for catching, requirements for their protection, as well as conditions of use of industrial areas of fishery water bodies (their parts), and burden for each water body in terms of numbers and capacities of watercraft.

In order to ensure protection and rational use of specific aquatic bioresources species, as well as to supplement, clarify or amend the rules mentioned, regimes for specific fishery water bodies (their parts) can be developed. The regimes are approved by the central executive authority ensuring development of the state fisheries and fishing industry policy.

The industrial fishing rules for fishery water bodies of Ukraine are approved by the Order of the State Fishery Committee of Ukraine of 18 March 1999 No. 33.

The industrial fishing rules for the Black Sea basin are approved by the Order of the State Fishery Committee of Ukraine of 08 December 1998 No. 164.

The temporary industrial fishing rules for the Sea of Azov basin are approved by the Order of the State Fishery Committee of Ukraine of 31 December 1999 No. 172.

Also, fishing regimes for the fishery water bodies mentioned are approved on a yearly basis to clarify the industrial fishing rules.

In the exclusive (marine) economic zones of foreign countries, conventional areas and open sea areas, the industrial and scientific exploratory use of aquatic bioresources is carried out by fishery entities in line with the requirements of Ukraine's international treaties or legislation of relevant foreign countries.

The procedure of special use of aquatic bioresources in the open sea areas and exclusive (marine) economic zones of foreign countries is established in line with the international legal norms or Ukraine's international treaties.

III. INSPECTION AND CONTROL

16. Have you implemented a control regime over vessels flying under your flag?

The system for fishing vessels monitoring was established by the Resolution of the Cabinet of Ministers of Ukraine of 28 July 2004 No.963. The Regulation on fishing vessels monitoring system was approved by the Order of the Ministry of Agrarian Policy of Ukraine dated 09.11.2004 No. 407. For the purpose of the system's proper functioning the State Agency for Land Reclamation and Fisheries of Ukraine established the State-owned Enterprise "Centre for Monitoring and Safety of Fishing Vessels", one of their main activities is remote control of fishing vessels using technical means of remote control. In connection with changes in Ukrainian legislation that came into force on 01.01.2022 in line with the requirements of the Law of Ukraine "On Inland Water Transport", the State Agency for Land Reclamation and Fisheries of Ukraine is conducting work to bring the current subordinated legal and normative acts on the matters of monitoring system functioning into accordance with the legislation.

Besides, according to Article 7(1)(21) of the Law of Ukraine "On Licensing of Economic Activities", the economic activities on marine bioresources commercial catching outside of the jurisdiction of Ukraine are subject to licensing.

In accordance with Article 19(7) of the Law of Ukraine "On Licensing of Economic Activities", the control of observance by licensees of the requirements of license terms is performed by the licensing bodies within their powers by means of scheduled and unscheduled inspections in line with the Law of Ukraine "On the Basic Principles of State Supervision (Control) in Economic Activity" (hereinafter – the Law) taking into account the features defined by this Law.

The State Agency for Land Reclamation and Fisheries of Ukraine is exercising control, within its powers, over the licensees' compliance with the requirements of the Licensing Conditions for Commercial Activities on Aquatic Bioresources Commercial Catching outside the jurisdiction of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 23.11.2016 No. 845.

Special use of aquatic bioresources outside the jurisdiction of Ukraine is carried out based on the permits for such use; the procedure of such permits issuing is approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 October 2013 No. 800.

The Resolution of the Cabinet of Ministers of Ukraine of 17.10.2018 No. 846 approved the criteria for risk degree assessment from commercial activities on aquatic bioresources commercial extraction outside the jurisdiction of Ukraine and determined the frequency of planned state supervision (control) to be performed by the State Agency for Land Reclamation and Fisheries of Ukraine.

The criteria to assess the degree of risk from the commercial activity on aquatic bioresources commercial catching outside the jurisdiction of Ukraine and determine frequency of planned state supervision (control) measures to be performed by the State Agency of Land Reclamation and Fisheries of Ukraine include:

- i. observance by an economic entity of the License Conditions for Conducting Commercial Activities for Aquatic Bioresources Commercial Catching outside the jurisdiction of Ukraine;
- ii. term of performing of economic activity on aquatic bioresources commercial catching outside the jurisdiction of Ukraine;
- iii. maximal number of statistical harvest subareas where economic activity on aquatic bioresources commercial catching outside the jurisdiction of Ukraine is performed;
- iv. fishing gear used in the course of aquatic bioresources commercial catching outside the jurisdiction of Ukraine;

According to the Procedure of special use of aquatic bioresources in the inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine on 25 November 2015 No. 992, special use of aquatic bioresources is carried out by the users of aquatic bioresources based on the permit for such use in fishery water bodies (their parts).

Resolution of the Cabinet of Ministers of Ukraine of 31 October 2018 No. 897 approved the criteria for assessing the degree of risk from economic activity and established the frequency of planned supervision (control) measures in the sphere of fisheries to be performed by the State Agency for Land Reclamation and Fisheries.

According to Item 1 of the Procedure, the criteria of the risk degree from economic activities assessment include:

- i. quantity of alien and/or non-native hydrobiont species used by the economic entity in aquaculture as of any date in the past two years preceding the planning period;
- ii. violation of the requirements of legislation in the sphere of fisheries during the period preceding the year under planning;
- iii. status of fishery water body (its part) used by the economic entity as of any date during last two years preceding the planning period;
- iv. characteristics of hydro-engineering facility or water intake used by the economic entity on any date during two last years preceding the planning period;
- v. quantity of bioresources extracted during the period preceding the year under planning.

E. Financial means

17. What budgetary means have been allocated for fisheries control (in Euro)? Are these means increasing or decreasing?

No means are separately allocated for control (inspection) from the state budget.

In general for the territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine and the central office, almost EUR 10,869,865 was allocated for the general fund from the state budget for 2022 for remuneration and charges, payment of utilities and electricity bills, payment for services, purchase of fuel and lubricants, spare parts and other expenditures (as of 01.01.2022), in 2021 almost EUR 10,266,372 were used (as of 21.12.2021) and in 2020 almost EUR 9,170,779 (as of 31.12.2020). Taking into account the above, the means are increasing.

18. How have these means been allocated?

Apart from the funds for the central office, allocations in the amount of almost EUR 8,699,909 are envisaged for 2022 for the general fund from the state budget (as of 01.01.2022) for the territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine, in 2021 almost EUR 8,279,998 were used (as of 21.12.2021) and in 2020 almost EUR 7,420,411 (as of 31.12.2020).

F. Human resources

19. How many personnel is involved in fisheries control (at sea landing, market and sales)? What is the distribution of personnel among the relevant authorities? Are resources increasing or decreasing?

The inspectorial staff of territorial bodies, part of staff of the ichthyology department (state supervision (control) and managerial staff (specialized) of the territorial bodies) are involved in the control (inspection). Out of the staff of the central office of the State Agency for Land Reclamation and Fisheries of Ukraine, the employees who perform operative control and ensure organisation of state supervision (control) are involved into this process.

The number of staff involved into control (inspection) of fishery within the State Agency of Land Reclamation and Fishery of Ukraine is about 400 people.

The central office performs general organisation of state supervision (control) measures, in accordance with requirements of Article 6 of the Law of Ukraine “On Basic Principles of State Supervision (Control) in the Sphere of Economic Activity” it agrees performing of unscheduled checks, issues in line with Article 5 of the Law of Ukraine “On Basic Principles of State Supervision (Control) in the Sphere of Economic Activity” the annual Plan of state supervision (control) measures and controls its implementation and entering of information into the electronic Information Analytical

System (IAS) (provided by Article 51 of the Law of Ukraine “On Basic Principles of State Supervision (Control) in the Sphere of Economic Activity”).

Territorial bodies directly organise implementation of state supervision (control) measures, issue relevant administrative documents as to implementation of those measures in accordance with annual Plan and the approved by the State Agency of Land Reclamation and Fisheries of Ukraine unscheduled measures. The number of employees to implement a particular measure is directly determined by the head of a territorial body.

20. What is the working schedule of officials in charge of fisheries inspection (full time/part time, hours etc.)? How many are directly involved in actual fisheries control (inspections)?

The inspectorial staff is involved directly, their working schedule is flexible keeping to 40 working hours a week. The work of state supervision (control) is organised as eight-hour day.

Around 400 people are directly involved in actual control (inspections) of fisheries. The mentioned number is continuously changing due to employment and dismissal activities. Administrative staff is 42 full-time employees, average number of registered personnel is 35.

21. Is training provided, and what does it consist of?

Every year, 35 percent of staff of the State Agency for Land Reclamation and Fisheries of Ukraine are trained according to special professional (certificate) programmes.

Training programme for the inspectorial staff and territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine is developed by the Institute of Continuing Education and the Faculty of Livestock Raising and Water Bioresources of the National University of Life and Environmental Sciences of Ukraine. The educational and thematic programme comprises the main topics: modern policy of fisheries development; topical issues of ichthyology and aquaculture; basic principles and legal aspects of aquatic bioresources protection; basics of fishery patrol activity; responsibility of citizens for violating the fishery rules under current conditions; aquatic bioresources fishing gear; occupational safety; corruption: counteraction and responsibility; professional ethics; tolerance; culture of business communication; communication with the media. Chief state inspectors and other staff members of the State Agency for Land Reclamation and Fisheries of Ukraine and its territorial bodies get advanced training at the National University of Life and Environmental Sciences of Ukraine every 3 years.

Along with this, the chief state inspectors of territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine are trained on the ongoing basis in special professional certificate programmes in regional centres of professional development.

Chief state inspectors and other staff of the State Agency for Land Reclamation and Fisheries of Ukraine and its territorial bodies are also trained as government employees in the Ukrainian School of Government under general (professional) certificate programmes and general short-term professional development programmes.

G. Powers of control

22. Where is inspection powers defined? Do they allow inspecting vessels, fishery products and premises, as necessary, at sea, at landing, during transport, on the market?

Powers of control for inspecting are defined, in particular, by Article 10 of the Law of Ukraine “On Fishing Industry, Commercial Fishing and Protection of Aquatic Bioresources”, as well as by the Law of Ukraine “On the Basic Principles of State Supervision (Control) in Economic Activity” and the relevant bylaws adopted in pursuance of these Laws.

Thus, control over the origin of aquatic bioresources and legality of their extraction in accordance with the national legislation is carried out on fishing vessels, fish collection stations, means of transport and places of sale.

23. If there are different authorities involved in fisheries control, describe the powers of each of them and their respective roles. How do they ensure cooperation and exchange of information?

Fisheries control is performed by:

- i. State Agency for Land Reclamation and Fisheries of Ukraine and its territorial bodies;
- ii. State Ecological Inspection of Ukraine and its territorial bodies;
- iii. State Border Guard Service of Ukraine and its local agencies;
- iv. National Police of Ukraine (water police);
- v. State Service of Ukraine on Food Safety and Consumer Protection.

The State Agency for Land Reclamation and Fisheries of Ukraine is performing state supervision (control) in the sphere of aquatic bioresources protection, use and reproduction in the exclusive (marine) economic zone of Ukraine, territorial sea, inland waters of Ukraine and waters outside the jurisdiction of Ukraine over fishing vessels flying the State Flag of Ukraine in accordance with international treaties of Ukraine;

In the exercise of control over fishing, fishery activities in inland waters, compliance with the rules of fishing and sale of aquatic bioresources, protection of habitats etc., the relevant violations are punishable under Article 50 “Violation of the right of state-owned property to fauna”, Paragraphs 3 “Violation of fishing rules”, 4 “Gross violation of fishing rules”, 5 “Violation of the rules of other types of wildlife special use”, Article 85 “Violation of the rules of fauna objects use”, Article 85-1 “Production, sale, storage or advertising of the prohibited gear for extraction (collection) of fauna and flora objects”, Article 86-1 “Operation on water objects of water intake constructions which are not provided with the fish-protecting equipment”, Article 88-1 “Violation of procedure for acquisition or sale of objects of fauna or flora, rules of keeping of wild animals in captivity or semi-captivity conditions”, Article 90 “Violation of the requirements for the protection of animal and plant species listed in the Red Data Book of Ukraine”, Article 91-2 “Exceeding of set limits and standard rates of use of natural resources”, Article 164 “Violation of procedure of economic activity” and Article 188-5 “Non-fulfilment of legal orders or instructions from officials of the bodies that exercise the state control in the sphere of environmental protection, natural resources use, radiation safety or protection

of natural resources” of the Code of Ukraine about Administrative Offenses). The State Agency for Land Reclamation and Fisheries of Ukraine has the most developed legislative control system. Other agencies, such as the State Ecological Inspection of Ukraine and its territorial bodies, the State Border Guard Service of Ukraine and its local agencies and the National Police of Ukraine (water police) are only carrying out inspection during fishing (Paragraphs 3 ”Violation of fishing rules”, 4 ”Gross violation of fishing rules”, 5 ”Violation of the rules of other types of wildlife special use” of the Article 85 “Violation of the rules of fauna objects use” of the Code of Ukraine about Administrative Offenses. In fact, it can be noted that the powers of some central bodies for fisheries control are duplicated.

The State Service of Ukraine for Food Safety and Consumer Protection implements state police in the spheres of veterinary medicine (fish health), safety and certain indicators of food quality (fish and fish products), however it does not control fishing and transportation (origin).

Meetings are being held and exchange of information by correspondence is organised. Meetings are being held on a regular basis both at the central level (among central executive authorities) and at the local level. No meeting schedules are being made. The need to hold such meetings is defined by their feasibility, e.g. monthly meetings at the local level during spawning campaigns. Besides, there are regular meetings on maintaining the level of operation of reservoirs at the Dnipro and the Dniester rivers, winter and icing period meetings on suffocation prevention, etc. Besides, the National Police of Ukraine is carrying out exchange with materials on the investigation of offences where criminal proceedings have been instituted (Article 249 of the Criminal Code of Ukraine “Illegal extraction of fish, animals or other aquatic resources”).

H. Control equipment

24. What control equipment is available for control activities (e.g vessels, vehicles)?

There are 322 vehicles (manufacture year 1976-2017), 324 boats (manufacture year 1968-2019) including inflatable boats, 275 outboard engines (manufacture year 1972-2020), including electric outboard engines on the balance of the fisheries patrols.

Out of those, suitable for use are: 202 vehicles or 62.7%, 226 boats or 69.8%, 183 outboard engines or 66.6%. Besides, hand held cameras and unmanned aerial vehicles are used (partly) for control.

25. Is the equipment adequate for the tasks to be carried out? Describe the needs.

No. In large part the equipment requires significant upgrading. There is a need for vehicles, boat trailers, boats, boat outboard engines, thermal cameras, video recorders, tablets, quadcopters, radar stations (radiodetectors), GPS navigation satellite systems, sonars and thermal oximeters.

26. Is there a Fishing Monitoring Centre in place?

Yes. By the Resolution of the Cabinet of Ministers of Ukraine dated 28 July 2004 No. 963 the system for fishing vessels monitoring was established.

In accordance with the said CMU Resolution, the following are equipped with remote monitoring devices:

1) fishing fleet vessels, registered in the Ship Book of Ukraine (sailing areas 3 & 4, according to the Law of Ukraine “On Fishing Industry, Commercial Fishing and Protection of Aquatic Bioresources,” and carrying out special use of aquatic bioresources:

in inland fishery water bodies (their parts) or territorial sea up to 2 nautical miles off shore – with GNSS and GPS-based remote monitoring devices,

in territorial sea above 2 nautical miles off shore – with INMARSAT remote monitoring devices,

2) fishing fleet vessels, registered in the Ship Book of Ukraine, flying the National flag of Ukraine and carrying out special use of aquatic bioresources in inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine, in the open sea areas and in exclusive economic zones of foreign countries — with INMARSAT remote monitoring devices,

3) fishing fleet vessels, flying foreign flags and carrying out special use of aquatic bioresources in exclusive (marine) economic zone and on the continental shelf of Ukraine — with INMARSAT remote monitoring devices.

Special use of aquatic bioresources by the vessels, specified by this clause, but not equipped with remote monitoring devices or when such devices are not functioning, is prohibited.

For the purpose of proper functioning of the system, the State Agency for Land Reclamation and Fisheries of Ukraine established the State-owned Enterprise “Centre for Monitoring and Safety of Fishing Vessels”, one of their main activities is remote control of fishing vessels using technical means of remote control. In connection with changes in Ukrainian legislation that came into force on 01.01.2022 in line with the requirements of the Law of Ukraine “On Inland Water Transport”, the State Agency for Land Reclamation and Fisheries of Ukraine is conducting work to bring the current subordinated legal and normative acts on the matters of monitoring system functioning into accordance with the legislation, namely, the work is being done to enter changes into the Resolution of the Cabinet of Ministers of Ukraine of 28 July 2004 No. 963 and the Regulation on fishing vessels monitoring system approved by the Order of the Ministry of Agrarian Policy of Ukraine dated 09.11.2004 No. 407, with further development of the Procedure for remote control of fishing vessels.

At the same time, to obtain an authorization for special use of aquatic bioresources outside the jurisdiction of Ukraine, the owner of a fishery vessel shall submit to the State Agency for Fisheries an endorsed duplicate of the document certifying installation of a remote monitoring system complying with the Ukrainian legislative requirements and enabling tracking of a fishing vessel’s position by both the Remote Monitoring Centre belonging to the sphere of management of the State Agency for Fisheries and centralised monitoring systems of international fisheries management organisations.

I. Collection of data

27. Are biological and socio economic data collected on fisheries and aquaculture, and at what frequency (please specify which variables)? If yes which of the following data are collected and at what frequency (please specify further)?

The biological data required to assess the state of stocks of exploited species of aquatic bioresources and to establish the allowable extraction volumes (limits), as well as to implement other conservation measures required, are collected on the regular basis (annually, based on the orders from the State Agency for Land Reclamation and Fisheries) by:

- i. Institute of Fisheries and Marine Ecology (city Berdiansk; subordinated to the State Agency for Land Reclamation and Fisheries of Ukraine) on the aquatic bioresources in the Azov and Black Seas, as well as in the World Ocean areas in the framework of activities of international organisations in which Ukraine is a member (CCAMLR, NAFO);
- ii. State-owned Enterprise “PivdenNIRO Odesa Centre” (Southern Research Institute of Marine Fisheries and Oceanography, city Odesa, subordinated to the State Agency for Land Reclamation and Fisheries of Ukraine) on the aquatic bioresources in the Black Sea, the Black Sea estuaries and the Danube;
- iii. The Institute of Fisheries of the National Academy of Agrarian Sciences on the aquatic resources in the inland water bodies of Ukraine, mainly on aquatic resources in the water reservoirs of the Dnipro Cascade.

The main statistical (catch numbers and breeding numbers by species of aquatic bioresources, water objects, regions) and socioeconomic data on fishery and aquaculture are collected by the State Agency for Land Reclamation and Fisheries of Ukraine on regular (annual) basis.

All the biological and statistical data mentioned above are used to calculate and establish the limits for special use of aquatic bioresources and to determine their forecasted allowable catches, as well as to prepare proposals on introduction, acclimatisation and re-acclimatisation of hydrobionts, use of the designed volumes of their allowable catches, develop scientifically based regime and integrated measures to increase bioproductivity of fishery water bodies (their parts), continental shelf and exclusive (marine) economic zone of Ukraine, as well as of the area of responsibility of the international organisations in which Ukraine is a member or a cooperating party.

Reporting in the sphere of aquaculture.

Starting from 2012, the form of annual sectoral reporting on aquaculture production was introduced: No. 1A-fish (annual) “Aquaculture production in 20__”. The form was approved by the order of the Ministry of Agrarian Policy and Food of Ukraine dated 21.03.2012 No. 141 (as amended) and agreed upon with the State Statistics Service of Ukraine. The following data are collected through the form: balance of facilities for the year (ponds, fishing cribs, fish cages etc.); availability (quantity) of breeding stock; quantity of stocking material grown; quantity of marketable product grown; economic indicators of aquaculture production.

All aquaculture business entities regardless of their ownership form are required to submit the reports on aquaculture production (the Law of Ukraine “On Aquaculture”). Reporting is submitted once a year.

Currently, changes are being made to the sectoral reporting form No. 1A-fish (annual) “Aquaculture production in 20__” in accordance with the requirements of the Regulation (EU) No. 762/2008 of the European Parliament and of the Council of 9 July 2008 on the submission by Member States of statistics on aquaculture and repealing Council Regulation (EC) No 788/96.

In addition, to establish the primary accounting of aquaculture production at each stage of technological process of aquaculture breeding (grading, spawning, incubation etc.), as well as catching marketable products, the Ministry of Agrarian Policy and Food of Ukraine approved special forms of primary documentation for fishery entities in the sphere of aquaculture by the Order dated 19.06.2012 No. 362. Fulfilment of the Order allows business entities introduce a holistic system of accounting for aquaculture production at all stages of the production process.

28. Are there scientific research surveys at sea organised to collect data independently from fisheries (please specify further)?

Yes.

The Sea of Azov:

In the Sea of Azov, monitoring surveys using active gear — trawls and seins (dredges) — are conducted on a regular basis (annually) for the major aquatic bioresources used — demersal and pelagic fish species and aquatic invertebrates.

Such studies are conducted by the Institute of Fisheries and Marine Ecology (IFME) under the State Agency for Land Reclamation and Fisheries of Ukraine, located in Berdiansk of Zaporizhzhia Oblast.

Unfortunately, since March, 2022, the Ukrainian coast of the Sea of Azov has been occupied by the Russian Federation, and at the moment of filling in of this Questionnaire, any scientific expeditions in the Sea of Azov area remain impossible.

The Black Sea:

No comprehensive monitoring surveys of aquatic bioresources in the Ukrainian waters of the Black Sea have been being conducted lately (since 2014), especially due to the occupation by the Russian Federation of a major part of Ukraine’s exclusive economic zone in the Black Sea.

There were attempts of scientific and research monitoring activities in specific zones in the north-western part of the Black Sea by fisheries institutions of the State Agency for Land Reclamation and Fisheries of Ukraine — the Odesa Centre of the Southern Scientific Research Institute of Fisheries and Oceanography (Odesa) and the Institute of Fisheries and Marine Ecology (Berdiansk).

On the other hand, the participation of specialists of Ukrainian fisheries institutions in activities of scientific expert bodies of the General Fisheries Commission for the Mediterranean (GFCM) must be noted. The GFCM arranges the work on assessment of the condition of the Black Sea marine living resources within the framework of the GFCM’s Working Group on the Black Sea (WGBS). The Black Sea has been included in the GFCM’s area of activities since 2015. Ukrainian scientists submit biological data to the GFCM’s database, thus enabling the GFCM to make all their independent

conclusions on the condition of the Black Sea marine living resources with consideration of the data provided to them by Ukrainian colleagues.

The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) coverage area

Under agreement within the CCAMLR framework, the Institute of Fisheries and Marine Ecology (IFME) has been undertaking scientific research expeditions involving fishing vessels in the CCAMLR zone on several occasions between 2015 and 2022:

- i. a survey of *Dissostichus* spp. in subarea 48.1;
- ii. a survey of *Dissostichus* spp. in subarea 48.2;
- iii. a Ukrainian-Korean survey of *Dissostichus* spp. in subarea 88.3;
- iv. a synoptic survey of the Antarctic krill (*Euphausia superba*) in area 48.

The Northwest Atlantic Fisheries Organisation (NAFO) coverage area

Considering absence of Ukrainian industrial activities in this zone since 2007, despite that Ukraine remains the member of this organisation, no scientific research under the Ukrainian flag has been conducted here for the last decades.

29. What diadromous species are present in Ukraine? Are any data collected on these species (please specify further)?

The major diadromous species in Ukraine, fairly often met in Ukraine's water bodies in the course of industrial fishing and scientific research catching, are as follows:

- beluga — *Huso huso*,
- Russian sturgeon — *Acipenser gueldenstaedtii*,
- starry sturgeon — *Acipenser stellatus*,
- Black Sea salmon — *Salmo labrax*,
- Pontic shad — *Alosa immaculata*,
- Danube bleak — *Alburnus chalcoides*,
- Vimba bream — *Vimba vimba*.

This list does not include species that were described for Ukrainian waters, but have not been met for years. These especially are sturgeon species like European sea sturgeon (*Acipenser sturio*) and ship sturgeon (*Acipenser nudipectus*).

It should be noted that the biggest attention is paid to studies of status of the family *Acipenseridae* fish which are all without exclusion protected by CITES. All sturgeon species in Ukrainian waters are also listed in the Red Book of Ukraine.

The biological data on all diadromous fish species are collected during comprehensive ichthyologic fisheries studies undertaken for monitoring of the aquatic bioresources state. The data on fish species listed in the Red Book of Ukraine are limited to details of catching events (place, date) and main sizes of the fish that can be obtained while they are alive, with mandatory returning of such fish to their living environment.

30. Are the collected data used for stock management?

Yes.

The collected data purposes include the following:

- development of scientific basis for preservation of the aquatic bioresources and undertaking of rational fishing through establishment of allowed scopes of using (limits) and implementation of other efficient measures for preservation with due consideration of Ukraine's international requirements and responsibilities and prevention of illegal, unregulated, unregistered fishing;
- improvement of biotechnological basis for breeding and growing of aquaculture species, creation of a national genetic fund of fish farming facilities, introduction of the youth of valuable industrial species to fisheries water bodies of Ukraine that impacts the country's environmental safety;
- justification of Ukraine's position regarding the management of fishing resources, introduction of measures for regulation of industrial activities and fishing regimes in conventional areas of international fisheries organisations (the General Fisheries Commission for the Mediterranean (GFCM), the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission (CACFish), the Northwest Atlantic Fisheries Organisation (NAFO), the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR));
- development of Ukraine's position for participation in work of other international organisations and bodies established in accordance with Ukraine's international treaties (the Mixed Commission for Regulation in the Danube Waters, the Ukrainian-Moldovan Working Group for Protection of Aquatic Bioresources and Regulation of Fishing in the Dniester Basin, the Food and Agriculture Organisation (FAO), the World Wildlife Fund (WWF), and the Danube Transnational Programme (Interreg V-B Danube — CCI 2014TC16M6TN001) in the Danube-Dniester interfluvium);
- establishment of Ukrainian export quotas for sturgeon species of natural populations and their products in accordance with the CITES requirements.

31. Are there aquaculture farms (marine, freshwater, land-based)? What species are reared?

In Ukraine, fish products are the third by importance source of animal protein after cattle and poultry. Besides, aquaculture development contributes significantly to employment of the rural population and the population of coastal areas.

The information on number of aquaculture enterprises is generalised by the territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine. In 2021, their total number reached 4,441 undertakings of various ownership (legal entities — 1,509, natural persons — 2,932).

The production of fish in aquaculture (of all kinds: farming in ponds, tanks, RAS) has been increasing steadily over the last decade, reaching about 20 thousand tonnes, however, a trend of gradual decline in aquacultural fish farming has been being observed lately. In 2021, the aquaculture undertakings produced 16.9 thousand tonnes of commercial fish.

The traditional aquaculture species always have been the carp family: common carp (*Cyprino carpio*) and herbivorous species such as the silver (*Hypophthalmichthys molitrix*) and bighead (*Hypophthalmichthys nobilis*) carps, their hybrids, and grass carp (*Ctenopharyngodon idella*). Besides carps, Ukrainian aquafarmers also rear other species: rainbow trout (*Oncorhynchus mykiss*), wels catfish (*Silurus glanis*), northern pike (*Esox lucius*), zander (*Sander lucioperca*), tench (*Tinca tinca*), crucian carp (*Carassius carassius*), sterlet (*Acipenser ruthenus*), Russian (*Acipenser gueldenstaedtii*) and Siberian (*Acipenser baerii*) sturgeons, bester (*Huso huso* x *Acipenser ruthenus*), American paddlefish (*Polyodon spathula*), bigmouth buffalo (*Ictiobus cyprinellus*), smallmouth buffalo (*Ictiobus bubalus*), black buffalo (*Ictiobus niger*), etc.

Besides the species mentioned, some new thermophilic species have also found their place in the Ukrainian aquaculture — African sharptooth catfish (*Clarias gariepinus*) and several tilapia species (*Oreochromis*). These species are heat-loving and cannot be cultivated in Ukraine's climate — therefore, they are farmed exclusively in controlled conditions in recirculating aquaculture systems (RAS). However, technologies of combined rearing have been being developed lately — weaning of the stocking material in controlled conditions and further rearing of commercial fish in open systems in summer time. The complications of creating the controlled conditions and costs for their maintenance are offset by a short cycle of producing commercial products, general unpretentiousness regarding the rearing conditions (except for the temperature) and extremely high productivity per unit area.

The promising aquaculture species that can be farmed and be competitive in Ukraine are the crustaceans — Danube (*Astacus leptodactylus*) and European (*Astacus astacus*) crayfish (presently, they are sometimes farmed as an additional product in ponds, however, there is no purposeful production in Ukraine), Australian red claw crayfish (*Cherax quadricarinatus*), whiteleg shrimp (*Penaeus vannamei*), giant river prawn (*Macrobrachium rosenbergii*). Nowadays, these species are already being cultivated in minor amounts with prospects of further development.

Farming of zander and highly productive breeds of tench as major species at industrial fisheries, like it is done in the European Union, can also be promising in Ukraine for both internal market saturation and export.

Development of marine aquaculture (mariculture) in Ukraine has been remaining at an experimental level for long time, and since the illegal temporary occupation of Crimea the opportunities of mariculture development have shrunk significantly. The major part of the Black Sea area remaining under the effective Ukrainian jurisdiction features rather apparent seasonality (alternation of the winter and the summer), heavy storms and very low water temperatures in the winter, freshening of the water, significant anthropogenic stress and the unsolved matter of zoning for possible aquaculture activities. Therefore, nowadays the State Agency for Land Reclamation and Fisheries of Ukraine seeks ways to increase the production in marine aquaculture by means of easing conditions for the fish business, improving the regulatory environment and creating conditions for development of the national mariculture. As of today, the most promising appears farming of *Mytilus* mussels.

J. Inspection activities (at sea, at landing, during transport, on the market)

32. Provide statistics for the number of inspections carried out in 2021 (at sea, landing, market and sale).

In 2021, territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine conducted 11,320 inspections. No statistics were collected on the breakdown of the inspection activities by the defined categories (at sea, at landing, on the market and during sale).

33. Is there a strategy in place for inspection activities? Are any targets set?

The State Agency for Land Reclamation and Fisheries of Ukraine and its territorial offices have the law enforcement function as well as the state supervision (control) (hereinafter – SSC) function. The information on 11300 inspections in point 32 of the Questionnaire refers to conducting fishery conservation raids within the law enforcement function. The SSC is not executed as of now due to the ongoing inspection moratorium. The raids are conducted for the purpose of finding infringements of fishing rules and other legal and normative acts directly at a water body either by citizens (foreigners, stateless persons) or by economic operators conducting fishing activities. There is no strategy in place for such raids, but the latest updates, appeals of citizens on fishing rules infringement, results of prior raids and SSC activities, commercial environment, etc. are considered when planning routes for such raids.

There is no legal and normative act in place regulating the strategy for the development of inspection activities in Ukraine.

According to Article 10 of the Law of Ukraine “On Fishing Industry, Commercial Fishing and Protection of Aquatic Bioresources,” and Article 2 of the Law of Ukraine “On the State Protection of the Court and Law Enforcement Employees,” the fishery protection bodies are law enforcement authorities, provided by the Government with appropriate vehicles, monitoring devices, weapons, video- and photography equipment, special clothes, etc. for exercising their powers.

Besides, when performing their official duties, public fishery protection inspectors operate in accordance with the Procedure for conducting fishery conservation raids, as approved by the Order of the Ministry of Agrarian Policy and Food of Ukraine No. 512 of 23.10.2018, registered with the Ministry of Justice of Ukraine on 15.10.2018 under No. 1296/32748 (hereinafter – the Procedure).

The Procedure specifies how the fishery protection bodies exercise their law enforcement function by conducting fishery conservation raids by the officers of the State Agency for Land Reclamation and Fisheries of Ukraine and its territorial offices, aimed at implementation of measures to conserve aquatic bioresources, prevent and stop fishing rules infringement, regulate fishing activities in inland fishery water bodies (their parts), inland marine waters, territorial sea, exclusive (marine) economic zone and on the continental shelf of Ukraine, in areas of trading and transporting aquatic bioresources and harvesting (fishing) means.

In accordance with Article 10 of the Law of Ukraine “On Fishery, Industrial Fisheries and Protection of Aquatic Bioresources” and according to the Regulation on the State Agency for Land

Reclamation and Fisheries of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of 30 September 2015 No. 895, the State Agency for Land Reclamation and Fisheries of Ukraine is performing state supervision (control) in the sphere of aquatic bioresources protection, use and reproduction in the exclusive (marine) economic zone of Ukraine, territorial sea, inland waters of Ukraine and waters outside the jurisdiction of Ukraine over fishing vessels flying the State Flag of Ukraine in accordance with international treaties of Ukraine.

According to Article 5(3) of the Law of Ukraine ‘On the Fundamental Principles of State Supervision (Control) in the Area of Economic Activity’ (hereinafter – the Law), the State Agency for Land Reclamation and Fisheries of Ukraine makes an annual plan of scheduled and non-scheduled state supervision (control) activities every year.

In accordance with the requirements of Article 5 of the Law, routine state supervision (control) inspections are being carried out.

In accordance with the requirements of Article 6 of the Law, unscheduled state supervision (control) inspections are being carried out.

The unscheduled inspections are characterized by the request (according to Article 6, paragraph 1 of the Law on carrying out unscheduled state supervision (control) inspections) for an unscheduled inspection, based on an appeal of a natural person/natural persons with reference to a violation that caused damage to its/their rights, lawful interests, life or health, environment or security of the State, with the documents of copies thereof attached in corroboration of the fact of such violations (if available). An unscheduled measure in such a case shall be implemented by a territorial state supervision (control) body subject to endorsement of the central executive authority that implements state policy in the respective spheres of state supervision (control), or of the respective public collegiate authority.

Based on the results of such scheduled and unscheduled state supervision (control) inspections, a unified certificate form is issued as approved by the Order of the Ministry of Agrarian Policy and Food of Ukraine of 3.6.2019 No. 307 “On approval of the unified certificate form, based on the results of scheduled (unscheduled) state supervision (control) activity as regards observance of the requirements of fishery legislation by economic operators,” registered with the Ministry of Justice of Ukraine on 11 June 2019 under No. 603/33574.

34. Are there guidelines issued for how inspections are to be carried out?

Briefings are held before each raid or meetings before state supervision (control) activity.

According to the Procedure for conducting fishery conservation raids, as approved by the Order of the Ministry of Agrarian Policy and Food of Ukraine No. 512 of 23.10.2018, before the start of a fishery conservation raids:

- officials participating in the raid team and other participants in the fishery conservation raid (if involved) hold briefings on occupational health and safety, firearms safety precautions, boating safety rules (where a vessel is used for the purpose of the fishery conservation raid);

- the raid team leader distributes duties among the officials, specifies the terms and conditions for conducting the activity, explains the characteristics and peculiarities of the fishery basins (parts thereof) within the fishery conservation raid area, specifies the time and routes of departure for the

fishery basins (parts thereof) indicated in the order and/or boundaries of respective administrative territories within which the raid is to be conducted, specifies the procedure for maintaining operational communication.

Following the briefing, officials of the raid team and other participants in the fishery conservation raid put their signature in the briefing log.

The briefing log is kept for 10 years at the structural subdivision designated by the Order of the State Agency for Land Reclamation and Fisheries of Ukraine or its territorial body responsible for the systematisation of briefing logs.

35. Are inspections documented and, if so, how?

In the event of detection of violations of the fishery rules, an administrative offence report is drawn up, of which the form and content are to be specified in an order of the Ministry of Agrarian Policy and Food of Ukraine). A unified act of which the form is to be approved by the order of the Ministry of Agrarian Policy and Food of Ukraine is drawn up in the course of the state supervision (control).

36. What is the follow-up of inspections?

On the basis of the inspection results, the offenders may be brought to administrative or criminal responsibility. Furthermore, in case of recurring offences, undertakings' permits may be revoked and special-use quotas for the next period refused.

37. What is the level of practical inspection capability and skills? What is lacking?

Any hired employee should develop a significant amount of practical skills relating to the inspection activities. Such employee should also have sufficient theoretical knowledge (otherwise such employee would not meet the qualification criteria for candidates for the position and would fail the competitive admission to the civil service). They can obtain such skills in the field under the mentorship of raid team leaders, inspection working groups etc.

Relevant briefings are conducted for the recently hired employees, following which such employees get a mentor to help him/her develop skills in practice. Also, the employees need adequate supplies and resources.

If Ukraine joins the EU, comprehensive amendments to the national legislation will be introduced as regards regulation and control of fishing. It is after such amendments that a complete re-training of inspector personnel will be required for them to properly execute their control functions.

K. Control of fishery products at import

38. Does Ukraine have an official control system in place to prevent importation from other countries of fishery products stemming from illegal, unreported and unregulated (IUU) fishing?

Partially. With the purpose to ensure the fulfilment of Ukraine's international commitments in the area of combating illegal, unregulated and unreported fishing of fish species of notothenioid families (toothfishes), the Cabinet of Ministers of Ukraine adopted the Resolution No. 1420 of 06.09.2002 "On the measures to protect Antarctic marine life", according to which movement and entry of toothfish products into the customs border of Ukraine is permitted only where there are duly completed catch record forms, as issued by the competent authority of Ukraine or competent authorities of the country of origin of the goods, or toothfish species re-export forms.

According to the Resolution of the Cabinet of Ministers of Ukraine No. 1822 of 13.12.2000, the State Agency for Land Reclamation and Fisheries of Ukraine performs the functions of the management authority responsible for Ukraine's compliance with the requirements of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regarding the Acipenseridae fish species and products made thereof. That authority is also authorised to issue permits/certificates.

Since all Acipenseridae species and American paddlefish (representative of the paddlefish family of the order Acipenseriformes, whose natural habitat is America and which are cultured in Ukraine any other countries of the world) are subject (specimen) to CITES, any foreign trade operations with them, including transit and re-export, as well as entry into the customs territory of Ukraine, are permitted only where there are supporting permitting documents (permits/certificates) issued by the competent CITES management authorities.

According to the CITES requirements, importation of Acipenseriformes fish specimen and products made thereof into Ukraine is only subject to a permit accompanying the cargo. Such permit is issued by the CITES management authority of the state of export.

L. Legal Procedures for sanctioning infringements

39. What is the legal framework for sanctioning infringements?

Code of Ukraine on Administrative Offences, Criminal Code of Ukraine, Law of Ukraine "On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity"

40. Please indicate the type of sanctions applied in the fisheries sector (administrative and/or criminal). What sanctions are available (e.g. fines, withdrawal of fishing licence, confiscation of the catches or what is marketed?

Both administrative and criminal liability is provided, depending on the amount of significant damage. Penalties (fines) shall be imposed. Furthermore, in case of recurring offences, undertakings' permits can be revoked and special-use quotas for the next period refused, upon court order.

Penalties for the offences, set out in Article 240 of the Code of Ukraine on Administrative Offences, shall be imposed by fishery inspectors, following major infringements of the fishing rules,

illegal marketing and other offences. Penalties for the offences, set out in Article 255 of the Code of Ukraine on Administrative Offences, shall be imposed by a court of law. Where there is significant damage, the court can convey materials in the administrative proceedings to law enforcement authorities to institute a criminal case according to Article 249 of the Criminal Code of Ukraine.

Violation reports shall be considered by fishery bodies according to Article 240 of the Code of Ukraine on Administrative Offences

Article 50. Violation of the public property right to wildlife resources.

Article 85. Infringement of the rules of use of wildlife resources.

Article 86-1. Operation of water intake works on waterbodies, not fitted with fish-protection devices.

Article 91-2. Exceeding limits and established standards of use of natural resources.

Article 188-5. Non-compliance with lawful ordinances or injunction decisions issued by officers with bodies that exercise public control in the field of environment protection, use of natural resources, radiation safety or protection of natural resources.

Reports on administrative offences according to Article 255 of the Code of Ukraine on Administrative Offences (shall be reviewed in law court).

Article 85. Infringement of the rules of use of wildlife resources.

Article 85-1. Fabrication, marketing, storage or advertising of prohibited gear for extraction (collection) of wild fauna and flora resources.

Article 88-1. Violation of the procedure of purchase or marketing of wild fauna and flora resources and rules of keeping wild animals captive or semi-attached.

Article 90. Violation of the requirements for the protection of species of animals and plants listed in the Red Book of Ukraine.

Article 164. Breach of the order of conduct of business

Offences under Article 249 of the Criminal Code of Ukraine are criminally punishable Illegal fishery, aquatic animals or other capture

1. Illegal fishery, aquatic animals or other capture that caused significant damage, - shall be punishable by fine in the amount of one to two hundred non-taxable minimum incomes of citizens or custodial restraint for up to three years.

2. The same acts, whereby explosives, poisonous substances, electricity or other means of overkilling fish, animals or other wildlife species are involved, or by a person previously convicted of a crime covered by this Article, - shall be punishable by fine in the amount of two to four hundred non-taxable minimum incomes of citizens, or custodial restraint for up to three years, or imprisonment for the same term.

41. Which authorities are competent for the detection and follow-up of fisheries infringements and which authorities are responsible for sanctioning?

Record materials shall be developed by authorised representatives of the authorised bodies provided for in Article 240 and 255 of the Code of Ukraine on Administrative Offences:

State Agency for Land Reclamation and Fisheries of Ukraine and its territorial offices;

State Environmental Inspectorate of Ukraine and its territorial offices;

State Border Guard Service of Ukraine and its local offices;

National Police of Ukraine (water police);

Penalties for the offences, set out in Article 240 of the Code of Ukraine on Administrative Offences, shall be imposed by fishery inspectors, following major infringement of the fishing rules, illegal marketing and other offences. Penalties for the offences, set out in Article 255 of the Code of Ukraine on Administrative Offences, shall be imposed by a court of law. Where there is significant damage, the court can convey materials in the administrative proceedings to law enforcement authorities to institute a criminal case according to Article 249 of the Criminal Code of Ukraine.

Compliance with decisions upon infringement of the fishing rules shall be ensured by the body that issued the order finding the offender guilty and imposed administrative or criminal penalty (the Law of Ukraine “On Enforcement Proceedings”).

The State Agency for Land Reclamation and Fisheries of Ukraine checks for offences covered by Article 50 “Violation of the public property right to wildlife resources”, Part 3 “Infringement of the fishing rules”, Part 4 “Gross infringement of the fishing rules”, Part 5 “Infringement of the fishing rules of special use of wildlife resources”, Article 85 “Infringement of the rules of use of wildlife resources”, Article 85-1 “Fabrication, marketing, storage or advertising of prohibited gear for extraction (collection) of wild fauna and flora resources”, Article 86 “Operation of water intake works on waterbodies, not fitted with fish-protection devices-1”, Article 88-1 “Violation of the procedure of purchase or sale of wild fauna and flora resources and rules of keeping wild animals captive or semi-attached”, Article 90 “Violation of the requirements for the protection of species of animals and plants listed in the Red Book of Ukraine”, Article 91-2 “Exceeding limits and established standards of use of natural resources”, Article 164 “Breach of the order of conduct of business” and Article 188-5 “Non-compliance with lawful ordinances or injunction decisions issued by officers with bodies that exercise public control in the field of environment protection, use of natural resources, radiation safety or protection of natural resources” of the Code of Ukraine on Administrative Offences. Other bodies, such as the State Environmental Inspectorate of Ukraine, and its territorial offices, the State Border Guard Service of Ukraine and its local offices and the National Police of Ukraine (water police) only carry out inspection during fisheries (Part 3 “Infringement of fishing rules”, Part 4 “Gross infringement of the fishing rules”, Part 5 “Infringement of the fishing rules of special use of wildlife resources” and Article 85 “Infringement of the rules of use of wildlife resources” of the Code of Ukraine on Administrative Offences). In fact, it can be said that powers of some central fisheries control bodies overlap.

42. What is the maximum fine? What are the actual sanction levels?

Under Article 164 of the Code of Ukraine on Administrative Offences “Breach of the order of conduct of business”, the amount of maximum fine is UAH 85,000.

Compliance with decisions upon infringement of the fishing rules shall be ensured by the body that issued the order finding the offender guilty and imposed administrative or criminal penalty (the Law of Ukraine “On Enforcement Proceedings”). That is, only the court that issued the order possesses the information on the actual rates of recovery ordered by court. Of the orders produced by fishery bodies the most are materials under which offenders refuse to pay fines unforced, that are conveyed to the Enforcement Service. During 2021, fishery bodies collected UAH 1.64 million from offenders in fines.

Amounts of fines provided for by the Code of Ukraine on Administrative Offences.

Article 50. Violation of the public property right to wildlife resources.

Arbitrary assignment of the right to use wildlife resources and also making other agreements that violate expressly or implicitly the public property right to wildlife resources, - invokes warning or imposition of fine on citizens in the amount of three to seven non-taxable minimum incomes (Non-taxable minimum income of citizens refers to the amount of UAH 17, as defined by Section XX(1), point 5 of the Tax Code of Ukraine) of citizens (UAH 51 to 119) and warning or imposition of fine on officials in the amount of five to eight non-taxable minimum incomes of citizens (UAH 85 to 136).

Article 85. Infringement of the rules of use of wildlife resources

Infringement of the fishing rules - invokes warning or imposition of fine on citizens in the amount of two to ten non-taxable minimum incomes of citizens (UAH 34 to 170) and warning or imposition of fine on officials in the amount of ten to thirty non-taxable minimum incomes of citizens (UAH 170 to 510).

Article 86-1. Operation of water intake works on waterbodies, not fitted with fish-protection devices.

Operation of water intake works on waterbodies, not fitted with fish-protection devices that are mandatory under relevant regulations or with poorly operating fish-protection devices - invokes warning or imposition of fine on citizens in the amount of one to six non-taxable minimum incomes of citizens (UAH 17 to 102) and on officials in the amount of five to eight non-taxable minimum incomes of citizens (UAH 85 to 136).

Article 91-2. Exceeding limits and established standards of use of natural resources.

Exceeding the established limits and standards of use of natural resources, - invokes imposition of fine on citizens in the amount of three to eighteen non-taxable minimum incomes of citizens (UAH 51 to 306) and on officials in the amount of nine to thirty non-taxable minimum incomes of citizens (UAH 153 to 510).

Article 188-5. Non-compliance with lawful ordinances or injunction decisions issued by officers with bodies that exercise public control in the field of environment protection, use of natural resources, radiation safety or protection of natural resources.

Non-compliance with lawful ordinances, injunction decisions or other legal requirements issued by officers with bodies that exercise public control in the field of environment protection, use of natural resources, radiation safety or protection of natural resources, failure to provide them with necessary information or provision of false information or otherwise impeding performance of their official duties - invokes imposition of fine on citizens in the amount of nine to fifteen non-taxable

minimum incomes of citizens (UAH 153 to 255) and on officials in the amount of fifteen to forty-five non-taxable minimum incomes of citizens (UAH 255 to 765).

Article 85. Infringement of the rules of use of wildlife resources

Major infringement of the fishing rules (fishing that involves firearms, electricity, explosives, poisonous substances or other prohibited gear, industrial gear by persons who do not hold authorisations, capture of living aquatic resources over the established limits or the catch level established by the rules of amateur and sport fisheries) - invokes imposition of fine on citizens in the amount of twenty to forty non-taxable minimum incomes of citizens (UAH 340 to 680) with or without confiscation of the instruments and means of wrongdoing owned by the offender and of the illegally captured living aquatic resources, and on officials in the amount of thirty to fifty non-taxable minimum incomes of citizens (UAH 510 to 850) with or without confiscation of the instruments and means of wrongdoing owned by the offender and of the illegally captured living aquatic resources.

Infringement of the rules of other types of special use of wildlife resources - invokes imposition of fine on citizens in the amount of ten to twenty non-taxable minimum incomes of citizens (UAH 170 to 340) with or without confiscation of the instruments and means of wrongdoing owned by the offender and of the illegally captured living aquatic resources, and on officials in the amount of twenty to thirty non-taxable minimum incomes of citizens (UAH 340 to 510) with or without confiscation of the instruments and means of wrongdoing owned by the offender and of the illegally captured living aquatic resources.

Article 85-1. Fabrication, marketing, storage or advertising of prohibited gear for extraction (collection) of wild fauna and flora resources

Fabrication, marketing or storage of prohibited gear for extraction (collection) of wild fauna and flora resources, as well as sale of the illegally captured products, - invokes imposition of fine on citizens in the amount of nine to twenty non-taxable minimum incomes of citizens (UAH 153 to 357) with confiscation of those gear, materials and means for their fabrication.

Advertising, as well as any other activity towards advertising or distribution of prohibited gear for extraction (collection) of wild fauna and flora resources - invokes imposition of fine on citizens in the amount of fifty to one hundred non-taxable minimum incomes of citizens (UAH 850 to 1,700) and on officials and the advertisers or advertisement distributor in the amount of one hundred to two hundred and fifty non-taxable minimum incomes of citizens (UAH 1,700 to 4,250).

Article 88-1. Violation of the procedure of purchase or marketing of wild fauna and flora resources and rules of keeping wild animals captive or semi-attached.

Violation of the procedure of purchase, marketing or distribution of wild fauna and flora resources - invokes imposition of fine in the amount of thirty to one hundred non-taxable minimum incomes of citizens (UAH 510 to 1,700) with or without confiscation of wild fauna and flora resources.

Article 90. Violation of the requirements for the protection of species of animals and plants listed in the Red Book of Ukraine.

Deterioration, destruction of habitat (growth environment) of animals and plants of the species listed in the Red Book of Ukraine, their destruction, illegal, or in violation of the established procedure, removal from the natural environment, as well as violation of conditions for keeping

(growing) animals and plants of these species in botanical gardens, dendrological and zoological parks, other specially created artificial conditions, which resulted in their death or injury (damage), - invokes warning or imposition of fine on citizens in the amount of twenty to thirty non-taxable minimum incomes of citizens (UAH 340 to 510) with confiscation of the illegal capture and warning or imposition of fine on officials in the amount of thirty to fifty non-taxable minimum incomes of citizens (UAH 510 to 850) with confiscation of the illegal catch.

Article 164. Breach of the order of conduct of business

Engagement in economic activities without state registration as a business entity or without obtaining a license to conduct a certain type of economic activity, which is subject to licensing in accordance with the law, or carrying out such economic activities in violation of the licensing conditions, as well as without obtaining permit or other authorising document, where its obtaining is prescribed by law (except cases when the tacit consent principle applies), - invokes imposition of fine in the amount of one to two thousand tax-free minimum incomes of citizens (UAH 17,000 to 34,000) with or without confiscation of the fabricated products, production tools, raw materials and the money received as a result of committing this administrative offence.

Acts covered by Part 1 of the Article, if committed by a person who was subjected to administrative penalties for the same offence in the course of one year, or related to generation of large amounts of income, - invoke imposition of fine in the amount of two to five thousand tax-free minimum incomes of citizens (UAH 34,000 to 85,000) with or without confiscation of the fabricated products, production tools, raw materials and the money received as a result of committing this administrative offence.

Provision of incorrect information by the undertaking to the approval authority or administrator concerning compliance of the facilities and resources with law - invokes imposition of fine in the amount of two to three thousand tax-free minimum incomes of citizens (UAH 17,000 to 34,000).

Note. Income is obtained in large amounts when it is one thousand or more times exceeds the non-taxable minimum income of citizens.

The Criminal Code of Ukraine imposes the following liability:

Article 249. Illegal fishery, aquatic animals or other capture

1. Illegal fishery, aquatic animals or other capture that caused significant damage, - shall be punishable by fine in the amount of one thousand to three thousand non-taxable minimum incomes of citizens or custodial restraint for up to three years.

2. The same acts, whereby explosives, poisonous substances, electricity or other means of overkilling fish, animals or other wildlife species are involved, or by a person previously convicted of a criminal offence covered by this Article, - shall be punishable by fine in the amount of three to five thousand non-taxable minimum incomes of citizens, or custodial restraint for up to three years, or imprisonment for the same term.

43. What means of appeal exist?

According to Article 268 of the Code of Ukraine on Administrative Offences, the person who is brought to administrative responsibility shall have the right to appeal the judgement in the case.

According to Article 289 of the Code of Ukraine on Administrative Offences, appeal against the judgement in the administrative offence case may be filed within ten days after the judgement is issued.

According to Article 21 of the Law of Ukraine “On the Basic Principles of State Supervision (Control) in the Sphere of Economic Activity”, undertaking shall have the right to lodge appeal against resolutions issued by public supervision (control) bodies with the respective central executive authority or a law court.

44. Please provide statistics on detected infringements and on the sanctions imposed for the last 3 years.

Table 3.

Infringements and sanctions for fisheries-related offences in Ukraine.

Information about the work on fish protection performed by the territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine		2019	2020	2021
Number of raids conducted		13,889	14,258	11,320
Violations detected	Total	46,805	46,639	39,541
	Article 85(3) of the Code of Ukraine on Administrative Offences	20,221	19,204	17,730
	Article 85(4) of the Code of Ukraine on Administrative Offences	13,551	13,779	10,181
	Article 85(5) of the Code of Ukraine on Administrative Offences	81	32	44
	Article 85 of the Code of Ukraine on Administrative Offences	567	381	289
	Article 88 of the Code of Ukraine on Administrative Offences	3,160	2,500	1,884
	Article 50 of the Code of Ukraine on Administrative Offences	1	0	0
	Article 91-2 of the Code of Ukraine on Administrative Offences	180	141	139
	Article 86-1 of the Code of Ukraine on Administrative Offences	154	99	76

	Article 90 of the Code of Ukraine on Administrative Offences		157	203	184
	Article 188-5 of the Code of Ukraine on Administrative Offences		144	109	90
	Article 164 of the Code of Ukraine on Administrative Offences		21	15	17
	drawn acts on establishment and seizure of property which owner is not identified		8,568	10,176	8,907
Regulations	Issued		329	187	114
	Implemented		143	125	89
Number of infringements of the users of aquatic bioresources			1,051	826	1,027
Number of applications to repeal the Regimes of special commercial fisheries/number of those repealed		submitted for repeal	92	54	40
		number of repealed	75	3	8
Fines imposed	Total		5,936,806	5,823,006	4,934,310
	under court resolutions	cases	10,597	10,522	8,524
		UAH	4,152,728	4,096,253	3,346,682
	under fishery bodies-issued orders	cases	20,297	19,222	17,553
		UAH	1,784,078	1,726,753	1,587,628
Fines collected	Total		2,690,229	2,874,557.4	2,832,601.5
	under court resolutions	cases	3,000	3,571	3,061
		UAH	1,117,378	1,310,150.4	1,194,728.4
	under fishery bodies-issued orders	cases	17,365	16,571	16,429
		UAH	1,572,851	1,564,407	1,637,873.1
Cautions issued under fishery bodies-issued orders			442	366	595
Losses accrued	Total		39,943,864.15	101,923,772.20	165,694,484.49
	according to fees	cases	7,942	8,169	6,587
		UAH	24,440,891.1	41,994,523.99	54,222,300.30

	under the methodology for users of aquatic bioresources	cases	78	90	87
		UAH	15,459,048. 60	43,878,587. 05	18,262,114. 89
	under the methodology for other undertakings	cases	2	7	4
		UAH	43,924.87	16,050,661. 16	93,210,069. 4
Losses paid	Total		2,707,497.6 9	2,961,908.9 1	3,228,709.2 7
	according to fees	cases	1,535	1,925	1,898
		UAH	2,625,665.4 4	2,895,841.1 5	2,967,320.3 4
	under the methodology for users of aquatic bioresources	cases	19	11	38
		UAH	81,832.25	66,067.76	261,388.93
	under the methodology for other undertakings	cases	0	0	0
		UAH	0	0	0
Submitted to the court to determine administrative liability		cases	17,160	16,506	12,239
		persons	17,171	16,514	12,235
Issued by the courts to open criminal proceedings		cases	258	204	215
		persons	271	218	241
Materials submitted to the public prosecutor or pre-trial investigation body		cases	211	374	331
		persons	256	443	348
Number of detected infringements when performing work on the land of water resources			69	65	61
Aquatic bioresourc es seized (kg)	Total		199,518.042	142,580.586	114,923.876
	from users of aquatic bioresources		54,939.57	7,881.24	8,711.78
	for illegal acquisition or sale		47,719.92	44,536.76	35,230.947
	registered in the Red Book		639.07	499.29	661.31
	under the acts on establishment and seizure of property which owner is not identified		51,604.1	36,904.2	33,537.15
Fishing gear seized, pcs	Total		20,411	21,113	14,211
	nets	quantity (pcs)	14,378	15,066	9,869

		length (m)	409,774.05	514,590.74	314,886.68
	prickly, poisonous, explosive		1,521	1,748	1,326
	electrofishing equipment and gear		33	33	19
	equipment and gear of underwater hunters		126	103	66
	other		4,217	4,166	2,981
Fishing gear seized under the acts on establishment and seizure of property which owner is not identified (pcs)	Total		31,796	31,580	30,648
	nets	quantity (pcs)	23,635	21,770	16,606
		length (m)	517,700.17	704,192.5	480,996.66
	prickly, poisonous, explosive		518	498	4,822
	electrofishing equipment and gear		6	5	3
	equipment and gear of underwater hunters		1	0	2
	other		7,624	9,298	9,259
	Vehicles detained (including vessels)			1,176	1,362

Source: information has been collected from the reports of the territorial bodies of the State Agency for Land Reclamation and Fisheries of Ukraine

In accordance with the Resolution of the Cabinet of Ministers of Ukraine “On Approval of Fees for Calculating the Amount of Compensation for Damage Caused by Illegal Extraction (Collection) or Destruction of Valuable Species of Aquatic Bioresource” No. 1209 of 21 November 2011, fees are used to calculate the amount of compensation for damage caused by illegal extraction (collection) or destruction by the citizens of Ukraine, foreigners and stateless persons:

- i. of valuable species of aquatic bioresources in fisheries water bodies of Ukraine;
- ii. of aquatic bioresources that are the natural wealth of the continental shelf of Ukraine;
- iii. of aquatic bioresources in the exclusive (maritime) economic zone of Ukraine, and anadromous fish species in the rivers of Ukraine outside this zone.

By the Order of the Ministry of Agrarian Policy and Food and the Ministry of Environmental Protection and Natural Resources of Ukraine of 12 July 2004 No.248/173 the Modalities of calculation of damage caused to fisheries as a result of violation of regulations on fisheries and protection of living aquatic resources was approved, which is directed for calculation of damage caused to fisheries of Ukraine by legal entities and natural persons (entrepreneurs), including foreign,

due to illegal (breaching the rules of fishing and protection of aquatic living resources) extraction or destruction of aquatic living resources in territorial and inland waters, on the continental shelf and in the exclusive (maritime) economic zone of Ukraine.

IV. STRUCTURAL ACTIONS

45. What is the administrative and legal capacity to prepare and manage a structural policy for the fisheries sector?

According to the Article 75 of the Constitution of Ukraine, the Verkhovna Rada of Ukraine (the parliament) is the single legislative body in Ukraine. Its powers include:

- adoption of laws;
- approval of the State Budget of Ukraine and amendments thereto, monitoring the implementation of the State Budget of Ukraine, decision-making on the report on its implementation;
- determination of the principles of domestic and foreign policy, implementation of the state's strategic course towards Ukraine's full membership in the European Union and the North Atlantic Treaty Organization;
- approval of national programs of economic, scientific and technical, social, national and cultural development and environmental protection;
- consideration and decision-making with regard to the approval of the Action Programme of the Cabinet of Ministers of Ukraine;
- control over the activities of the Cabinet of Ministers of Ukraine;
- other powers determined by the Constitution of Ukraine.

Pursuant to the Law of Ukraine "On Fishing Industry, Commercial Fishing and Protection of Aquatic Bioresources" (hereinafter referred to as the "Law"), public management and regulation of the fisheries sector is carried out by the Cabinet of Ministers of Ukraine, the central executive authority that formulates public policy for the fisheries sector and fishing industry, the central executive authority that implements public policy in the fisheries sector, and other central executive authorities within their remit, the Council of Ministers of the Autonomous Republic of Crimea, local state administrations.

Pursuant to the Law of Ukraine "On the Cabinet of Ministers of Ukraine" the Cabinet of Ministers of Ukraine is the highest authority in the system of executive bodies (Government of Ukraine) and it exercises executive power both directly and through ministries and other central executive authorities, the Council of Ministers of the Autonomous Republic of Crimea and local state administrations, and directs, coordinates and controls the activities of these authorities.

The Cabinet of Ministers of Ukraine has the following powers in the fisheries sector:

ensure the implementation of public policy in the fisheries sector formulated by the Verkhovna Rada of Ukraine;

develop and implement nation-wide programmes for the protection, use and reproduction of aquatic bioresources;

build foreign economic relations and international cooperation in the field of protection, use and reproduction of aquatic bioresources;

approve the list of industrial sites of fishery water bodies (their parts);

approve fish farming and fish productivity areas of feeding ponds by regions;

approve the procedure for confirming the lawfulness of extraction of aquatic bioresources from their habitat, processing of fishery products, and verification (authentication) of similar documents issued by the competent authorities of foreign states;

exercise other powers in accordance with the Constitution and laws of Ukraine.

The Ministry of Agrarian Policy and Food of Ukraine is the main authority in the system of central executive authorities that ensures the formulation and implementation of public policy in the fisheries sector and fishing, the protection, use and reproduction of aquatic bioresources, regulation of fishing, land reclamation and operation of state-owned integrated water facilities, inter-farm irrigation and drainage systems. In accordance with the Law, the Ministry has the following powers:

set priority development areas in the fisheries sector, generalise case law, develop proposals for its improvement and submit, in the prescribed manner, drafts of legislative acts, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine for consideration by the President of Ukraine and the Cabinet of Ministers of Ukraine;

participate in the formulation of public policy in the field of personnel education and training for the fisheries sector;

approve the methodology for calculating losses inflicted on fisheries due to infringements of the rules of fishing and protection of aquatic bioresources;

approve the list of categories of positions of fishery workers;

approve the labour protection management system in the fisheries sector;

approve the procedure for artificial breeding (reproduction), cultivation of aquatic bioresources and use thereof, instructions on the procedure for artificial breeding, cultivation of aquatic bioresources and use thereof in special commercial fisheries;

approve the limits for special use of aquatic bioresources and catch quotas;

approve the rules and regimes for fisheries, fishing (extraction, catch) and reproduction of aquatic bioresources;

approve the procedure for accrual and payment for the special use of aquatic bioresources;

approve the procedure for wearing uniforms and uniform insignias of fishery workers;

fix the environmental safety standards for fishery water bodies in coordination with the central executive authority developing public policy in the field of environmental protection;

approve special forms of statistical reporting in the fisheries sector;

adopt other regulations in the fisheries sector, including on the implementation of Ukraine's international obligations, in accordance with the laws of Ukraine.

The State Agency for Land Reclamation and Fisheries of Ukraine is a central executive authority, whose activities are guided and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Agrarian Policy and Food, that implements public policy in the fisheries sector and fishing, the protection, use and reproduction of aquatic bioresources, regulation of fishing, land reclamation and operation of state-owned integrated water facilities, inter-farm irrigation and drainage systems. Pursuant to the Law, the State Agency for Land Reclamation and Fisheries of Ukraine has the following powers:

- take action to ensure the conservation of fish stocks of anadromous species in the exclusive (marine) economic zone of Ukraine;

- exercise state supervision (control) of the protection, use and reproduction of living aquatic resources in the exclusive (marine) economic zone of Ukraine, territorial sea, inland waters of Ukraine and in waters outside the jurisdiction of Ukraine over fishing vessels flying the State Flag of Ukraine in accordance with international treaties of Ukraine;

- exercise state control of the technical condition of fish protection devices, carry out fish protection measures at water intake and engineering facilities of reclamation systems;

- monitor compliance with the fishing rules;

- monitor compliance with the limits and standards for the use of aquatic bioresources;

- monitor compliance with the rules of use of wildlife in terms of aquatic bioresources;

- draw up protocols and examine administrative offence cases where it is provided for by law;

- issue licences, certificates, and international authorisations in accordance with the requirements of international agreements of Ukraine on fishing and trade in fish and seafood;

- monitor the accuracy and reliability of reporting data on the use of aquatic bioresources submitted by fishery entities related to the extraction and use of aquatic bioresources;

- monitor compliance with the procedure for the purchase or sale of sturgeon species and products thereof;

- introduce special forms of statistical reporting in the fisheries sector on aquatic bioresources in accordance with international standards and norms, ensure exchange of this information with relevant international organisations in accordance with laws and international treaties of Ukraine;

- perform the functions of the designated authority interacting with the European Union, the authorities of foreign states (their competent authorities and organisations) on compliance with the requirements of the system of prevention and elimination of illegal, unreported and unregulated fishing;

- license certain types of economic activity where it is provided for by law;

- develop the procedure for artificial breeding (reproduction), cultivation of aquatic bioresources and use thereof;

approve programmes of scientific and research institutions for research catch of aquatic bioresources;

participate in the examination of projects for the construction of new and expansion, reconstruction, technical re-equipment of operating enterprises, documents on the reorientation, conservation and liquidation of operating enterprises, particular shops, production, industrial and other economic facilities, the performance of other works, and the uptake of new equipment, technologies, materials and substances that affect or may affect the state of fishery water bodies (their parts);

submit, in the prescribed manner, proposals and monitor the level of operation of fishery water bodies to ensure the full existence of hydrobionts;

approve the issuance of permits for licences (except for operational dredging), installation of cables, pipelines and other communications on the water fund lands;

approve operation regimes of fishery water bodies and monitor the activities of special commercial fisheries;

impose, in the prescribed manner, a ban on aquatic bioresources catch in fishery water bodies (their parts) and monitor ban compliance;

issue permit documents in the fisheries sector;

distribute the catch quota limits for special use of aquatic bioresources;

monitor, within its remit, the domestic and foreign markets for fishery products, exercise state regulation of the domestic market for fishery products;

participate in maintaining the state cadastre of wildlife;

cooperate, within its remit and in the manner prescribed by law, with donor states and international organisations on raising international technical assistance to the fishing industry of Ukraine;

cooperate with the Committee on Fisheries of the UN Food and Agriculture Organisation, foreign authorities and international organisations on fisheries management, aquaculture, prevention of environmental pollution, labour protection in fisheries;

exercise state regulation of aquaculture, ensure the formation of an effective market for domestic aquaculture products, implement scientific and technological policy of selection in aquaculture;

ensure training, retraining, licensing and certification of fisheries specialists in accordance with the requirements of international treaties of Ukraine and other regulations;

monitor the activities of the sectoral system of scientific and technical information;

ensure the operation of sea fishing ports;

distribute the catch quotas among the users of aquatic bioresources, including:

in the areas of operation of international fisheries management organisations to which Ukraine is a party in accordance with international agreements of Ukraine;

in waters outside the areas of jurisdiction of these organisations in accordance with Ukraine's international obligations;

in waters outside under the jurisdiction of the coastal states where provided for in Ukraine's international treaties;

participate in the development and implementation of measures to increase the export potential of the fisheries sector, the restoration of traditional and development of new sales markets;

participate in measures to control the quality and safety of fishery products, food products during its production, storage, transportation, sale, use, and disposal;

elaborate the scientific and technical development programme of the sector and organise its implementation;

provide organisational support for training, retraining and advanced training of fisheries specialists in higher educational institutions under its jurisdiction;

promote energy efficiency of enterprises, institutions and organisations under its jurisdiction;

perform, within its remit, other functions of management of state property assets under its jurisdiction;

exercise, in accordance with law, powers of the state customer of research and development works, coordinate their implementation, facilitate the industrial uptake of R&D, and spread excellence;

carry out state attestation of scientific institutions under its jurisdiction;

exercise other powers pursuant to the Law.

The Ministry of Ecology and Natural Resources of Ukraine is the main authority in the system of central executive authorities that ensures the development and implementation of public policies in the following areas:

sustainable use, recovery and protection of natural resources;

state supervision (control) of compliance with the legal requirements for the sustainable use, recovery and protection of natural resources, environmental impact assessment, protection and use of territories and facilities of the nature reserve fund;

protection and use of the nature reserve fund.

The State Ecological Inspection of Ukraine is a central executive authority whose activities are guided and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Environmental Protection and Natural Resources, that implements public policy on state supervision (control) in the field of environmental protection, sustainable use, recovery and protection of natural resources. Among other things, the main tasks of the State Ecological Inspection of Ukraine are:

- implement public policy on state supervision (control) in the field of environmental protection, sustainable use, recovery and protection of natural resources;

- exercise, within its legal remit, state supervision (control) of compliance with the legal requirements, in particular, for the protection and use of territories and facilities of the nature reserve fund, as well as water protection, sustainable use and reproduction of water resources.

It must be noted that taking into account the lack of approved strategic programs for fisheries development in Ukraine and lack of appropriate experience, there is a need for EU assistance in building administrative capacities for development and implementation of structural policies on fisheries development and management.

In addition, 2 state programmes for development of fisheries of Ukraine took place during the last decade in Ukraine, which were not implemented because of lack of funds in the state budget of Ukraine.

46. How will the fisheries administration prepare for establishing the programming documents and the management and control system required in the EMFAF Regulation?

Preparations will be based on analysis of the Regulation on the European Maritime, Fisheries and Aquaculture Fund (hereinafter referred to as the “Fund”), designation of the national authority to coordinate the participation in implementation of the Fund’s priorities, compile a list of regulations, procedures and instructions to be developed for participation in the Fund’s mechanisms, and elaborate the programme for implementation of the Fund’s priorities.

At the same time, in order to ensure appropriate preparation and participation in implementation of the Fund’s priorities, there is a need or EU assistance in building administrative capacities for creation of legal and institutional arrangements on further participation in attracting the Fund’s resources for development of the fisheries sector of Ukraine.

V. MARKET POLICY

47. Please provide information on market policy and operational structure in place regarding:

a) Producer organisations, inter-branch organisations or any other structure provided for in the law to bring together operators from the production stage or from different stages of the supply chain (e.g. production, processing, marketing);

Currently, Ukraine does not have any specialised legal and normative acts which regulate creation of the associations of fish producers.

The Law of Ukraine “On Public Associations” stipulates the exercise of the right to creation and activities of public associations which are the voluntary associations of natural persons and/or legal entities under private law for the purpose of exercising and protecting their rights and freedoms, meeting public, in particular economic, social, cultural, environmental and other interests.

General legal, economic and social principles of creation of the Chambers of Commerce and Industry in Ukraine, legal structure and activities as well as principles governing their relationships with the state are established in the Law of Ukraine “On Chambers of Commerce and Industry of Ukraine”. The Chamber of Commerce and Industry is a non-profit self-governing organisation which unites legal entities, being incorporated and operating in accordance with the legislation of Ukraine, and citizens of Ukraine, registered as entrepreneurs, and also their associations.

Tasks of the Chambers of Commerce and Industry are as follows:

- promoting the development of foreign economic relations, export of Ukrainian goods and services, provision of practical assistance to entrepreneurs in economic and commercial transactions in domestic and foreign markets and learning of the new forms of cooperation;

- presentation of the Chamber members concerning economic activity in Ukraine and abroad;

- organisation of cooperation between the undertakings, coordination of their cooperation with the state through its bodies;

- participation in organisation of vocational training and internships of the Ukrainian citizens in Ukraine and abroad concerning entrepreneurship, promotion of competition as well as development and implementation of the governmental and intergovernmental programmes in this area;

- provision of the information services and the main data, which are not a trade secret, on activity of the Ukrainian and foreign entrepreneurs in accordance with the national legislation, promotion of dissemination of knowledge, in particular through the mass media, of economics, scientific and technological developments, trade rules and practices in Ukraine and foreign countries and opportunities for foreign economic cooperation of the Ukrainian entrepreneurs;

- assistance in organisation of the infrastructure regarding information support services for an enterprise;

- provision of the foreign firms and organisations with services for doing business;

- establishment and development of relationships with foreign entrepreneurs as well as organisations involving or representing them, participation in activity of international non-governmental organisations and other joint organisations;

- promotion of trade and other good practices in business activities, participation in shaping the rules of professional ethics in the competition for various business areas, economic sectors, unions and associations of entrepreneurs;

performance of other tasks provided for by its charter.

In accordance with the above procedures, over 5 fishery associations and over 4 associations of aquaculture producers have been created and now operates in Ukraine.

b) The existence of marketing standards (e.g. freshness, size, packaging, presentation and labelling) that must be respected in order to place products on the market;

The Law of Ukraine “On Consumer Information on Food” (hereinafter referred to as the Law) establishes legal and organisational bases for provision of information on food to the consumers in order to ensure high level of protection of citizens’ health and meet their social and economic interests.

In accordance with Article 4 of the Law, any food intended for supply to the final consumer or to mass caterers shall be accompanied by food information in accordance with requirements of this Law. Food information must be accurate, reliable and understandable for the consumer. Food information must not be misleading.

Mandatory food information includes:

- 1) name of the food;
- 2) list of ingredients;
- 3) any ingredient or processing aid listed in Annex I to this Law or derived from a substance or product listed in Annex I to this Law, which are used in the manufacturing or preparation of food and still present in the finished product, even if in an altered form;
- 4) the quantity of certain ingredients or categories of ingredients provided for in this Law;
- 5) the quantity of food in the specified units of measurement;
- 6) the date of minimum durability or the “use by” date;
- 7) any special storage conditions and/or conditions of use (if required);
- 8) own name and location of the food business operator responsible for the food information, and own name and location of the importer in case of the imported food;
- 9) country of origin or place of origin in cases provided for by Article 20 of this Law;
- 10) instructions for use where it would be difficult to make appropriate use of the food in the absence of such instructions;
- 11) actual alcohol content of a drink (except for products having code 2204 in accordance with Ukrainian Classification of Goods for Foreign Economic Activity) in case of drinks containing more than 1.2% vol of alcohol;

12) food nutrition information.

Requirements for organic products are provided for by the Law of Ukraine “On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products”.

General requirements for organic production are the following:

separation of production and storage of organic products in time or space, including record-keeping of such products, from production and storage of non-organic products and products of transitional period;

use of technologies that meet the requirements of legislation for organic production, turnover and labelling of organic products;

reliance on renewable and own resources, including recycled products, plant and animal by-products, if they meet the requirements for organic production;

use of technologies that are not harmful to human health, plants, animal welfare, and prevent or minimises environmental pollution.

use of food additives, microelements and additives for technological purposes in the maximum permissible amounts established by legislation for organic production, turnover and labelling of organic products;

use of water as an ingredient of organic products which meets the requirements for potable water set by legislation;

prohibition to mix the same organic and non-organic ingredients in one organic product.

c) Consumer information (mandatory/voluntary);

The Law of Ukraine “On Consumer Rights Protection” determines that consumers have rights to necessary, available, reliable and timely information in the official language about the products, their quantity, quality, variety and producer (performer, seller).

In accordance with Article 15 of this Law, the consumer has the right to obtain necessary, available, reliable and timely information about the products, which provides an opportunity of the informed choice of a product. Information must be provided to the consumer before buying goods or ordering work (service).

Product information must include the following:

1) name of a product, title or marks for goods and services under which they are sold;

3) data on the basic properties of the products, nominal quantity (weight, volume, etc.) and conditions of use;

4) data on hazardous substances, established by the legal and normative acts, and notifications on the use of a separate product if such notifications are established by the legal and normative acts;

5) labelling on the presence of genetically modified organisms in the products;

6) data on the price (tariff), terms and conditions of purchase of the products;

6–1) in case of misleading information about the products (if they are not harmful to consumer's life, health or property), the producer (seller) must withdraw these products from the market within a week and correct information about them, unless another procedures for producer's (seller's) actions in such cases are stipulated by the law or appropriate technical regulation.

7) date of manufacture;

8) information on storage conditions;

9) guarantee liabilities of the producer (performer);

10) terms and conditions of efficient and safe use of the products;

11) working life (life cycle) of goods (deliverables), information about consumer's appropriate actions when this period is over, as well as possible consequences for failure to perform these actions;

12) own name and location of the producer (performer, seller) and the undertaking, which is responsible for receiving consumer claims and carries out repair and maintenance.

d) Specific provisions for the application of competition rules to the fishery and aquaculture sector;

Not provided for by the legislation of Ukraine.

e) Collection of market data regarding fishery and aquaculture products;

Statistics on extraction of aquatic bioresources (both in fishery and aquaculture) are generated by the State Statistics Service.

Volume and average prices according to types of bioresources, fishing areas and types of gear (extraction) for aquatic bioresources are observed. The degree of compliance of the indicators with the EU Regulations is 100%. The Nomenclature of Fishery and Aquaculture Products is used, which makes it possible to compare with CPA categories, ver. 2.1 (2015) and takes into account the aquatic bioresources lists as set out in Regulations (EC) No. 1921/2006, No. 216/2009, No. 217/2009, No. 218/2009 and No. 762/2008 and the International Standard Statistical Classification for Aquatic Animals and Plants (ISSCAAP).

Besides, Ukraine has established a special reporting form on aquaculture production No. 1A-fish (annual) "Aquaculture production in 20__" approved by the order of the Ministry of Agrarian Policy and Food of Ukraine on 21 March 2012 No. 141 and registered with the Ministry of Justice of Ukraine on 9 April 2012 No. 514/20827. Form No. 1A-fish (annual) is submitted by legal entities and natural persons who produce fish seed and commercial fish in aquaculture conditions.

Summarised data of sectoral reporting on aquaculture production for a year is generated by the State Agency of Fisheries of Ukraine.

Production facilities; breeding stock; volume of cultivation and cost of fish seed and commercial fish according to species and families of bioresources are observed.

Currently, changes are being made to form No. 1A-fish (annual) "Aquaculture production in 20__" in accordance with the requirements of the Regulation (EC) No. 762/2008 of 9 July 2008.

f) Existence of commercial designations list for the seafood products marketed.

Such list is not available.

VI. STATE AID

48. Please provide information on state aid given to the fisheries and aquaculture sector over the last three years. State resources include all resources of the public sector, including resources of decentralised, federated, regional or other public bodies and, under certain circumstances, resources of private bodies.

No funds from the state budget were allotted for state aid/support over the last three years.

VII. INTERNATIONAL AGREEMENTS

49. Is Ukraine a contracting party to any international, multilateral or bilateral fisheries agreements? If yes, please indicate the number of vessels and the volume of fish concerned by these agreements.

Ukraine is a party to the Convention for the Conservation of Antarctic Marine Living Resources (CCAMLR). Allotment of the national quotas in the Convention area is not envisaged, fishing is carried out on the basis of the Olympic creed until the catch limit, established for a certain fishing area, is exhausted. Every year, fishing in the Convention area is made by 5 vessels under the National Flag of Ukraine.

Ukraine is also a party to the Convention on Cooperation in the Northwest Atlantic Fisheries (NAFO).

As of 2022, Ukraine has also allotted the national catch quota for sea bass in 3O area in the amount of 150 tons. In addition, other species are allowed for catching on the basis of the Olympic creed within the same category.

Vessels under the National Flag of Ukraine do not fish in NAFO area since 2007.

Agreement on fisheries in the Sea of Azov (hereinafter referred to as the Agreement) of 14 September 1993 between the State Committee of Fisheries and Fishing Industry of Ukraine and the Committee of the Russian Federation on Fisheries regulates fishing in the Sea of Azov.

As of 2022, the catch of the major commercial fish from the Sea of Azov, which is carried out without the national catch quotas, for Ukraine and the Russian Federation is established as follows (in tonnes): 20,000 of kilka, 30,000 of khamisa, 2,800 of redlip mullet and 580 of turbot. The following quotas has been established separately for Ukraine: 1,260 of gobies, 105 of pontic shad, 12 of bream, 12 of roach, 12 of pike-perch and 0.3 of vimba.

Ukraine is also a party to:

- i. Agreement on cooperation in the field of fisheries between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey;
- ii. Agreement on cooperation for the development of fisheries partnerships between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Morocco;
- iii. Agreement on cooperation in the field of fisheries and maritime affairs between the Government of Ukraine and the Government of the Islamic Republic of Mauritania;
- iv. Agreement on cooperation in the field of fisheries between the Government of Ukraine and the Government of Georgia;
- v. Convention concerning fishing in the waters of the Danube between the Governments of the Union of Soviet Socialist Republics, the People's Republic of Bulgaria, the Romanian People's Republic and the Federal Republic of Yugoslavia;

vi. Treaty between the Cabinet of Ministers of Ukraine and the Government of the Republic of Moldova on Cooperation in the Field of Protection and Sustainable Development of the Dniester River Basin, under which cooperation in the following areas is made.

Also, Ukraine has a status of Cooperating Non-Contracting Party within the General Fisheries Commission for the Mediterranean (GFCM).

50. Are there formal partnership agreements or fishing in other countries' waters on the basis of private agreements?

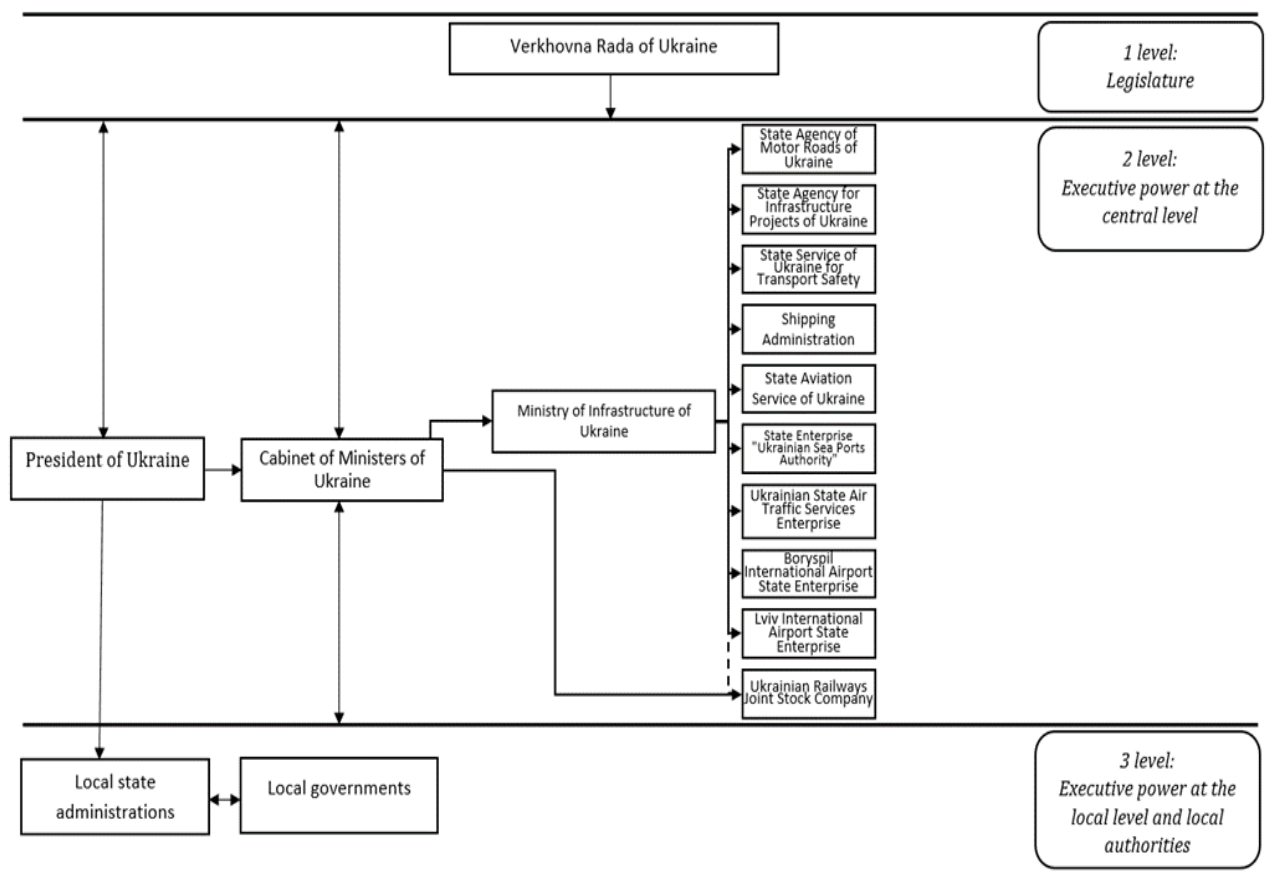
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CHAPTER 14. TRANSPORT POLICY

I. STRATEGY FOR THE SECTOR

1. What is the distribution of competences among the authorities for transport and mobility sector?

State policy in the field of transport and mobility and specifically the mechanism of public administration is implemented by a system of laws, regulations, administrative acts, as well as by stimulating investment activities in the field and implementation of development projects.



The mechanism of public administration in the field of transport is a complex set of means of impact on the stakeholders in this area with the relevant distribution of competence between authorities, it can be described by means of the following components and processes (tools).

1 level: Legislature.

Verkhovna Rada of Ukraine.

Adopts laws and issues regulations that determine the basic rules of operation of the transport sector. At the same time, the entities responsible for initiation of laws are usually the President of Ukraine, Deputies of Ukraine, the Cabinet of Ministers of Ukraine.

2 level: Executive power at the central level.

President of Ukraine.

As a rule, issues decrees of the President of Ukraine, which approve the basic rules of development of the transport sector

Cabinet of Ministers of Ukraine.

Endorses and approves normative and administrative acts (resolutions, orders), which establish directions of development and rules of functioning in the field of transport. These acts are usually developed and submitted to the Cabinet of Ministers of Ukraine by the Ministry of Infrastructure of Ukraine and other ministries. Moreover, the Prime Minister of Ukraine and his deputies issue instructions for their implementation by the authorities.

Ministry of Infrastructure of Ukraine (MIU).

The Ministry of Infrastructure is the central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine.

The Ministry of Infrastructure is the main body in the system of central executive bodies, which ensures the formation and implementation of state policy in the fields of road, rail, sea and river transport, postal services, and ensures the formation and implementation of state policy in air transport and use airspace of Ukraine, tourism and resorts (except for state supervision (control) in the field of tourism and resorts), development, construction, reconstruction and modernization of air, sea and river transport infrastructure, roads, navigation and hydrographic support of shipping, merchant shipping, safety issues in public road transport, urban electric, railway, sea and river transport, as well as state supervision (control) over safety in public road transport, urban electric, railway, sea and river transport (except in the field of maritime safety of fishing vessels).

The Ministry of Infrastructure issues administrative acts in the form of orders and instructions, as well as develops draft resolutions and orders of the Cabinet of Ministers of Ukraine, draft laws of Ukraine for further consideration by the Cabinet of Ministers of Ukraine.

State Road Agency of Ukraine, State Agency of Infrastructure Projects of Ukraine, State Service of Ukraine for Transport Safety, State Service of Maritime and Inland Water Transport and Shipping of Ukraine, State Aviation Service of Ukraine are central executive bodies and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Infrastructure of Ukraine.

State Road Agency of Ukraine (Ukravtodor).

Ukravtodor is the central executive body that implements the state policy in the field of road management and management of public roads of national importance.

State Agency of Infrastructure Projects of Ukraine (Ukrinfraproekt).

Ukrinfraproekt is the central executive body that implements state policy in the field of development, construction, reconstruction and modernization of air, sea and river transport infrastructure, as well as financial support of road safety measures in accordance with state programs.

State Service of Ukraine for Transport Safety (Ukrtransbezpeka).

Ukrtransbezpeka is the central executive body that implements the state policy on land transport safety.

State Service for Maritime and Inland Water Transport and Shipping of Ukraine (Shipping Administration).

The Shipping Administration is the central executive body that implements state policy in the areas of maritime and inland water transport and shipping.

State Aviation Administration of Ukraine (Derzhavisluzhba).

Derzhavisluzhba is the central executive body that implements the state policy in the field of civil aviation and the use of Ukrainian airspace and is the authorized body for civil aviation.

The aforementioned bodies issue administrative acts, typically orders.

3 level: Executive power at the local level and local authorities.

Local state administrations exercise executive power in regions, districts of Ukraine and cities Kyiv and Sevastopol. Administrative acts are issued (the head of the local state administration issues orders within the limits of his/her authority, and the heads of structural subdivisions issue orders).

Local state administrations, inter alia:

provide the arrangement of public services by enterprises, institutions and organizations, in particular, transport services regardless of ownership;

carry out the management of public roads of local importance within the administrative-territorial unit;

establish tariffs for socially important regular transportation of passengers on ships with simultaneous determination of sources of compensation to the carrier of the difference in case of setting the amount of tariffs below the economically justified cost of transportation;

develop and, in coordination with the central executive body implementing state policy in the field of maritime and inland water transport, approve local rules of navigation for small, sports vessels and jet skis and the use of water entertainment facilities, placement of floating structures.

Local authorities provide governance at the local level, issue and approve acts of an administrative nature at the local level.

The system of local authorities includes: territorial community; village, settlement, city council; village, settlement, city mayor; executive authorities of village, settlement, city council.

Local self-government is carried out by territorial communities of villages, settlements, cities both directly and through village, settlement, city councils and their executive bodies, as well as through district and regional councils representing common interests of territorial communities of villages, settlements and cities.

The executive authorities of village, settlement and city councils are responsible for:

own (self-governing) powers:

management of transport and communication facilities that are in communal ownership of the respective territorial communities, ensuring their proper maintenance and efficient operation, the required level and quality of services to the population;

decision-making on the arrangement of public toilets, parking and parking lots for motor transport, control over their activities in accordance with the law;

decision-making on the arrangement, equipping and operation of parking lots and taxi stands on the streets and roads of settlements, monitoring compliance with the rules of parking of vehicles requirements for the arrangement, equipping and operation of parking lots;

introduction within the relevant settlement of an automated system of control over the payment of the cost of parking services, approval of technical requirements and tasks for this system;

authorization of parking inspectors to consider cases of administrative offenses and to proceed with temporarily detaining of the vehicles in cases specified by law;

approval of routes and schedules of traffic, rules of use of city passenger transport irrespective of patterns of ownership, coordination of these questions concerning transit passenger transport in the cases provided by the legislation;

decision-making on the introduction of an automated fare accounting system in urban passenger transport, regardless of ownership and determination of the person authorized to charge for transport services in the case of the introduction of an automated fare accounting system;

establishing the procedure for operation and requirements for the automated fare accounting system in urban passenger transport, regardless of ownership, as well as types, forms of media, the order of circulation and registration of travel documents;

involvement on a contractual basis of enterprises, institutions and organizations that do not belong to the communal property of the respective territorial communities, to participate in the service of the population by means of transport and communication;

delegated authorities:

implementation of measures for the development of transport;

implementation in accordance with the legislation of control over the relevant operation and organization of public services by transport enterprises;

It should also be noted that the functioning of the railway transport is provided by Ukrainian Railways Joint Stock Company (JSC "Ukrzaliznytsia"), the functioning of seaports, organization and safety of navigation - State Enterprise "Ukrainian Sea Ports Authority" (SE "USPA"), functioning of the system of air traffic organization / air navigation service – Ukrainian State Air Traffic Services Enterprise (SE "UkSATSE").

The State Regulatory Service, the Antimonopoly Committee of Ukraine and courts of all levels, which ensure the legality of the implementation of transport and mobility policy at all levels, can also be separated into a separate category.

The objects of administration are stakeholders in the field of transport and mobility, which are targeted by administrative influence.

2. Please provide information on the national transport and mobility strategy and action plans, including all sub-sectors, the state of play of their implementation, together with appropriate timelines as well as financial needs and sources.

On 30th May 2018, the order of the Cabinet of Ministers of Ukraine № 430-r "On approval of the national transport strategy of Ukraine for the period up to 2030" was adopted (the text of the document can be found at the link https://mtu.gov.ua/files/for_investors/230118/National%20Transport%20Strategy%20of%20Ukraine.pdf).

The strategy identifies the main directions of improving the quality of transport services, brings the level of their provision and development of infrastructure closer to European standards, increases safety and reduces the negative impact on the environment, responds to the need to improve governance, administrative reform and decentralization of central executive bodies, introduction of anti-corruption policy, corporate governance in the public sector of the economy.

The strategy assigns tasks for such key directions:

- competitive and efficient transport system;
- innovative development of the transport sector and global investment projects;
- safe for use, environmentally friendly and energy efficient transport;
- seamless mobility and inter-regional integration.

Below is a description of the problems on the top of 4 key directions.

Competitive and efficient transport system

The main goals of this area are: creating a customer-oriented system of transport services and taking measures to ensure effective organization of the transport and road complex of the country and get a synergistic effect of effectively combining the potential and capabilities of all modes of transport based on partnership and competition.

Innovative development of the transport industry and global investment projects

The main goals of this area are: attracting investment funds from international financial institutions, private investors and public-private partnership projects in innovative transport projects.

Safe for society, environmentally friendly and energy efficient transport

The main goals of this area are: reduction of deaths and injuries as a result of road accidents, modernization of a significant part of vehicles operated by Ukrainian carriers, improvement of the legal mechanism and regulatory and legal regulation and supervision (control) in the field of transport safety.

Unhindered mobility and interregional integration.

The main goals of this area are: expanding access to transport services and increasing the mobility of the population, which means improving communication between regions and cities of the country, in particular for people with disabilities and other low-mobility groups.

On 07.04.2021 The Cabinet of Ministers of Ukraine adopted Order № 321-r "On approval of the action plan for the implementation of the National Transport Strategy of Ukraine until 2030", paragraph 3 of which is to ensure the implementation of the action plan approved by this order and submit to the Ministry of Infrastructure annual update (until 31st March) on the status of implementation of the said action plan for its consolidation and submission to the Cabinet of Ministers of Ukraine within two weeks.

The deadline for the implementation of the most items in the Action Plan for the implementation of the National Transport Strategy of Ukraine for the period up to 2030 is 2022.

Sources of funding are:

- state and local budgets;
- investment funds;
- funds of enterprises, institutions and organizations.

At the same time, it should be noted that in accordance with the Order of the Ministry of Infrastructure of Ukraine dated 08.04.2021 No. 321 "On some issues of monitoring the implementation of the Action Plan for the implementation of the National Transport Strategy of Ukraine for the period up to 2030" the Monitoring Committee for the organization of monitoring the implementation of the Action Plan for the implementation of the National Transport Strategy of Ukraine for the period up to 2030 (hereinafter – the Action Plan) has been established. In addition, four Working Groups under the chairmanship of the Deputy Ministers of Infrastructure have been established to organize systematic monitoring of the Action Plan implementation. The following Working Groups have been established in accordance with the main areas identified in the Action Plan:

- competitive and efficient transport system;
- innovative development of the transport industry and global investment projects;
- safe for society, environmentally friendly and energy efficient transport;
- unhindered mobility and interregional integration.

The main tasks of the Working Groups are:

- assessment of the results of the Strategy implementation and monitoring of the Action Plan implementation;

- preparation of the information to the Monitoring Committee to identify ways and mechanisms for solving problems connected with the Action Plan implementation;

- preparation of the information for proposals to the management staff of the Ministry of Infrastructure of Ukraine on ways to eliminate problematic issues in the Action Plan implementation and the proposals for changes to the Strategy and/or Action Plan.

It should also be noted that in order to monitor the status of the Action Plan implementation the expert meetings as well as the meetings of the above-mentioned Working Groups are held on an ongoing basis.

At the same time, we would like to inform you that with the support of experts of the EU technical assistance project “AASIST 2”, the work on preparing the next Action Plan for the period 2023-2026 has begun.

The following strategic documents are also in force in the field of transport:

- Strategy for road safety improvement until 2024;
- State program for road safety improvement until 2023;
- State target program for the development of airports until 2023;
- State target program for the development of roads of national importance for 2018-2022;
- Maritime Doctrine for the period up to 2035;
- Strategy for the development of seaports of Ukraine until 2038.

II. *MARKET STRUCTURE AND BASIC TRENDS FOR EACH MODE OF TRANSPORT*

A. Horizontal aspects

a) Public service contracts and state aid

3. Are there any individual State aid measures or State aid schemes and competition law in force in the following transport sectors?

a) Air transport;

Currently, the main problems of air transport development include:

- an incomplete alignment of Ukrainian legislation on economic aspects of airport operation with EU legislation;
- limited financial resources for the modernization of airdromes;
- unsatisfactory conditions for lending, obtaining international loans and export credits, which will be competitive with the conditions provided to airports-competitors in neighboring EU member states;
- lack of a mechanism and decisions on budget financing for the implementation of obligations to perform public services at remote airports in accordance with best practices and EU laws.

In this regard, Ukraine has the following **goals to address these problems:**

- Ensuring compliance of airport infrastructure with the modern ICAO standards and EASA certification requirements
- integration of Ukraine into the common aviation area, full implementation of EU legislation (over 100 EU regulations in the field of air transport), liberalization of the air services market
- implementation of procedures and management structures for long-term planning for airports in accordance with recommended ICAO, IATA and industry best practices

-improving road transport services between regions and major airports and improving public transport links to major airports with the city

- Implementation of EU standards, namely the package of economic regulation of airports
- Identify effective ways of financing

Legal principles of support and protection of economic competition, restriction of monopoly in economic activity, including in the field of transport, are determined by the Law of Ukraine "On Protection of Economic Competition", which aims to ensure effective functioning of Ukraine's economy through competitive relations.

In addition, the legal basis for protection of economic entities and consumers from unfair competition is defined by the Law of Ukraine "On Protection against Unfair Competition", which aims to establish, develop and ensure trade and other fair practices of competition in economic activities in market relations.

According to Article 78 of the Air Code, airport (aerodrome) operators, based on organizational and technical capabilities, are obliged to create equal conditions for aviation entities operating at the airport, equal conditions of use of the airport and aerodrome, unless otherwise provided by law.

The Law of Ukraine "On State Aid to Business Entities" establishes the legal basis for monitoring state aid to business entities, monitoring the admissibility of such aid to competition, aimed at ensuring protection and development of competition, increasing transparency of the state aid system and compliance with international obligations. of Ukraine in the field of state aid.

According to this Law, state aid consists in the transfer of state or local resources to individual economic entities, as well as in the loss of revenues of the respective budgets. State aid can be implemented, in particular, in the following forms: 1) the provision of subsidies and grants; 2) provision of subsidies; 3) granting tax benefits, deferral or installment payment of taxes, fees or other mandatory payments; 4) write-off of debts, including debts for provided public services, write-off of penalties, compensation of losses to business entities; 5) provision of guarantees, loans on preferential terms, servicing of loans at preferential rates; 6) reduction of financial liabilities of business entities to the funds of compulsory state social insurance; 7) provision, directly or indirectly, to economic entities of goods or services at prices below market or purchase of goods or services of economic entities at prices above market; 8) sale of state property at prices below market; 9) increase of the state share in the authorized capital of economic entities or increase of the value of the state share on conditions unacceptable for private investors.

According to Article 8 of the Law on State Aid, the Antimonopoly Committee shall consider notifications of state aid from providers of such aid.

The Cabinet of Ministers of Ukraine determines the criteria for assessing the eligibility of state aid. In the case of financing the infrastructure facility from the state budget, the Antimonopoly Committee assesses the eligibility of state aid in a particular case.

The Cabinet of Ministers of Ukraine has not yet adopted the criteria for assessing the eligibility of state aid in the field of air transport (according to preliminary information, the relevant act was drafted by the Antimonopoly Committee).

Currently, the Antimonopoly Committee is assessing the eligibility of each specific project to finance the infrastructure project at the expense of state funds.

b) Inland waterways; and

c) Maritime transport;

About 150 million tons of cargo are processed annually by seaports and inland waterway ports of Ukraine. For example, 159.1 million tons were transshipped in 2020, and 153.3 million tons in 2021, which is 3.6% less. Transshipment of export cargo decreased to 118.2 million tons (-3.9%), transit to 8.7 million tons (-13.6%), cabotage to 2.4 million tons (-1.8%), and imported cargo increased to 24.1 million tons (+ 1.7%).

There is no separate legislation regarding individual state aid measures or state aid schemes for the inland water transport or maritime transport sectors yet. There are relevant projects only.

However, in Ukraine there is partial budget financing of certain public infrastructure facilities on inland waterways to ensure the safety of navigation. Thus, it is financed under a separate budget program for the maintenance of shipping locks on the Dnieper River in a safe operational condition (shipping locks are state property).

A separate budget program aimed at implementing the measures of the National Transport Strategy of Ukraine finances the construction of a special vessel for the Marine Search and Rescue Service.

We expect the signing by the President of Ukraine of the Law of Ukraine dated February 15, 2022 No. 2043 "On Amendments to the Budget Code of Ukraine", according to which the State Fund for Inland Waterways should be created. The funds of this fund should be directed, among other things, to the maintenance and development of strategic inland waterways: shipping locks, navigation equipment, river information service, dredging.

As for the issues of the competition market, in Ukraine there are Laws of Ukraine "On the Protection of Economic Competition", "On Protection from Unfair Competition", "On Natural Monopolies", as well as "On Public Procurement" for Passenger rights and horizontal social aspects.

d) Rail transport;

In 2020, the work of rail transport was significantly affected by the coronavirus disease pandemic. However, from the end of 2020 to 2021, the industry began to recover.

The total volume of cargo transportation by rail in 2021 amounted to 314.3 million tons, which is 102.9% compared to the corresponding period of 2020. In the total volume of freight traffic, domestic traffic amounted to 149.8 million tons, exports - 112.4 million tons, imports - 40.6 million tons and transit - 11.5 million tons. The leaders of traffic volumes during this period were iron and manganese ore - 77.6 million tons, mineral building materials - 65.7 million tons, coal - 50.2 million tons, grain cargo - 33.7 million tons.

The total volume of passenger transportation by rail in 2021 amounted to 107.5 million passengers, which is 26.7% more than in 2020.

According to the results of 2021, the volume of long-distance passenger traffic increased by 56% compared to 2020 (more than 25 million passengers against 16 million passengers in 2020). In

the suburban service - the most social segment of passenger traffic - 54 million passengers were transported, which is 8% more than in 2020, when 50.2 million passengers were transported.

According to the Article 10 of the Law of Ukraine “On Railway Transport”, public railway transport enterprises operate on the basis of a combination of principles of state regulation and market relations.

The Law of Ukraine “On Railway Transport of Ukraine” also provides for the possibility of construction and reconstruction of main railway lines, mobilization facilities, purchase of railway rolling stock for passenger transport in long-distance trains and local trains at the expense of the State Budget of Ukraine within the limits of state capital investments. It is also possible to attract funds from local budgets for construction and reconstruction (including electrification) of railway lines, railway stations, pedestrian bridges and tunnels, passenger platforms and other railway facilities related to public services in the region, purchase of electric trains and diesel trains for suburban communication.

In particular, in 2021 the State Budget of Ukraine allocated UAH 4.025 billion for the renewal of passenger railway rolling stock and for modernization of railway infrastructure for passenger transportation, in 2022 – UAH 5.197 billion.

Regarding Public Service Contracts.

Ukraine is currently in the process of implementing acts of EU legislation, including Regulation № 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 in part of the conclusion of public service contracts for railway passenger transportation. At the same time, JSC Ukrzaliznytsia, as the only passenger railway carrier to date, worked with local authorities. As a result, in 2021 the Company signed 5 memorandums on the introduction of Public Service Obligation (PSO) in passenger transport: with local authorities of Odesa, Kharkiv, Luhansk, Sumy and Lviv regions.

e) Road transport:

• Transport of freight

Road transport plays a significant role in the socio-economic development of the country and occupies an important place in the unified transport system. More than 100,000 road hauliers provide 65% of freight services. Thus, in 2020, 1232391.9 thousand tons were transported.

In 2021, the share of road transportation increased due to a decrease in rail transportation.

The main problem of the automotive industry is the loss of technical potential of road transport enterprises and the need to increase the competitiveness of their technical base. Deterioration of rolling stock creates significant problems for the functioning of both the type of economic activity and other enterprises by the type of economic activity that use its services. The use of worn out trucks leads to an increase in transportation costs. The decrease in the pace of recovery of the technical base of road transport and rolling stock was facilitated by:

- imperfection of the legislation in terms of stimulation by the state of scientific, technical and innovative activities;

- imperfection of the regulatory framework for the development and implementation of economic and financial mechanisms for financing infrastructure;
- limited funding from state and local budgets;
- insufficient development of the leasing market, etc.

Article 15 of the Law of Ukraine “On Road Transport” (hereinafter – the Law) stipulates that the development of road transport is supported by public authorities by creating conditions, including for the provision of socially significant services of such transport, purchase of vehicles and their maintenance and repair, stimulating development of the market of the relevant services.

Parts four and five of the Article 55 of the Law stipulate that the permits of the European Conference of Ministers of Transport are distributed on a competitive basis, taking into account the level of traffic safety and environmental safety of vehicles introduced in European countries, efficiency of their use.

The Procedure for conducting the tender and issuing permits of the European Conference of Ministers of Transport is determined by the central executive body that ensures the formation and implementation of the state policy in the field of transport.

The Procedure for issuing permits to travel on the territories of foreign countries when transporting passengers and goods by road transport in international traffic, their exchange and accounting approved by the Order of the Ministry of Transport of Ukraine dated 20.08.2004 No. 757, registered in the Ministry of Justice of Ukraine on 31.08.2004 under No. 1075/9674

There is the State Program on improving the level of road safety in Ukraine for the period up to 2023, approved by the Cabinet of Ministers of Ukraine dated 21.12.2020 No. 1287 in the field of road transport in order to increase the level of road safety.

Among the measures of the State Program on improving the level of road safety in Ukraine for the period up to 2023, funded by the State Road Fund, much is aimed at modernizing and constructing road infrastructure to improve the level of road safety. The implementation of measures will help to reduce the level of mortality and injuries, to reduce losses during the transportation of goods as a result of road accidents.

There are no state aid measures or state aid schemes in the field of international road passenger transport. The principles of free competition are applied.

• Transport of passengers (urban, suburban, regional, long distance)

Article 15 of the Law of Ukraine “On Road Transport” (hereinafter – the Law) stipulates that the development of road transport is supported by public authorities by creating conditions, including for the provision of socially significant services of such transport, purchase of vehicles and their maintenance and repair, stimulating development of the market of the relevant services.

The Procedure for issuing permits to travel on the territories of foreign countries when transporting passengers and goods by road transport in international traffic, their exchange and accounting approved by the Order of the Ministry of Transport of Ukraine dated 20.08.2004 No. 757, registered in the Ministry of Justice of Ukraine on 31.08.2004 under No. 1075/9674.

According to the first part of the Article 43 of the Law, the determination of a road carrier on a public bus route is carried out exclusively on a competitive basis.

The Procedure for conducting a tender for passenger transportation on public bus route, approved by the Cabinet of Ministers of Ukraine dated December 03, 2008 No. 1081, determines the procedure for preparing and conducting a tender for passenger transportation on intercity and suburban public bus routes that do not go beyond the region (intra-regional route), a bus route that does not go beyond the district (intra-district route), a bus route that passes within the settlement (urban route), and a bus route that passes within the united territorial community, as well as the procedure for determining the road carrier for operation on intercity and suburban public bus routes that go beyond the territory of the region (interregional route).

According to the first part of the Article 31 of the Law, the relations of the road carrier transporting passengers on public urban, suburban and intercity bus routes that do not go beyond the territory of the region (intra-regional routes) with executive power bodies and local self-government bodies are determined by the contract on organization of passenger transport on the public bus route, which sets out the following: a list of public routes to be served by the road carrier, conditions of transportation, quality of transport services, term of the road carrier operation, obligations of executive power bodies and local self-government bodies concerning the arrangement of route, maintenance of the road carriageway and access roads in good condition (only for urban bus routes), the amount of compensation of the road carrier costs due to transportation of privileged passengers and regulation of tariffs, mechanism of their payment.

There are no state aid measures or state aid schemes in the field of international road passenger transport. The principles of free competition are applied.

One of the main trends of the Ministry of Infrastructure of Ukraine is to create conditions for wider using of ecological transport in Ukraine. Thus, the Ministry of Infrastructure has established a permanent working group to quickly solution of the problems about the participation of domestic producers in projects for the development of urban public rail electric transport in Ukraine, which will allow the using of more environmentally friendly rail transport (trams). Manufacturers of electric vehicles, financial institutions, and local self-government bodies are involved in the implementation of this project. In addition, on the basis of the Financial Agreement between Ukraine and the European Investment Bank, the project "Urban Public Transport of Ukraine" is being implemented.

The procedure for issuing and applying permits (agreements) for the carriage of passengers on public routes is regulated by the Law of Ukraine "On Road Transport" and resolutions of the Cabinet of Ministers of Ukraine of December 3, 2008 № 1081 "On approval of the Procedure for tendering February 18, 1997 № 176 "On approval of the Rules for the provision of passenger road transport services.

The application of the above regulations is aimed at creating a positive investment climate, demonopolization and development of the market of passenger road transport, ensuring proper and safe conditions for the organization of regular passenger transport in a certain area or route.

Currently, the Ministry of Infrastructure is constantly working to improve the above legislation, depending on the needs of today's road carriers, bus station owners and passengers, including simplification of the procedure for obtaining permits to carry passengers on public routes

In January 2021, 80.6 million passengers were transported by road. During the same period in 2022, 86.8 million passengers were transported by road. In January 2021, as a percentage of the total

number of transported passengers by all modes of transport, the transport of passengers by road amounted to 43.1%, and in January 2022 - 41.5%

f) Intermodal (combined transport)

At present, Ukraine has sufficient capacity of container terminals to service existing cargo flows.

It is planned to build additional infrastructure facilities for container terminals, which will increase capacity by 68% (up to 1 million TEU) by 2025.

In 2021, compared to 2020 there was an increase of 11.1% in the volume of container traffic by rail.

In 2021, 1023 thousand containers were handled by Ukrainian seaports which is 2.5% less than in 2020 (1049 thousand containers).

The main problems that hinder the development of multimodal transport include:

- insufficient coordination of the interaction of different types of transport, in particular the connection "port-railway" as well as coordination with railway carriers of the EU countries for the organization of international routes of combined transport;
- lack of sufficient legal regulation of the organization of combined transport, liability of the carrier, a single document of combined transport, etc;
- insufficient high cost and low transport accessibility of transshipment terminal services compared to road transport along the entire route.

In this regard, Ukraine has the following goals to address these issues:

- improvement of the regulatory framework for the development of intermodal, multimodal transportation, transport logistics;
- ensuring the development of multimodal transport technologies and infrastructure complexes to ensure the interaction of different modes of transport;
- creation of a network of routes of regular container/ multimodal freight trains, synchronized with the routes of trains of EU member states;
- creation of a network of multimodal transport and logistics clusters and basic logistics centers, "dry ports", terminals, specialized transshipment complexes, etc.

State aid concerning multimodal (combined) transport is implemented based on the Law of Ukraine "On Multimodal Transportation" No. 1887-IX dated 17 November 2021 and the Law of Ukraine "On State Aid to Business Entities" No. 1555-VII dated 1 July 2014.

In the Register of State Aid of the AMCU, 8 state programs are registered, provided by the Ministry of Infrastructure, namely:

1. State guarantee of the Ministry of Finance of Ukraine, which ensures the fulfillment of debt obligations on borrowings raised by the state enterprise "Boryspil International Airport" from the European Investment Bank for the project "Development Project of the state enterprise" Boryspil International Airport". Reconstruction of the flight zone № 2". Recipient – State Enterprise "Boryspil International Airport", amount of 6915314031.0 UAH.

2. "Financial support of measures for the development of airport infrastructure" special fund of the State Budget of Ukraine for 2021. Recipient – Municipal Enterprise of Kherson Regional Council "Kherson Airlines", the amount of 320000000.0 UAH.

3. "Financial support of measures for the development of airport infrastructure" special fund of the State Budget of Ukraine for 2021. Recipient – Regional Utility Company "Rivne International Airport", the amount of 75730000.0 UAH.

4. "Financial support of measures for the development of airport infrastructure" special fund of the State Budget of Ukraine for 2021. Recipient – Municipal enterprise "Vinnytsia Airport", amount 1574080982.0 UAH.

5. "Design and construction of the airfield of the International Airport "Dnipropetrovsk". Recipients – State Agency for Infrastructure Projects of Ukraine; State Enterprise "Financing of Infrastructure Projects", amount 6055210702.0 UAH.

6. "Renovation of rolling stock for the carriage of passengers." Recipient – Joint-Stock Company "Ukrainska Zaliznytsa", the amount of 40436230000.0 UAH.

7. State support in the form of a guarantee from the Ministry of Infrastructure of Ukraine to ensure the fulfillment of debt obligations on loan, which will be raised by the joint-stock company "Ukrposhta" from the European Bank for Reconstruction and Development for the "Rural Branch Project". Recipient – JSC "Ukrposhta", the amount of 397424311.0 UAH.

8. State support in the form of a guarantee from the Ministry of Infrastructure of Ukraine to ensure the fulfillment of debt obligations on loan, which will be raised by the joint-stock company "Ukrposhta" from the European Investment Bank and the European Bank for Reconstruction and Development for the investment project "Logistics Network". Recipient – JSC "Ukrposhta", the amount of 1407687599.0 UAH.

The following legislation also applies in this sector:

- Law of Ukraine "On Protection of Economic Competition" of September 11, 2001 № 2210-III,
- Law of Ukraine "On Protection against Unfair Competition" of March 7, 1996 № 236/96-VR,
- Law of Ukraine "On State Aid to Business Entities" of 01.07.2014 № 1555-VII,
- Law of Ukraine "On Multimodal Transportation" of 17.11.2021 № 1887-IX.

4.Passenger rights and horizontal social aspects

Air transport

The provisions of EU Regulations 261/2004 and 2027/97 have been already fully implemented into Ukrainian legislation. In particular, provisions of the above-mentioned regulations are included in the Air Code of Ukraine (Articles 100, 103-107).

Road transport

The rights of passengers are regulated, in particular, by the legislation on consumer protection, the Law of Ukraine “On Road Transport” and the Rules for the provision of passenger road transport services, approved by the Cabinet of Ministers of Ukraine dated February 18, 1997 No. 176.

Railway transport

The rights of passengers transported by rail are regulated by the Procedure for servicing citizens by rail, approved by the Resolution of the Cabinet of Ministers of Ukraine dated March 19, 1997 No. 252. The Resolution of the Cabinet of Ministers of Ukraine dated May 19, 2021 No. 491 amended the Procedure in order to implement the provisions of the Regulation 1371/2007/EU in terms of defining the rights and obligations of passengers and carriers, as well as to implement the service quality assurance system.

Maritime and inland water transport

The rights of passengers transported by maritime and inland water transport are regulated by the Merchant Shipping Code of Ukraine (Chapter 3 “Contract of Carriage of Passengers by Sea”, Article 4, Articles 184-194), the Law of Ukraine “On Inland Water Transport” (Article 57), the Civil Code of Ukraine, the Code of Ukraine on Administrative Offenses, the Law of Ukraine “On Licensing of Certain Types of Economic Activities” and the Resolution of the Cabinet of Ministers of Ukraine dated December 23, 2015 No. 1186 “On approval of Licensing conditions of carrying out economic activity on transportation of passengers, dangerous freights and dangerous waste by river and sea transport” (This Resolution approves the requirements for personnel, insurance, material and technical base of enterprises engaged in transportation of passengers by sea and river transport).

In addition, the Ministry of Infrastructure of Ukraine has developed and agreed with the relevant authorities the Rules for transportation of freights and passengers by inland water transport and the Rules for servicing passengers and freights in ports (terminals).

5.What are the rules on passenger rights in the transport sector (minimum requirements for information, assistance and care, liability of the carriers in the event of delays or cancellations of services, accidents resulting in death or personal injury or loss of or damage to luggage; enforcement of passenger rights (complaint handling/ inspections and monitoring)?

Road transport

The main normative legal acts regulating these issues are:

- Law of Ukraine “On Road Transport”;
- Law of Ukraine “On Insurance”;
- Rules for provision of passenger road transport services, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 18.02.1997 No. 176.

Depending on the type of bus service, the following information should be available:

in case of urban and suburban transportation, on the front stencil – the route number and the name of the starting and ending points; on the side stencil – the names of the main points, where intermediate stops are made; on the rear stencil – the route number;

in case of transportation in express mode and in the mode of minibus, on the front and side stencils above the route number and the name of the points where stops are made – the inscription in red “Express”, in black “Minibus”; at the door – the sign of entrance and exit;

in case of long-distance and international transportation, on the front and side stencils – the name of the starting and ending points of the route (in case of international transportation, the information should be provided in two languages in two lines: the upper line – in Ukrainian, the lower line – in the language of the country to which the transportation is carried out).

The following information should be placed in the cabin of the bus:

- 1) an extract from these Rules in terms of the rights and responsibilities of driver and passenger, and on the city route – an extract from the Rules of use of urban passenger road transport;
- 2) marking entrance and exit;
- 3) information on the amount of the fine for ticketless travel and transportation of unpaid luggage;
- 4) information on the road carrier and insurer (name, address and telephone number);
- 5) total passenger capacity, indicating separately the number of seats for passengers;
- 6) marking the location of emergency exits (indicating the method of their opening), fire extinguisher, first aid kit and emergency stop button;
- 7) inscriptions “No smoking”, “Places for passengers with children and persons with disabilities” with their simultaneous duplication with the international symbol of accessibility and the sign of the stroller (on urban and suburban routes);
- 8) numbering of places during long-distance and international transportation;
- 9) marking places for the persons with disabilities with a relief icon.

The dimensions and lighting of information signs should be such that they can be read in light and dark times of the day:

in the cabin of the bus – from the distance of at least 1 meter;

on the front and rear stencils – from the distance of at least 15 meters, on the side stencil – from the distance of at least 3 meters.

Information posted on buses and in bus cabins should meet the needs of visually impaired passengers (including in large print).

The road carrier provides training and instruction of drivers on the peculiarities of boarding (disembarking) of persons with disabilities and other low-mobility groups, taking into account the requirements of the Law of Ukraine “On Fundamentals of Social Protection of Persons with Disabilities in Ukraine”.

When purchasing a ticket, the passenger is provided with information on the type of compulsory insurance and the insurer.

On 01.01.2024 the Law of Ukraine No. 1909-IX “On Insurance”, adopted by the Verkhovna Rada of Ukraine on 18.11.2021, will come into force. The Law amends other Laws of Ukraine and, among other things, stipulates that business entities (carriers) engaged in the transportation of passengers and/or freights are obliged to conclude a contract of liability insurance for damage caused to life and health of passengers when using road transport, and for damage caused to cargo, luggage during transportation, in accordance with insurance class 10, defined by the Article 4 of the Law of Ukraine “On Insurance” (class 10 – liability insurance arising from the use of land vehicles (including liability of the carrier)).

According to the Law of Ukraine “On Basic Principles of State Supervision (Control) in the Sphere of Economic Activities” appeal of an individual (individuals) about the violation that harmed his (their) rights, legitimate interests, life or health, environment or safety of the state, with the addition of documents or their copies confirming such violations (if any) is the basis for an unscheduled state supervision (control).

An unscheduled state supervision (control) in this case is carried out by the State Service of Ukraine for Transport Safety.

Air transport

Liability of air carriers in the event of delay or cancellation of services, accidents resulting in death or personal injury, loss or damage to luggage, enforcement of passenger rights is governed by the Montreal Convention, ratified by Ukraine on 17.12.2008 through the Law on Accession to the Convention for the Unification of Certain Rules for International Carriage by Air. The Montreal Convention entered into force for Ukraine on 06.05.2009.

In addition, the Aviation Rules of Ukraine “Rules for transportation by air and handling of passengers and baggage”, approved by the Order of the State Aviation Service of Ukraine dated November 26, 2018 No. 1239, registered at the Ministry of Justice of Ukraine on February 08, 2019 under No. 141/33112, include requirements of all EU Regulations mentioned above and Montreal Convention.

In accordance with the Article 101 of the Air Code of Ukraine, the State Aviation Service of Ukraine monitors the compliance with the rules of air transportation of passengers, baggage, cargo and mail by air carriers and other aviation entities and their compliance with requirements and rules established by international treaties of Ukraine and aviation rules of Ukraine, in particular in the part of observance of the rights of passengers, shippers who use air transportation services, and requirements for consideration of appeals of passengers, shippers.

In case of a request from passenger or shipper, the State Aviation Service of Ukraine shall decide on the absence or presence of the fact of violation of the legislation requirements, including the aviation rules of Ukraine, by the air carrier.

In case of violation of the rights of passengers by the air carrier, financial sanctions are applied to it in accordance with the Article 127 of the Air Code of Ukraine.

Maritime and inland water transport

a) national legislation on the rights of passengers travelling by sea or by inland waterway.

National legislation on the rights of passengers travelling by sea or by inland waterway regulated by separate articles of the Law of Ukraine "On Inland Water Transport" (in particular, Article 57) and the Merchant Shipping Code of Ukraine (in particular, Chapter 3 "Contract of Sea Carriage of Passengers" (Article 4, Articles 184-194, Articles 242, 386, 387), the Civil Code of Ukraine, the Code of Ukraine on Administrative Offenses, as well as the Law of Ukraine "On Licensing Types of Economic Activities" and Resolution of the Cabinet of Ministers of Ukraine dated December 23, 2015 No. 1186 "On Approval of the Licensing Conditions for the Production of Economic Activities for the Transportation of Passengers, Dangerous Goods and Hazardous Waste by River, Sea Transport » (personnel requirements, requirements for insurance, requirements for the material and technical base of the passenger carrier are determined).

Also, 2 acts of the Ministry of Infrastructure have been developed and are undergoing approval: The Rules for the carriage of goods, passengers and baggage by inland water transport (hereinafter referred to as the Rules for Transportation) and The Rules for servicing passengers and baggage by ports (terminals) (hereinafter referred to as the Rules for Servicing).

b) Rules on minimum requirements for information to be provided for passengers (before and during the journey)

The Rules of Transportation will provide for the following rules:

- the carrier, before boarding passengers, is obliged to ensure that passengers are notified of the time of boarding the ship, indicating the place of boarding (berth), the name of the ship and the time of departure;

- the captain of the ship, as soon as possible after the end of the boarding of passengers on the ship, organizes briefing with passengers on the conditions for leaving the ship in emergency situations, carried out personally by the captain of the ship, or a person authorized by him. During the briefing, the use of telecommunications is allowed. During the briefing, passengers should be familiarized with the methods of using individual life-saving appliances, the location of individual and collective life-saving appliances on the ship and the plan for evacuating passengers, fire safety rules.

The Rules of Service will provide for the following standards:

- river passenger terminals accommodate:

- a) a sign with the name of the river passenger terminal (if any);

- b) designation of passenger berths for embarkation and disembarkation of passengers;

- c) an information board (information stand), which contains visual information, including: schedule of the river passenger terminal;

the timetable for the movement of ships on public routes, consisting of two separate parts: the arrival of ships and the departure of ships;

the name of the carrier (carriers), ships on which transportation will be carried out;

surname, first name and patronymic (if any) of employees of the operating organization of the river passenger terminal 1) responsible for safety; 2) who is entrusted with the functions of providing

assistance to persons with disabilities and other passengers from among the low-mobility groups of the population during service at the places of embarkation and disembarkation of passengers, their contact numbers;

layout of the premises of the river passenger terminal;

list of services provided by the river passenger terminal;

- information on the stand with the schedule of departure of ships of public routes should include:

a) the name of the vessel;

b) a list of vessel stops along the route;

c) time of arrival and departure of the vessel;

d) the number of the berth from which the vessel usually departs/arrives;

e) the frequency of the ship's cruising;

- fare information is provided through electronic reference systems or information bureaus;

- in case of cancellation or changes during the arrival or departure of ships that depart from the river passenger terminal or head to the river passenger terminal, change of berthing and / or floating facilities, passengers must be informed in a timely manner by the river passenger terminal about the situation that has developed, and for opportunities notified of expected departure and arrival times as soon as this information becomes available.

c) rules on availability of tickets and reservations.

Article 57 of the Law of Ukraine «On Inland Water Transport» stipulates that when transporting passengers, the carrier is obliged to issue them an individual or collective ticket. When transporting luggage, the carrier is obliged to issue the passenger with a luggage receipt or other document containing information about the quantity and nature of his luggage.

Article 187 of the Code of Merchant Shipping of Ukraine stipulates that the carrier issues a ticket, which is proof of the conclusion of the contract of carriage of passengers by sea and payment of the fare. Delivery of luggage to the carrier is certified by a luggage receipt.

d) rules on delays and cancellation of services

The Rules for Transportation will provide for the following norms:

- if the sale of travel documents for the corresponding flight has already begun, then the transfer of the ship's departure time earlier than the time established by the current timetable for the movement of ships is unacceptable;

- the carrier may delay the departure of the ship, change the route of transportation or the place of disembarkation of the passenger in cases where it is impossible to transport the passenger to the destination as a result of force majeure, hostilities, prohibition of the authorities or other reasons beyond the control of the carrier (force majeure);

- upon termination of the contract for the carriage of a passenger at the initiative of the carrier, the passenger shall be refunded the fare and for the carriage of his baggage, in case of carriage of his baggage;

- in the event that the termination of the contract for the carriage of a passenger at the initiative of the carrier is caused by a violation by the passenger of these Rules or by his actions that endanger the safety of navigation, the life and health of other passengers, the fare and baggage fees are not returned to the passenger;

- in the event of termination at the initiative of the carrier of the contract for the carriage of passengers during the voyage of the ship, except in cases where the termination of the contract for the carriage of passengers at the initiative of the carrier is caused by a violation by the passenger of these Rules or by his actions that endanger the safety of navigation, the life and health of other passengers, the carrier is obliged for at his own expense to deliver the passenger at his request to the place of departure or to the nearest settlement in order to provide the passenger with the opportunity to arrive at the place of destination.

e) rules on the handling of complaints and the national body responsible for the protection of passenger rights

In Ukraine, there are several appeal mechanisms that ship passengers can use in case of violation of their rights:

1. According to Articles 386 and 387 of the Merchant Shipping Code of Ukraine, claims against the carrier arising from the passenger and baggage agreement may be filed within the first six months, regardless of whether the carriage was carried out in coastal or foreign traffic.

The carrier is obliged to consider the stated claim within three months and notify the applicant of its satisfaction or rejection, and claims arising from transportation in a mixed traffic - within six months.

The procedure for resolving transportation disputes by filing a claim is also determined by Article 315 of the Commercial Code of Ukraine.

Relations related to the transportation of passengers and baggage are regulated by the Civil Code of Ukraine:

article 908 - under a contract for the carriage of goods, passengers, baggage, mail;

article 910 - on the conclusion of a contract for the carriage of a passenger and baggage and the issuance of a ticket and a baggage check, respectively.

2. Passengers also have the right to apply to the courts of Ukraine and other authorized authorities for the protection of violated rights or legitimate interests.

According to the Constitution and laws of Ukraine, justice in Ukraine is carried out exclusively by the courts and in accordance with legal procedures defined by law.

Article 55 of the Constitution of Ukraine enshrined that the rights and freedoms of man and citizen are protected by the courts.

This Article 55 of the Constitution of Ukraine guarantees everyone the right to appeal in court decisions, actions or inaction of public authorities, local governments, officials and officials.

Article 124 of the Constitution of Ukraine determines that justice is administered exclusively by the courts.

The Law of Ukraine "On the Judiciary and the Status of Judges" defines the organization of the judiciary and the administration of justice in Ukraine, functioning on the basis of the rule of law in accordance with European standards and ensuring the right of everyone to a fair trial.

Article 30 of the Civil Procedure Code of Ukraine defines the exclusive jurisdiction of cases on lawsuits.

f) rules and penalties foreseen in case passenger rights are not respected?

Transportation of passengers and baggage is carried out on the basis of a passenger carriage agreement regulated by Section 3 of the Merchant Shipping Code of Ukraine.

Article 4 of the Merchant Shipping Code provides that civil, administrative, economic and other legal relations arising from merchant shipping and not regulated by this Code are subject to the rules of civil, administrative, economic and other legislation of Ukraine.

In addition, a sea vessel may be arrested upon a maritime claim, in connection with a contract for the carriage of passengers on a vessel.

The Merchant Shipping Code also provides for the liability of the carrier.

Article 192 of the Merchant Shipping Code of Ukraine stipulates that the carrier is obliged to bring the ship into a condition suitable for navigation and safe transportation of passengers before the start of transportation, duly equip it in advance and provide everything necessary for navigation, staff it with a crew and keep the ship in such a condition all the time at sea. transportation of passengers.

According to Article 193 of the Merchant Shipping Code of Ukraine, the carrier is liable for damage caused as a result of the death of a passenger or damage to his health, as well as as a result of loss or damage to baggage, if the incident occurred during transportation and was the result of the fault or negligence of the carrier, its employees, agents, acting within their official duties

Article 194 of the Merchant Shipping Code of Ukraine defines the limits of the carrier's liability:

- in case of death of a passenger or damage to his health;
- liability of the carrier for loss or damage to the cabin;
- liability of the carrier for the loss or damage to the car together with the luggage carried in the car;

The carrier and the passenger may, by express written agreement, establish higher limits of liability than those provided for in this article.

Article 190 of the Merchant Shipping Code of Ukraine defines the rights of passengers.

The passenger has the right:

- 1) to carry with them one child under the age of six free of charge without the right to occupy a separate seat, to buy children's tickets at a reduced price for children from six to fourteen years of age;
- 2) to carry cabin luggage with them free of charge within the established norms;
- 3) check in baggage for transportation for payment at the rate.

The passenger must send a written notification to the carrier or its agent about the loss or damage to baggage:

a) in case of obvious damage to cabin baggage - before or at the time of disembarkation of the passenger;

b) in case of obvious damage to other baggage - before or at the time of its release;

c) in case of loss of luggage or damage to it, which is not obvious - within fifteen days from the day of disembarkation or from the date of delivery of the luggage or from the moment when it should be released.

If the passenger has not complied with the requirements of this article, it shall be deemed, unless proven otherwise, that the passenger has received his baggage unharmed.

Written notification is not required if the condition of the baggage is jointly determined or checked at the time of receipt.

Article 911 of the Civil Code of Ukraine defines broader rights for passengers.

Article 922 of the Civil Code of Ukraine provides for the liability of the carrier for the delay in the departure of the passenger and violation of the deadline for the delivery of the passenger to the destination.

The Code of Administrative Offenses of Ukraine provides for administrative liability in the form of an administrative penalty (fine) for violating the rules for maintaining order and safety of navigation in maritime and inland water transport (Article 114), for violating the rules for setting a ship sailing or for allowing persons who do not have relevant document (Article 1161).

Article 222 of the Code of Administrative Offenses of Ukraine determines that the bodies of the National Police consider cases of administrative offenses, in particular, violations of the rules of navigation on sea and inland waterways.

Article 225 of the Code of Ukraine on Administrative Offenses determines that the bodies of maritime and inland water transport consider cases of such administrative offenses.

To date, the body of maritime and inland water transport considering cases of administrative offenses and imposing administrative penalties is the State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine (Navigation Administration) in accordance with the Regulations on the State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine, approved Resolution of the Cabinet of Ministers of Ukraine dated 06 of March 2022 № 212.

Railway transport

Railway transport passenger rights are regulated by the Procedure of provision of services to citizens on railway transport, which are approved by the resolution of the Cabinet of Ministers of Ukraine No 252 dd. March 19, 1997 (hereinafter referred to as the Procedure).

Concerning minimum requirements to information.

According to the Procedure, on the premises of the stations, passengers shall be provided with information by all available means, including concerning movement schedule of passenger trains, price for travel, baggage and cargo transport, availability of seats, delays of trains, track of train departure and arrival, rules for passenger, baggage, cargo transportation, work schedule and

specialization of ticket, baggage desks, checking rooms, baggage and cargo storage facilities, storage of hand baggage, services, that are provided on a station, and their price.

Also information is provided concerning the location of a book of complaints, claims and suggestions, location and hours of reception of passengers by station officials, addresses and phone numbers of a service provider, central executive body that implements state policy in the field of state control over compliance with legislation on protection of consumer rights, and executive body of village, town council.

People with disability that use technical and other means of rehabilitation shall be provided with information on the procedure of getting assistance during usage of railway transport services for such persons.

During a trip information is provided concerning services that are provided in a train (wagon), stops on a train (wagon) route, on train delays and concerning rules for travel, fire safety. Taking into consideration the wish of a business entity, other information is provided as well.

Concerning assistance to people with disability.

According to the Procedure, operator and service provider on the station shall ensure:

Access for people with disability and persons with low mobility to stations, platforms, rolling stock of trains and other equipment, intended for provision of services to passengers,

In case of necessity of provision of free assistance to passengers with disability and other passengers with low mobility for unhindered access to infrastructure (in case of movement on the territory of a station, to/from passenger platforms, rolling stock),

Conditions and procedure for provision of services to passengers with disability and other passengers among groups of populations with low mobility.

People with disability that use technical and other means of rehabilitation, shall be provided with information on the procedure for getting assistance during usage of railway transport services for such persons.

Concerning responsibility of railway undertakings and passengers for baggage and in case of delays, missed trips and cancellation of services.

Responsibility of operators is defined by the Law of Ukraine “On Railway Transport”, Charter of Railways, Procedure and Rules.

In case of train cancellation or its delay from departure point for more than one hour, delay of a passenger to a train from a transfer station due to operator’s fault and passenger’s refusal to use other seats, full ticket price is to a passenger.

For failure to preserve (loss, lack, perishing, damage) of a baggage, accepted for transportation, operators bear responsibility in the size of actually made damage, if it will not be proved that loss, lack, perishing, damage originated due to the reasons that do not depend on them.

Concerning consideration of passenger claims.

Nowadays all disputes and disagreements that arise between passengers and railway employees are resolved on a station by a station manager or station manager, in trains during movement they are

resolved by a train manager. If passenger disagrees with the decision of a station or train manager, this decision may be contested according to the legislation based on claim or court procedure.

Concerning the issues of service or protection of railway transport consumer rights passengers may call on the phones of JSC “Ukrainian Railways” hot line.

At the same time, draft law of Ukraine “On Railway Transport of Ukraine” Body on the issues of safety is designated with the competence of control over compliance with minimum quality requirements of service provision. This body will be fully independent from any infrastructure manager, charging body, distribution body or a railway undertaking.

6.What are the rules for non-discrimination and equality in the transport sector, especially what are the rules for passengers with disabilities or reduced mobility?

UN Convention on the Rights of Persons with Disabilities, ratified by the Verkhovna Rada of Ukraine on 16.12.2009, is part of the national legislation and defines the basic principles of interaction between persons with disabilities and the Ukrainian state.

Having joined the States Parties of the Convention, Ukraine has undertaken to implement the appropriate measures to ensure that persons with disabilities have accessibility on an equal basis with others to the physical environment, transport, information and communication, etc.

It shall be noted that these measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) information, communications and other services, including electronic services and emergency services.

On the way of integration into the European and world community, Ukraine has ratified a number of international legal acts which have a certain influence on the formation of national state policy and practice on ensuring equal opportunities for all citizens and the implementation of the principles of accessibility in different spheres of life of persons with disabilities.

The course chosen by Ukraine on creation of conditions of equality of people with disabilities with other segments of the population, provision and encouragement of full realization of all human rights and fundamental freedoms without any discrimination on the grounds of disability, creation of the life environment of every person at the European level has a number of positive results.

In particular, the accessibility is one of the basic principles of this Convention (Article 9).

In order to ensure accessibility to the physical environment that are not adapted for the movement/use of persons with disabilities and other people with reduced mobility in the field of transport, Resolution of the Cabinet of Ministers of Ukraine dated 30.05.2018 No. 430 "National Transport Strategy of Ukraine for the period up to 2030" has been developed and approved (hereinafter – the “National Transport Strategy”) and Order dtd. 07.04.2021 No. 321 "On approval of the Action Plan on Implementation of the National Transport Strategy of Ukraine for the Period of up to 2030" (hereinafter – the “Action Plan”). In particular, the list of tasks defined in the

Section "Unlimited mobility and interregional integration" of the National Transport Strategy includes as follows:

To provide the mobility and functioning of modern passenger transport;

To ensure access to transport services for all citizens, including persons with disabilities and other groups of people with reduced mobility, by providing them with an accessible environment for free movement;

To provide the gradual renewal of the rolling stock for passenger transportation, replacement of the concept of mini-buses with more flexible and environmentally friendly systems, equipped for transportation of persons with disabilities and other groups of people with reduced mobility;

To promote the city mobility and development of the system of parking zones network and passenger terminals for transfer from individual transport to urban transport.

The Action Plan provides detailed steps for the implementation of a number of tasks on ensuring accessibility of vehicles and transport infrastructure for persons with disabilities and other groups of people with reduced mobility:

To provide the development of services of access to public information, in particular to prepare proposals on technical solution of ensuring accessibility of the register for persons with disabilities, first of all with infringement of sight and hearing;

To develop the passenger and cargo terminals with multimedia technologies at the expense of their owners and private-public partnership with provision of international standards of passenger service quality, including persons with reduced mobility and persons with disabilities, as well as cargo and mail service quality;

To provide the railway transport development, in particular, stimulation of traction and other rolling stock renewal (taking into account the needs of persons with disabilities and other groups of people with reduced mobility);

To improve the pedestrian infrastructure, parking areas, limitation of speed of transport means and development of infrastructure for cycling (in particular, installation of light-ways, including spoken for needs of blind and equipped for needs of persons with visual disabilities);

To ensure an effective state supervision (control) of the quality of transportation services, in particular development of the method of assessment of the quality of transport services both at the national and regional levels, which will provide for the mandatory development of a system of quality of passenger transportation services (with separate indicators that will allow to assess the availability of services for persons with disabilities, first of all, for passengers who use wheel chairs, have visual and hearing impairment) of their disclosure, monitoring and elimination of defects;

To ensure the accessibility to transport services for all citizens, including persons with disabilities and other groups of people with reduced mobility, by creating an accessible environment for free movement for them;

To provide the gradual renewal of the rolling stock for passenger transportation, replacement of types of transport with carbon emissions, promotion of green modes of transport, provision of development of cycling in cities, replacement of the concept of mini-buses with more flexible and

environmentally friendly systems, equipped for transportation of persons with disabilities and other groups of people with reduced mobility.

For the purpose of implementation of objectives established by the Strategy for Improving Road Traffic Safety for the period until 2024, which was approved by the Resolution of the Cabinet of Ministers of Ukraine as of 21.10.2020 No. 1360, the Ministry of Infrastructure of Ukraine shall carry out activities on ensuring the needs of people with disabilities and reduced mobility within the framework of the State Program on Improving Road Traffic Safety in Ukraine for the period until 2023, which was approved by the Resolution of the Cabinet of Ministers of Ukraine as of 21.12.2020 No. 1287, including:

- establishment of generic technical requirements and regulations for applying in the public transport devices for acoustic support of orientation for visually-impaired passengers about the number and the route terminal, as well as acoustic and visual (text) systems in the cabin of vehicles for the purpose of support of orientation for visually- and hearing-impaired passengers about the stops;

- establishment of generic technical requirements and regulations for applying devices for acoustic and tactile duplication of traffic light signals;

- development of guidelines and videos for workers of the road and transport infrastructure on accompanying people with disabilities;

- preparation of the design of elements of highways public of the state value, located within inhabited areas, in such a manner to ensure their accessibility for people with disabilities and reduced mobility (sloping approaches/exits through lowering the kerb stone, etc.), etc.

For the purpose of fulfillment of the National Plan of Actions for implementing the Convention on the Rights of Persons with Disabilities, which was approved by the Resolution of the Cabinet of Ministers of Ukraine as of 07.04.2021 No. 2025, the Ministry of Infrastructure of Ukraine has been decided to bear the primary responsibility for the execution of tasks and actions as follows:

- improvement of the legislation through developing a draft law on amending some regulatory acts concerning providing accessibility for people with disabilities and reduced mobility to the transport, facilities of the road and transport infrastructure;

- implementation of the stage-by-stage increase in the number of vehicles on the public routes, which are adjusted to transport people with disabilities and reduced mobility;

- provision of the proper collection of the detailed statistical data about people with disabilities in all spheres of life, with an indication of age, gender, classification of diseases, place of residence (urban, rural area) for the purpose of establishing conditions for accessibility of the transport and facilities of the transport infrastructure for people with disabilities.

According to Article 1 of the Law of Ukraine on “Fundamentals of the Social Security of Persons with Disabilities” (hereinafter referred to as the Law), persons with disabilities in Ukraine can enjoy all social and economic, political, personal rights and freedoms set by the Constitution of Ukraine, the laws of Ukraine and international treaties the consent to the binding nature of which is provided by the Verkhovna Rada of Ukraine.

In Article 4, it is stated that activities of the state concerning persons with disabilities are shown in creation of legal, economic, political, social, psychological and other conditions for providing their

rights and opportunities on an equal basis with other citizens for participation in public life and consist in: identification, elimination of the obstacles and barriers which do not allow for the provision of the rights and satisfaction of requirements including those related to the access to public and civil facilities, public services and amenities, transport infrastructure, road service, namely: facilities of the physical environment, transport, information and communication, and also, taking into account individual opportunities, capabilities and interests, to education, work, culture, physical culture, and sport.

According to Article 28 of the Law, enterprises, organizations, and physical persons-entrepreneurs which provide public transport services shall ensure that vehicles, railway stations, airports, and other facilities are fitted in a manner to allow people with disabilities to enjoy their services without any restrictions. In cases, when vehicles which are currently operated cannot be adjusted in a manner to be used by people with disabilities, local authorities shall provide other options for transportation of such people.

New means of transportation shall be designed and created, and airports, railway and bus stations, sea and river ports shall be reconstructed and constructed in such a way to satisfy the needs of people with disabilities.

With the consideration given to the limited capabilities of people with disabilities, the public transport (railway, maritime, internal water, road, air, as well as urban electric transport, including metropolitan) shall be equipped with devices for acoustic support which can inform about the route number and its terminal, as well as text and acoustic systems in the cabin for mandatory announcement of stops.

Public transport which is manufactured in Ukraine or imported into the customs territory of Ukraine shall be adjusted in a manner to be used by visually-, hearing-impaired persons and persons with musculoskeletal disorders, and provide for an opportunity to install devices for acoustic support which can inform about the route number and its terminal, as well as text and acoustic systems in the cabin for announcement of stops.

In Article 38-1 of the Law, it is stated that subsidized transport services shall be provided to people with disabilities.

Subsidized transport services shall be provided to people with disabilities.

Persons having the 1st and the 2nd groups of disability, children with disabilities, and persons accompanying the persons having the 1st group of disability or children with disabilities (no more than one person accompanying a person having the 1st group of disability or a child with disabilities) are entitled to travel free-of-charge by the urban passenger transport (except for the taxi) provided that they have a certificate or a statement as requested by the Law, and – should the automatic fare collection system be implemented – an e-ticket which is issued free-of-charge.

Persons having disabilities, children with disabilities, and persons accompanying the persons having the 1st group of disability or children with disabilities (no more than one person accompanying a person having disabilities or a child with disabilities) are entitled to the 50% discount on tickets for travelling on the internal lines (routes) operated by the air, railway, sea, internal water, and road transport during the period between October 1 and May 15.

According to the Law of Ukraine “On Transport”, subsidized transportation of persons with disabilities shall be carried out by all transportation companies regardless of the form of ownership and incorporation.

The restriction of the scope of the right of persons with disabilities for the subsidized travel by the transport shall be not allowed.

The procedure for the provision of subsidized transport services for persons having disabilities and children with disabilities shall be defined by the regulatory instruments which specify the rules for the use of air, railway, sea, internal water, road, and urban electric transport by the public.

Transport sphere-related rights, responsibilities, and subsidies of the persons with disabilities are well-established by the applicable legislative and regulatory instruments.

Maritime and inland water transport

National legislation on the rights of passengers traveling by sea or by inland waterway regulated by separate articles of the Law of Ukraine "On Inland Water Transport" (in particular, Article 57) and the Merchant Shipping Code of Ukraine (in particular, Chapter 3 "Contract of Sea Carriage of Passengers" (Article 4, Articles 184-194, Articles 242, 386, 387), the Civil Code of Ukraine, the Code of Ukraine on Administrative Offenses, as well as the Law of Ukraine "On Licensing Types of Economic Activities" and Resolution of the Cabinet of Ministers of Ukraine dated December 23, 2015 No. 1186 "On Approval of the Licensing Conditions for the Production of Economic Activities for the Transportation of Passengers, Dangerous Goods and Hazardous Waste by River, Sea Transport » (personnel requirements, requirements for insurance, requirements for the material and technical base of the passenger carrier are determined) and Law "On the basics of social protection of persons with disabilities in Ukraine".

Also, 2 acts of the Ministry of Infrastructure have been developed and are undergoing approval: The Rules for the carriage of goods, passengers and baggage by inland water transport (hereinafter referred to as the Rules for Transportation) and The Rules for servicing passengers and baggage by ports (terminals) (hereinafter referred to as the Rules for Servicing).

At the level of the Law it is stipulated that technically passenger ships must be suitable for their use by persons from low-mobility groups of the population; berthing facilities intended, among other things, for passenger ships and passengers should be suitable for serving persons from people with limited mobility.

The Rules for Transportation will provide for the following rules:

persons with disabilities and persons belonging to low-mobility groups of the population, in case of presentation of a document confirming the need for escort, can be accompanied by another person free of charge;

persons with disabilities with visual impairments, in case of presentation of a document certifying the right to a benefit, are allowed to carry a guide dog with them at no additional charge, while the guide dog must be next to the accompanying passenger and kept in conditions to ensure the safety of other passengers during transportation;

the carrier, among other things, is obliged to: provide gratuitous assistance during boarding the ship, while on board and during disembarkation from the ship, carrying hand luggage to persons with disabilities and persons belonging to low-mobility groups of the population in need of assistance;

The Rules for Servicing will provide for the following standards:

river passenger terminals should be suitable for serving persons with disabilities and other passengers from among the limited mobility groups of the population, in particular by equipping ramps, lifts and platforms for persons with disabilities, etc., or providing escort by persons responsible for providing assistance to passengers with disabilities and other passengers from among the low-mobility groups of the population during their service;

information on the conditions of access for persons with disabilities and other passengers from among the low-mobility groups of the population to the river passenger terminal should be publicly available and should be posted directly on information boards installed in the river passenger terminal and on the Internet;

operating organizations of river passenger terminals with organizations that represent the interests of persons with disabilities and other persons from the number of people with limited mobility should determine the locations of points of arrival and departure to / from the river passenger terminal, in which passengers with disabilities and other passengers from the number of people with limited mobility population could freely announce their arrival and request the provision of the necessary assistance. The points of departure and arrival may be located in the same or different places;

in certain locations of points of arrival and departure, basic information about services, location of service points, etc., should be placed in a format accessible for perception by persons with disabilities and other passengers from limited mobility groups of the population;

operating organizations of river passenger terminals provide free assistance to passengers with disabilities and other passengers from low mobility groups of the population during their stay in the river passenger terminal.

Road transport

According to Article 37 of the Law of Ukraine “On Road Transport”, the subsidized transportation of passengers, who can exercise such rights according to the law, shall be ensured by the road carriers which carry out transportation of passengers along the public bus routes.

A road carrier, which carries out transportation of passengers along public bus routes, is prohibited to refuse subsidized transportation except to the extent provided by the applicable law.

A road carrier shall be made liable for the unreasonable refusal to carry out subsidized transportation in compliance with the law.

The Resolution of the Cabinet of Ministers of Ukraine No. 176 as of 18.02.1997 establishes the Rules for providing road passenger transport services and defines the rights of persons with disabilities related to the use of the road transport, and specifies the public transport driver’s duties with respect to a person with the disabilities during a trip.

According to the Procedure for executing state control on the road transport, which was approved by the Resolution of the Cabinet of Ministers of Ukraine as of 08.11.2006 No. 1567, Ukrtransbezpeka (The State Service of Ukraine for Transport Safety) carries out patrol inspections, during which it ensures that road carriers comply with the law on the provision of the subsidized transport services, including for people with disabilities and persons accompanying them.

According to the Resolution of the Cabinet of Ministers of Ukraine as of 07.02.2018 No.180, amendments have been made to the Procedure for holding a competitive tender for transportation of passengers on the public bus routes, which was approved by the Resolution of the CMU as of 03.12.2008 No.1081.

Such amendments include the imposition of new requirements to potential carriers operating on urban and suburban intra-regional public bus routes which consist in accommodating buses in a manner to provide transport services to people with disabilities and reduced mobility. Therefore, the number of accommodated buses shall amount to 35% of the total amount of buses until 31.12.2019 and to 50% of the total amount of buses since 01.01.2020.

Concurrently, it should be mentioned that the Ministry of Infrastructure of Ukraine has prepared the Draft Law of Ukraine “On Amending the Law of Ukraine “On Road Transport” to the extent that such amendments are related to the organization of passenger transportation by the road transport, where it is suggested to impose the requirement regarding the use on urban and suburban intra-regional public bus routes of class I buses according to UNECE Regulation 107-02(3), including the buses accommodated to provide transport services to passengers with disabilities and reduced mobility, primarily to wheelchair users, and equipped with devices for acoustic support of orientation of visually-impaired passengers about the route number and its terminal, as well as acoustic and visual (text) systems in the cabin of such buses to inform visually- and hearing-impaired passengers about stops, GPS trackers.

Road carriers which provide passenger transportation services on intercity and international public bus routes on a regular basis shall ensure that transportation of passengers with disabilities and reduced mobility is carried out free from discrimination.

Railway transport

Chapter 38 of the Rules for passengers, luggage, cargo-luggage and mail transportation by the railway transport of Ukraine, which were approved by the Order of Mintranszviazku (the Ministry of Transport and Communications) as of 27.12.2006 No. 1196 (amended), specifies the Procedure for providing transport services to passengers with disabilities;

the Order of Mintranszviazku as of 18.12.2007 No.1174 “On Improving Organization of Service Provision to People with Limited Physical Capabilities by Transport and Communications Enterprises, Establishments, Companies Which Are Governed by Mintranszviazku” regarding the Guidelines for creating and organizing the work of Groups (services) on provision of assistance to people with limited physical capabilities by transport and communications enterprises, establishments, companies which are governed by Mintranszviazku;

the Order of Ukrzaliznytsia as of 24.12.2008 No. 553-II “On Approving the Procedure for Organizing Transportation of People with Limited Physical Capabilities (Wheelchair Users) in Specially Accommodated Coaches” (amended);

according to the Resolution of the Cabinet of Ministers of Ukraine as of 16.08.1994 No. 555, the action of the Resolution of the Cabinet of Ministers of Ukraine as of 17.05.1993 No. 354 “On Free-Of-Charge Travel by Public Transport for Pensioners” has been spread to cover people with disabilities, therefore entitling them to free-of-charge travel by suburban railway transport.

When carrying out design, construction and repair works in terms of establishing conditions to ensure mobility of people with disabilities, the requirements of state construction regulations, standards and rules, particularly DBN V.2.2-40:2018 “Buildings and structures. Inclusiveness of buildings and structures. General provisions”, shall be taken into consideration and followed.

Technical requirements to passenger coaches for transportation of people with disabilities: DSTU UIC 565-3:2004 Passenger mainline coaches. Indications for the layout of coaches suitable for conveying wheelchair users (UIC 565-3:1987, IDT); DSTU GOST 30795:2009 Passenger cars on locomotive traction of mainline railway track of 1520 mm gauge.

Technical requirements for transportation of people with disabilities; DSTU GOST 30796:2009 Diesel train cars. Technical requirements for transportation of people with disabilities.

The Ministry of Infrastructure of Ukraine has prepared the Draft Law of Ukraine “On Railway Transport of Ukraine” which includes regulations for establishing proper conditions to ensure access of people with disabilities to railway transport services and infrastructure facilities.

Air transport

According to the Order of the State Aviation Administration of Ukraine as of 26.11.2018 No. 1239, the Aviation Rules of Ukraine have been approved “Rules of air transportation and servicing of passengers and baggage” which were prepared with the consideration given to the requirements of the Regulation (EC) No. 1107/2006 of the European Parliament and the Council as of July 5, 2006 on the rights of people with disabilities and reduced mobility when travelling, and requirements have been established with respect to air carriers and airport operators concerning transportation and servicing of people with disabilities, and rights of this category of passengers have been determined in the event of denied boarding, cancellation and delay of flights, and the amount of compensation has been defined in the event of cancellation of the flight.

In all airports of Ukraine, primarily in airports, where considerable passenger flow occurs, passengers with disabilities shall be provided with conditions and serviced in a manner to ensure equal opportunities among air transport passengers.

Servicing of passengers with limited physical capabilities in the airports shall be carried out according to the practices of servicing of passengers of this category which have been approved by the heads of corresponding airports; these practices include:

- servicing of passengers with limited physical capabilities shall be carried out by officers of the service which organizes transportation, officers of the first aid stations and other services, where necessary, shall be involved as well;

· in the airports, groups shall be organized responsible for servicing of passengers with limited physical capabilities, or specific persons shall be made responsible for servicing of passengers of this category.

On the website of each airport, the information shall be made available regarding its facilities to ensure servicing of people with disabilities, availability of signs which are intended to inform people with disabilities – boards, acoustic orientation facilities at the exit/entrance from/to terminals for visually-impaired people.

All requirements of construction regulations for the purpose of ensuring the proper level of servicing of people with disabilities may be taken into consideration at the stage of construction and reconstruction of air terminal complexes only.

Organizational and legal principles of preventing and combating discrimination in order to ensure equal opportunities for the realization of human and civil rights and freedoms are defined by the Law of Ukraine "On Principles of Preventing and Combating Discrimination in Ukraine". This Law applies to the following areas of public relations: socio-political activities; civil service and service in local self-government bodies; justice; labor relations, including the application by the employer of the principle of reasonable accommodation; health care; education; Social Protection; housing relations; access to goods and services; to other areas of public relations.

Conditions for unimpeded access of persons with disabilities to social and transport infrastructure are provided by the Law of Ukraine "On Fundamentals of Social Protection of Persons with Disabilities in Ukraine".

The provisions of EU Regulations 1107/06 have been already fully implemented into Ukrainian legislation. In particular, provisions of the above-mentioned regulation are included in Air Code of Ukraine (Article 102), and also in Aviation rules of Ukraine "Rules of air transportation and service of passengers and luggage", approved by the order of the State Aviation Administration of Ukraine dated 26 November 2018 No. 1239.

7.What are the rules for the social dialogue – are there any specific rules for the transport sector?

Legal principles of organization and procedure of social dialogue in Ukraine in order to develop and implement state social and economic policy, regulation of labor, social, economic relations and improving the standard and quality of life, social stability in society are determined by the Law of Ukraine "On Social Dialogue in Ukraine".

Legislation of Ukraine on social dialogue is based on the Constitution of Ukraine and consists of laws of Ukraine "On trade unions, their rights and guarantees of activity", "On employers' organizations", "On collective agreements", "On the procedure for resolving collective labor disputes (conflicts) ", this Law, labor legislation, other regulations.

Article 8 of the Law of Ukraine “On Collective Bargaining Agreements” stipulates that the Agreement regulates sectoral norms at the sectoral level, in particular: rationing and remuneration, establishment of minimum wage guarantees for enterprises in the industry (subsector) according to the qualification the minimum limit and minimum amounts of surcharges and allowances, taking into account the specifics, working conditions of individual professional groups and categories of workers

in the industry (subsector); establishment of minimum social guarantees, compensations, benefits in the field of labor and employment; labor relations; conditions and labor protection; housing, medical, cultural services, health and recreation; conditions for the growth of wage funds; establishment of inter-qualification (inter-job) relations in remuneration; ensuring equal rights and opportunities for women and men; prohibition of discrimination.

Thus, in accordance with the provisions of the above Law in Ukraine in the transport sector there are 5 sectoral agreements. In particular, in the fields of sea, road, rail, aviation and urban electric transport.

Sectoral agreements are not automatically extended, this should be a decision of all parties to the social dialogue (trade unions, CEBs and employers) (if any), which is drawn up in a joint protocol sent to the Ministry of Social Policy to extend the sectoral agreement.

b) International agreements and conventions

8. On which date did Ukraine sign and ratify (or intends to do so):

a) The United Nations ADR agreement;

02.03.2000 – Law of Ukraine of March 2, 2000 № 1511-III "On Ukraine's accession to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)"

b) The United Nations ATP agreement;

02.04.2007 – Decree of the President of Ukraine of April 2, 2007 №262/2007 "On Ukraine's accession to the Agreement on the International Carriage of Perishable Foodstuffs and on Special Vehicles Designed for Such Carriage (ATP)"

c) The United Nations ECE legislation on motor vehicle type approval;

10.02.2000 – Law of Ukraine of February 10, 2000 N 1448-III "On Ukraine's accession to the Agreement on the adoption of uniform technical prescriptions for wheeled vehicles, items of equipment and parts that can be installed and/or used on wheeled vehicles, and the conditions of mutual recognition of official approvals issued on the basis of these instructions dated 1958, as amended in 1995 "

d) The United Nations AETR agreement;

07.09.2005 – Law of Ukraine of September 7, 2005 № 2819-IV "On Ukraine's accession to the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (AETR)"

e) The 1968 Vienna Convention of the United Nations (please provide date of accession).

25.04.1974 – Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR of April 25, 1974 № 2614-VIII "On Ratification of the Convention on Road Traffic"

9. Is Ukraine party to any multilateral agreements regarding:

a)international railway organisations (OTIF and OSJD)?

Ukraine is a member of OTIF since 2004 and OSJD since 1992.

b)safety, security, environmental and pollution prevention aspects of transport by sea and on lakes/rivers? What are the plans to become party to all basic IMO Conventions and Codes pertaining to maritime safety and security?

Legislation Harmonization

Ukraine is taking all the necessary measures to comply with the requirements of IMO instruments, EU legislation within the Association Agreement's implementation by means of relevant resources and processes.

Safety Standards Improvement in Maritime Transport

Ukraine is providing its State Policy by approving National legislation and technical regulations to comply with the International and European ones in safety matters.

Environment Protection

Ukraine is providing its State Policy by approving National legislation and environmental regulations to comply with the International and European ones.

Provision of Effective Services to Ship owners

Ukraine is improving in communication to the public of necessary information regarding International and European regulations in the field of Maritime Safety and Environment Protection as well as in provision of relevant services to Ship owners within Ukraine's obligations as the Flag State, Port and Coastal State.

Provision of effective services to seafarers

Ukraine is taking measures to comply with International and European standards in the field of Training, Certification and Watchkeeping of Seafarers and to implement provisions of International Agreements to which it is a Party as well as EU regulations related to protection of labor and social rights of seafarers, support in their employment, qualification improvement and professional prestige enhancing.

Implementation of obligations under international agreements to which Ukraine is a Party

Ukraine is taking measures to fully implement IMO instruments as well as the regulations of International Labor Organization and EU in respect of maritime safety, security and protection of the marine environment.

Ukraine has ratified and implemented in the national legislation a number of international agreements on safety of navigation on inland waterways:

- Convention regarding the Regime of Navigation on the Danube, signed at Belgrade on August 18, 1948 (Official Gazette of Ukraine of June 10, 2005, № 21);

- The Law of Ukraine of 14.05.1999 № 664-XIV ratified the Additional Protocol of 26.03.1998 to the Convention regarding the regime of Navigation on the Danube

- By the Decree of the President of Ukraine of 11 of July 2005 № 1077 Ukraine acceded to the European Agreement on Important Combined Transport Lines and Related Installations (AGTC),

done in Geneva on 1 February 1991, with the proviso that Ukraine does not consider itself bound by the Article 12 of this Agreement

Inland waterway of Ukraine (Danube, Danube - Kiliya estuary, Dnieper (from the mouth of Dnieper to Kyiv) and ports of Ukraine for international combined transport are included in the Protocol on combined inland waterway transport to the European Agreement on Important Combined Transport Lines and related Installations (AGTC);

- Decree of the President of Ukraine of 28 of September 2009 № 767 Ukraine acceded to the European Agreement on Main Inland Waterways of International Importance (AGN), signed on 19.01.1996 in Geneva (Official Gazette of Ukraine of 16.04.2010, № 25);

- Law of Ukraine of 17 of November 2009 № 1727-VI Ukraine acceded to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN), done on 26 May 2000 in Geneva, with the proviso that Ukraine does not consider itself bound by Article 15 of the Agreement (Official Gazette of Ukraine of April 9, 2010, № 23);

- The Law of Ukraine of 17 of April 2014 № 1229-VII ratified the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI), done on 22 of June 2001 in Budapest (Official Gazette of Ukraine of 27 January 2015, № 5);

- Ukraine applies the European Code for Inland Waterway, adopted in the framework of the United Nations Economic Commission for Europe (UNECE). The fifth revision of these Code (rules) (CEVNI) took place in November 2014;

- On 23 of September, 2021, Ukraine acceded to the Regional Arrangement on the Radiocommunication Service for Inland Waterways (RAINWAT), concluded on 18 of April 2012 in Bucharest.

Being the successor to the Ukrainian Soviet Socialist Republic in the field of maritime navigation, the Ukraine is the signatory state to the following conventions stipulating the issues of safety, security and environment protection in maritime transport:

1. The United Nations Convention on the Law of the Sea (ratified by Law of Ukraine № 728-XIV of 03 of June 1999);

2. International Convention relating to Registration of Rights in respect of Vessels under Construction (Ukrainian Soviet Socialist Republic 27 of May 1967).

3. Convention on a Code of Conduct for Liner Conferences (Ukrainian Soviet Socialist Republic 06 of April 1974).

4. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW) (Ukraine joined by Law № 464/96-BP of 01 of November 1994), as well as Appendices to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, the Code of Training, Certification and Watchkeeping and Resolutions adopted in 1995.

5. International Convention for the Safety of Life at Sea of 1974 (Resolution of the Verkhovna Rada of Soviet Union, dated 02 November 1979 № 975, Ukraine was ratified SOLAS Convention) and to Protocol of 1978 relating to the International Convention for the Safety of Life at Sea of 1974.

6. International Convention for the Prevention of Pollution from Ships of 1973 MARPOL (Resolution of the Cabinet of Ministers of Ukraine, dated 21 November 1993 No. 771, Ukraine was ratified MARPOL Convention) and to Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships of 1973 with appendices.

7. International Convention on Load Lines (Resolution of the Cabinet of Ministers of Ukraine, dated 21 September 1993 No. 773, Ukraine was ratified Load Line Convention)

8. International Convention on Tonnage Measurement of Ships (Resolution of the Cabinet of Ministers of Ukraine, dated 21 September 1993 No. 772, Ukraine was ratified Tonnage Convention)

9. International Convention on Maritime Search and Rescue (Resolution of the Verkhovna Rada № 2786-XII, dated 24 of December 2004 Ukraine was adopted SAR Convention.

10. Convention on the International Maritime Satellite Organisation and Operating

11. International Convention for Safe Containers (was adopted of Ukraine 04 of November of 1993);

12. Convention on the International Regulations for Preventing Collisions at Sea (was adopted by Resolution of the Verkhovna Rada № 2785-XII, dated 17 of November 1992);

13. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972, (the London Convention) (Ukrainian Soviet Socialist Republic 29 of December 1972);

14. International Convention on the Control of Harmful Anti-fouling Systems on Ships of 2001 (Antifouling Convention) (joined by the Decree of the President of Ukraine № 112/2017 dated 21 of April 2017);

18. Convention for the Suppression of Unlawful Acts against the Safety of Maritime

Navigation (ratified by Resolution of the Verkhovna Rada № 3735-XII, dated 17 of December 1993);

19. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (ratified by Resolution of the Verkhovna Rada № 3735-XII, dated 17 of December 1993);

20. International Convention on Civil Liability for Oil Pollution Damage amended by Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage (joined by the Law № 44-IV dated 04 of July 2002).

21. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage amended by Protocol of 1992 to amend the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage adopted in 1971 (Ukrainian Soviet Socialist Republic 25 of May 1984 after adopted of 27 of November 1992);

22. Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, adopted in 1974 (joined by the Law № 115/94-BP dated 15 of July 1994).

Ratification of Protocol of 2002 to amend the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, adopted in 1974 in processing.

23. Now Ukraine in a process of ratification of Maritime Labour Convention, 2006.

b) Is there any regional convention in place in terms of coordinating and promoting navigation between the neighboring /tributary countries or the countries in the region? Is the country a member of a river commission, which one(s) and since when? Do the respective inland waterway authorities carry out common activities within the framework of such convention/commission, and if so, which activities?

Within the framework of bilateral cooperation in the field of river transport, the Government of Ukraine signed a number of agreements on navigation on inland waterways:

- Agreement between the Government of Ukraine and the Government of the Federal Republic of Germany on inland waterway, signed in Bonn on 14 of July 1994

- Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Croatia on inland waterway navigation, signed in Zagreb on 16 of April 2004

Ukraine has ratified and implemented in the national legislation a number of international agreements on safety of navigation on inland waterways:

- Convention regarding the Regime of Navigation on the Danube, signed at Belgrade on August 18, 1948 (Official Gazette of Ukraine of June 10, 2005, № 21) (entry into force for Ukraine on May 11, 1949);

- The Law of Ukraine of 14.05.1999 № 664-XIV ratified the Additional Protocol of 26.03.1998 to the Convention regarding the regime of Navigation on the Danube

- By the Decree of the President of Ukraine of 11 of July 2005 № 1077 Ukraine acceded to the European Agreement on Important Combined Transport Lines and Related Installations (AGTC), done in Geneva on 1 February 1991, with the proviso that Ukraine does not consider itself bound by the Article 12 of this Agreement

Inland waterway of Ukraine (Danube, Danube - Kiliya estuary, Dnieper (from the mouth of Dnieper to Kyiv) and ports of Ukraine for international combined transport are included in the Protocol on combined inland waterway transport to the European Agreement on Important Combined Transport Lines and related Installations (AGTC);

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- Ukraine applies the European Code for Inland Waterway, adopted in the framework of the United Nations Economic Commission for Europe (UNECE). The fifth revision of these Code (rules) (CEVNI) took place in November 2014;

- On 23 of September, 2021, Ukraine acceded to the Regional Arrangement on the Radiocommunication Service for Inland Waterways (RAINWAT), concluded on 18 of April 2012 in Bucharest.

Within the framework of bilateral cooperation in the field of river transport, the Government of Ukraine signed a number of agreements on navigation on inland waterways:

Since December 2020, Ukraine has been chairing the Danube Commission - an interstate body that coordinates the regime of navigation on the Danube.

Our state acquired membership in the Danube Commission in 1949.

Ukraine constantly takes part in the work of the Danube Commission and at its meetings: Ukrainian delegation, which includes representatives of the Ministry of Foreign Affairs of Ukraine, the Ministry of Infrastructure of Ukraine, the Shipping Administration, industry enterprises and organizations (SE "Ukrainian Sea Ports Authority", state institution "State Hydrography", PJSC "Ukrainian Danube Shipping", Classification Register of Shipping of Ukraine, others), relevant Ukrainian educational institutions, regularly participates in the sessions of the Commission and meetings of its working groups.

In October 2017, Ukraine received the status of a permanent observer at the European Committee for the Development of Common Standards in the Field of Inland Navigation (CESNI) and the Register of Shipping of Ukraine regularly participates in the CESNI, CESNI/PT Technical Working Group meetings, as well as highly specialized working groups.

Also in 2021, Ukraine became a member of the RAINWAT.

ROAD TRANSPORT

Conditions of access to profession and market

10. What are the rules governing access to the occupation of road haulage operator (from 2.5 tons) and road passenger transport operator engaged in national and/or international transport of passengers and goods (Regulation 1071/2009)?

Legislation regulating road transport and establishing conditions for national transport operators to access the profession of operators in international and national road transport of passengers and goods:

Law of Ukraine "On Road Transport"

Law of Ukraine "On Licensing of Commercial Activities"

Licensing conditions for conducting business activities for the carriage of passengers, hazardous goods and hazardous waste by road, international transport of passengers and goods by road, approved by the Cabinet of Ministers of Ukraine dated December 2, 2015 № 1001.

To obtain a license, in addition to the documents provided for in Article 11 of the Law, "On licensing of economic activities" are attached under the signature of the licensee or his authorized person the following supporting documents:

1) information on the availability of material and technical base that ensures the implementation of technological operations, or agreements with economic entities that provide services for the implementation of such operations

2) information on own, leased, provided to the licensee on credit or leasing vehicles and certified by the applicant copies of certificates of registration of vehicles and temporary registration coupons, if provided for their registration;

3) information on special equipment of vehicles used for transportation of passengers by taxi (for domestic and international transportation of passengers by taxi);

4) information on the qualifications of the staff of the road carrier, defined by paragraphs 12-15 of the License Conditions for the Carriage of Passengers, Hazardous Goods and Hazardous Waste by Road, International Carriage of Passengers and Cargo by Road

The general state regulation of road transport is carried out by the Cabinet of Ministers of Ukraine in accordance with its powers. The Ministry of Infrastructure of Ukraine provides: formation and implementation of state policy in the field of road transport; regulatory and legal regulation; determination of priority directions of road transport development. The implementation of the state policy in the field of road transport is carried out through the State Service of Ukraine for Transport Safety.

Currently, residents of Ukraine are allowed to internationally transport passengers and goods in case if they:

have experience in domestic transportation on contractual terms of at least three years (for international passenger transport by taxi, custom cars and buses, international transport of dangerous goods and hazardous waste)

have a document certifying their qualifications for the organization and safety of traffic.

have sufficient knowledge to properly and effectively engage in the professional activities of an international road carrier, including knowledge of the following subjects: commercial and financial management of the enterprise; technical standards and operations; road safety; access to markets; elements of trade, social and labour, civil and tax legislation.

have the documentation required by law and provide all types of compulsory insurance provided by the legislation of Ukraine.

The criteria set out in Regulation (EU) № 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and terminating Council Directive 96/26/EU, will be fully implemented by the draft Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine on Regulation of the Road Transport Services Market in Ukraine in order to bring them in line with the act of the European Union" (the draft law was registered in Verkhovna Rada of Ukraine from 30.12.2020 № 4560). Particularly, the draft law sets out the relevant amendments to the Law of Ukraine "On automobile transport", namely provides for a term "manager for transportation" that shall mean a person responsible for organization and performance of activities related to transportation of cargo and passengers. Moreover, the draft law defines requirements to such persons, to name but a few: to obtain certificates of professional competence in the authorized centers.

11. What are the rules governing market access for passenger transport operators for national and international road passenger transport, including on cabotage (Regulation 1073/2009)?

These issues are regulated as follows:

- domestic regular passenger transportation (permission (agreement) required) is regulated, in particular, by the Law of Ukraine “On Road Transport”, the Procedure for Tendering Passenger Transportation on Public Bus Routes, approved by the Cabinet of Ministers of Ukraine dated 03 December 2008 № 1081, the Procedure for organizing the transportation of passengers and luggage by road, approved the order of the Ministry of Infrastructure of Ukraine from 15.07.2013 № 480, registered in the Ministry of Justice of Ukraine on 31 July 2013 at № 1282/23814;

- domestic irregular and special regular passenger transportation (permission is not required) is regulated, in particular, by the Law of Ukraine “On Road Transport”;

- international regular and special regular passenger transportation (permission required) is regulated, in particular, by the Law of Ukraine “On Road Transport”, bilateral agreements in the field of international road transport between Ukraine and foreign countries, Procedure for regular, non-regular and commuter transportation, approved by the order of the Ministry of Transport of Ukraine dated 09.02.2004 № 75, registered in the Ministry of Justice of Ukraine on June 22, 2004 for №759/9358;

- international non-regular (including commuter) passenger transportation (permission required or not required depending on the mode of transportation (INTERBUS Agreement)) is regulated, in particular, by the Law of Ukraine “On Road Transport”, Agreement on International Non-regular Transportation of Passengers by Bus (INTERBUS Agreement), ratified by the Law of Ukraine of October 16, 2012 № 5444-VI, ratified by the Law of Ukraine of October 16, 2012 № 5444-VI, bilateral agreements in the field of international road transport between Ukraine and foreign countries, Procedure for regular, irregular and commuter transportation of passengers by road in international traffic, approved by the Order of the Ministry of Transport of Ukraine from 09.02.2004 № 75, registered with the Ministry of Justice of Ukraine on June 22, 2004 under № 759/9358.

In addition, the following applies to training and retraining of carriers and drivers:

The procedure for professional development of managers and specialists whose activities are related to the provision of road transport services, approved by the order of the Ministry of Infrastructure of Ukraine from 26.07.2013 № 551, registered in the Ministry of Justice of Ukraine on 22.08.2013 at № 1454/23986;

The procedure for confirming the professional competence of drivers of vehicles for the provision of services for the carriage of passengers and goods, approved by the order of the Ministry of Infrastructure of Ukraine from 18.11.2020 № 789, registered in the Ministry of Justice of Ukraine 16.02.2021 for № 198/35820.

Social and technical rules and vehicle registration data exchange

12. What are the rules applicable to drivers' hours in domestic and international transport (driving and rest times, daily and weekly driving limits, daily and weekly rest periods, breaks – Regulation 561/2006 as modified by Regulation EU 2020/1054) and drivers' working time (Directive 2002/15/EC)?

On international traffic

In international traffic, drivers of heavy and passenger vehicles apply the rules of the AETR.

On domestic connectivity

On domestic connectivity, these issues are regulated by the:

Law of Ukraine "On Road Transport";

order of the Ministry of Transport and Communications of Ukraine dated 07.06.2010 № 340 "On approval of the Regulation on working hours and rest time of drivers of wheeled vehicles", registered with the Ministry of Justice of Ukraine on 14.09.2010 on «811/18106 (as amended);

order of the Ministry of Transport and Communications of Ukraine dated 24.06.2010 № 385 "On approval of the Instruction on the use of control devices (tachographs) on motor transport", registered with the Ministry of Justice of Ukraine on 20.10.2010 under № 946/18241.

Normative legal acts regulate the requirements for the organization of work of drivers in domestic and international transport, establish the features of the regulation of working hours and rest time of drivers of wheeled vehicles and the procedure for its registration.

The State Service of Ukraine for Transport Safety and the National Police monitor compliance with the requirements of the organization of drivers' work.

The control over the driver's observance of the regime of work and rest is carried out by Ukrtransbezpeka during the raid inspection, as well as during the state supervision (control) measures - scheduled and unscheduled inspections.

Amendments to the Regulations on Working Time and Rest Time of Wheeled Vehicle Drivers, developed in 2021 specifically to approach domestic legislation to the EU Regulation and Directive, among other things, eliminate the gap when by 2021 it was possible to force a driver to work 12 hours a day for 7 days per week.

Currently, the norm applies if the working conditions cannot meet the daily or weekly working hours for drivers, the introduction of summary accounting of working time is allowed so that the working time for the accounting period does not exceed the normal number of working hours.

Norms for domestic connection

Working hours

The driver's working hours include:

- a) driving period by shifts;
- b) preparatory and final period;

c) downtime through no fault of the driver (including when the driver is not obliged to be at work, but should stay in touch, be prepared to respond to any call, start or resume traffic or perform other work);

d) downtime (at loading and unloading points, at the places of embarkation and disembarkation of passengers);

e) the time of medical examinations of the driver before departure for the route (trip) and after return;

f) time of works on elimination of technical malfunctions of vehicles on the route (during the trip);

g) time of protection of vehicles with or without cargo during parking at final and intermediate points during inter-city transportation, if such obligations are provided by the employment contract concluded with the driver;

h) половина часу, передбаченого завданням на рейс міжміського сполучення, при роботі двох водіїв на ТЗ, обладнаному спальним місцем half of the time provided by the task for inter-city transportation, when working with two drivers on a vehicle equipped with a berth;

i) other time provided by the legislation of Ukraine.

The normal working hours of drivers should not exceed 40 hours per week.

For drivers who have a five-day working week with two days off, the duration of daily work (shift) is determined by the rules of internal labour regulations or shift schedules approved by the Carrier in agreement with the elected body of the primary trade union organization (trade union representative), in compliance with the established duration of the working week.

For drivers who have a six-day working week with one day off, the duration of daily work may not exceed 7 hours.

In the upcoming weekend, the duration of work in a six-day working week should not exceed 5 hours.

In the upcoming holidays and non-working days, the duration of drivers' work is reduced by one hour for both five-day and six-day working weeks.

The duration of work (shift) of the driver at night is reduced by one hour.

If the working conditions do not meet the daily or weekly working hours for drivers, it is allowed to introduce summary accounting of working hours so that the duration of working hours for the accounting period does not exceed the normal number of working hours.

The decision to introduce summary accounting of working hours is made by the Carrier in agreement with the elected body of the primary trade union organization (trade union representative).

In the case of summary accounting of the driver's working time, the normal duration of the working day (shift) without taking into account the break time should not exceed 10 hours. The duration of the driving period should not exceed 56 hours per week and 90 hours over two weeks.

If the normal duration of the working day includes long downtimes, waiting in the vehicle or at the workplace, or if the driver needs to be allowed to travel to the appropriate rest area, the working

day (shift) may be increased to 12 hours provided that driving time during the day (shift) does not exceed 10 hours, but not more than twice a week, and 9 hours on other days.

In the summary of working time, the work of drivers is regulated by schedules of shifts for drivers of wheeled vehicles (Annex 1), which are prepared for the entire accounting period and which determine the duration of daily work (shift), working days (shift) and weekends, at the same time presence of not less than one day off during a week is provided.

The schedule of shifts for the accounting period is communicated to each driver at least two weeks before the beginning of the accounting period.

The composition of the preparatory and final period works, time for their implementation and time for medical examination of the driver (subparagraphs "b", "e" of paragraph 2.1 of this Regulation) are set by the Carrier in consultation with the elected body of the primary trade union organization (trade union representative).

The time of the driver's presence at the workplace, when he does not drive the vehicle, when sending two drivers on the trip (subparagraph "e" of paragraph 2.1 of this Regulation) is credited to him as at least 50 percent of working time. The specific duration of the driver's presence at the workplace, when he does not drive the vehicle when sending two drivers on the trip, which is credited during working hours, is set by the Carrier in agreement with the elected body of the primary trade union organization (trade union representative).

For drivers of buses engaged in regular passenger transport, with their consent, a working day may be established with the division of the shift into two parts, provided that the duration of these parts does not exceed 4 hours and 30 minutes, taking into account the time required to return to the parking lot.

The duration of the break between parts of the shift should be at least two hours, excluding time for rest and meals. The break between the two parts of the shift during working hours is not included.

For the drivers of cars (except taxis) may, if necessary, be set a non-standard working day, i.e. in excess of normal working hours. This work is not considered overtime, and there is no additional payment for overtime. The number of hours of excess time for such work is determined in the collective agreement.

Drivers with non-standard working hours are granted annual additional leave in the form of compensation and in cases provided by law, appropriate payment is made for the amount of work performed, the degree of tension, complexity and independence in work, the need to perform official duties in excess of working hours.

Involvement of drivers in overtime work is carried out in accordance with Articles 62 - 64 of the Labour Code of Ukraine. Overtime work is considered to be work in excess of the established working day (shifts) (Articles 52, 53 and 61 of the Labour Code of Ukraine). Overtime work should not exceed 4 hours for each driver for two days or 120 hours per year, except as provided in paragraph 3.3 of this Regulation.

Driving period

The driver's shift period, including overtime, should not exceed 10 hours no more than twice a week and 9 hours on other days.

The driver's shift period (not planned, but actual) may be increased beyond the norms established by paragraph 3.1 of this Regulation, in case of unforeseen circumstances, technical failure of the vehicle, stopping the vehicle during the trip (on the route), adverse weather conditions, traffic obstacles, lack of parking spaces).

The driver should specify on the printout of the tachograph the nature and cause of unforeseen circumstances no later than on the time of arrival at the parking lot.

The driver's driving time per week, including overtime, should not exceed 48 hours.

Two drivers are sent on bus routes longer than 500 km, and the driving period of each should be half of the total driving period.

Breaks

After driving for 4 hours and 30 minutes, the driver should take a break for rest and meals lasting at least 45 minutes, if there is no period of daily (intershift) rest.

This break may be replaced by a break of at least 15 minutes followed by a break of at least 30 minutes, subject to the requirements of paragraph 4.1 of this section.

Breaks for rest and meals are not included in the driver's working hours.

The duration of the break for rest and meals is set by the Carrier in agreement with the elected body of the primary trade union organization (trade union representative). The time of the beginning and end of the break is set by the rules of internal labour regulations.

Drivers use the break time at their discretion.

Time for rest

The duration of daily (intershift) rest of the driver during any twenty-four-hour period, counting from the beginning of the working day (shift), should be at least 11 consecutive hours.

If two drivers drive during the work shift, each driver must have a daily rest period of at least 9 hours.

For drivers who have summarized working time, the duration of daily (intershift) rest in certain periods may be reduced to 9 hours during any twenty-four-hour period, but not more than three times a week, starting from the beginning of the work shift, at that working hours during the accounting period should not exceed the working hours established by law.

Unused hours of daily (intershift) rest are summed up and provided to the driver in the form of additional, free from work during the accounting period, hours in the manner prescribed by the shift schedule.

The duration of the driver's weekly rest should be at least 45 hours.

If the suspension of work is impossible due to production and technical conditions (continuously operating enterprises), as well as in connection with the implementation of works related to the need to serve the population and repair and loading and unloading works, work of drivers on holidays and non-working days is allowed in agreement with the elected body of the primary union organization (trade union representative).

In the case of establishing a summary accounting of working time provided by the schedule of shifts, work on holidays and non-working days is included in the calculation of the working hours of the accounting period.

Daily (intershift) rest of the bus driver cannot be carried out by the driver in the bus cabin, except in cases when the bus is driven by two drivers and the bus has a place for the driver to rest.

The bus driver during the daily (intershift) rest should have proper conditions for rest (bed or place to rest in the bus cabin if the bus is driven by two drivers, use of toilet, the possibility of eating hot food).

The daily (intershift) rest of the truck driver cannot be carried out by the driver in the cabin of the truck, except in cases when the truck has a berth for the driver to rest.

The driver of the truck during the daily (intershift) rest should have appropriate conditions for rest (bed or place for rest in the cabin of the truck, use of the toilet, the possibility of eating hot food).

Ukrainian legislation of Ukraine does not provide requirements for:

- prohibitions to spend weekly rest periods in the car;
- return of vehicles to the country of registration at least every 8 weeks;
- regular return of the driver home.

13. What are the rules on working conditions and remuneration applicable to drivers involved in transport operations performed in the EU Member States? Can they be considered equivalent to the rules on posting of drivers set out in Directive (EU) 2020/1057?

AETR standards apply to drivers engaged in international traffic.

The Law of Ukraine "On Road Transport" stipulates that on the territory of Ukraine the requirements for installation and use of the control devices (tachographs) of registration of work and rest of drivers provided by the legislation of the countries where the transportation is performed, on vehicles intended for international transport, should be complied.

Remuneration of drivers is carried out in accordance with:

Labour Code of Ukraine;

Law of Ukraine "On Remuneration of Labour";

Law of Ukraine "On Collective Contracts and Agreements";

General Agreement on the Regulation of Basic Principles and Norms of Implementation of Socio-Economic Policy and Labour Relations in Ukraine for 2019-2021 of May 14, 2019.

Remuneration of workers in the field of road transport is carried out taking into account the maximum approximation to the Directive and on the basis of current legislation of Ukraine, collective agreements in force at enterprises and employment contracts with drivers.

14. Please provide detailed answer for the following questions concerning driving licences:

a) What are the modalities concerning the attribution of driving licences?

According to the Regulations on the procedure for issuing driver's licenses and admission of citizens to drive vehicles, approved by the resolution of the Cabinet of Ministers of Ukraine of May 8, 1993 № 340, the driver's license is issued to a person who has passed a medical examination, as well as training or retraining in an institution that trains, retrains drivers, or training in an institution of professional (vocational) education by occupation of vehicles' driver of the relevant category and passed theoretical and practical exams to obtain the right to drive vehicles of the relevant category in the territorial body of the Ministry of Internal Affairs of Ukraine.

The person who receives a driver's license for the first time is issued a driver's license valid within two years from the date of its issuance with a limited right to drive a vehicle.

Driver's license is issued personally against signature after providing a passport of a citizen of Ukraine or a temporary identity card of a citizen of Ukraine, a permanent residence permit, a temporary residence permit, a refugee certificate, a certificate of a person requiring subsidiary protection, or to whom temporary protection is afforded and the original medical certificate of the standard form, valid on the date of submission of the relevant application.

After the expiration of the validity of a driver's license issued to a person for the first time, such a license shall be exchanged for a driver's license valid for 30 years from the date of its issuance, provided that the person commits within two years from the date of issuance of the first certificate no more than two administrative offenses in the field of road safety and does not commit a criminal offense under Article 286 of the Criminal Code of Ukraine (violation of traffic safety rules, which caused a moderate bodily harm to the victim, caused the death of the victim or caused serious bodily harm).

The right to drive vehicles is granted to persons who have achieved:

sixteen years - categories A1, A;

eighteen years - categories B1, B, C1, C;

nineteen years - categories BE, C1E, CE;

twenty years - categories D1, D, D1E, DE, T.

The sample and technical description of the national driver's license was approved by the resolution of the Cabinet of Ministers of Ukraine of September 16, 2020 № 844.

The blank of the national driver's license has the form of a plastic card type ID-1 with an implanted security element. For the production of the certificate form, a multilayer polymeric material is used - polycarbonate, which in terms of physical characteristics meets the requirements of DSTU ISO/IEC 7810: 2008. The certificate form is made using multicomponent security printing.

The model of the national driver's license meets the requirements of the Convention on Road Traffic (Vienna, 1968), as well as the requirements of the Directive of the European Parliament and of the Council of 29 July 1991 № 91/439/EC except for category A1 (the difference is the maximum engine capacity and power).

According to the Instruction on the procedure for taking exams to obtain the right to drive and issue driver's licenses, approved by the order of the Ministry of Internal Affairs of Ukraine dated December 7, 2009 № 515, a person is allowed to take theoretical and practical exams to obtain the right to drive in case if she/he:

has reached the age specified by law for the right to drive vehicles of the relevant category;

passed a medical examination in the manner prescribed by law; has been trained or retrained in accordance with the established plans and programs in the institution for training, retraining and advanced training of drivers (hereinafter - the institution);

submitted the relevant documents in full and with reliable information to the territorial service centre of the Ministry of Internal Affairs.

b) What are the driving licence categories?

Categories of driver's licenses in Ukraine 2022

Category A license - driving motorcycles, including those with a sidecar with an engine of more than 50 cc or an electric motor with a capacity of 4 kW or more;

Category A1 for driving mopeds, scooters and other 2-wheeled vehicles: working volume up to 50 cc or with an electric motor power of up to 4 kW.

Category B license - driving a car with max. weight up to 3.5 tons. Permissible number of seats up to 9 passengers (driver + 8 passengers);

Category B1 allows to drive quads and other 3 4-wheeled vehicles, max. weight of which does not exceed 400 kg.

The code "78" indicates the right to drive a car only with automatic transmission.

Category C license - driving full-fledged trucks, trucks with a maximum vehicle weight of more than 7.5 tons;

Category C1 is issued for driving medium-sized trucks, weight 3.5 - 7.5 tons.

Category D license is issued from the age of 21 and allows to drive buses carrying more than 16 passengers, not counting the driver;

Category D1 for small buses (minibuses) with a capacity of 17 passengers, including the driver (driver + 16 passengers).

Category T license is a category of license to drive trams and trolleybuses.

Subcategory E allows towing heavy trailers.

Categories of licenses BE, C1E, CE, D1E and DE are subcategories to the main categories: B, C1, C, D1, D

Obtaining (opening) subcategory E allows to transport trailers weighing more than 750 kg.

If the weight of the trailer is less than 750 kg - additional category E - is not required.

Also, category E is not required when driving a road train as part of a trailer of lower weight. In this case, you should have a license to drive a car that acts as a tractor.

If you are planning to start driving courses, you first need to determine which category or categories you need to obtain to avoid studying twice.

c) Is the possession of the appropriate driving licence sufficient for entry into the profession of commercial vehicle driver? Are there differences between the rules for drivers who are exclusively engaged in national transport and drivers who are also engaged in international transport?

For domestic transportation of passengers and goods, the presence of a driver's license is sufficient to start the profession of a driver of commercial vehicles. For drivers engaged in international transportation it is necessary to confirm the professional competence of the driver in line with the Procedure for confirming the professional competence of drivers of vehicles for the provision of services for transportation of passengers and goods, approved by the order of the Ministry of Infrastructure of Ukraine from 18.11.2020 № 789, registered in the Ministry of Justice of Ukraine 16.02.2021 for № 198/35820.

d) Is periodic training required for working as a professional driver?

For the drivers of categories C, CE, C1, C1E, D, DE, D1, D1E, who provide services for the carriage of passengers and goods by commercial transport by the order of the Ministry of Infrastructure of November 18, 2020 № 789 was introduced confirmation of professional competence of drivers of vehicles for the provision of services for the carriage of passengers and goods. The order was developed in accordance with Directive 2003/59/EC and the Charter of Quality of International Road Freight under the ECMT Multilateral Quota.

The procedure for confirmation of professional competence of drivers of vehicles through the training centres for the purpose of providing services for the carriage of passengers and goods and the requirements for such centres are defined by the Procedure for confirming the professional competence of drivers of vehicles for the provision of services for the carriage of passengers and goods, approved by the order of the Ministry of Infrastructure of Ukraine from 18.11.2020 № 789, registered in the Ministry of Justice of Ukraine 16.02.2021 for № 198/35820.

Confirmation of the professional competence of the entities is carried out by passing training courses to confirm the professional competence of drivers of vehicles for the provision of services for the carriage of passengers and goods and passing the exam at the training centre.

15. Is there legislation concerning the installation and use of smart tachographs in trucks and buses (Regulation 165/2014 as modified by Regulation (EU) 2020/1054)? If so, are there plans to transition to the EU's 'smart' tachograph (Regulation 165/2014)? Does

legislation concerning the installation of speed limiting devices on these vehicles exist (Directive 92/6/EEC as amended by Directive 2002/85/EC)?

The issue concerning installation of digital tachographs on wheeled vehicles is governed by:
the Law of Ukraine “On Road Transport”;

the Order of the Ministry of Transport and Communications of Ukraine as of 07.06.2010 No. 340 “On Approving the Regulation on Working Hours and Rest Periods for Drivers of Wheeled Vehicles”, registered by the Ministry of Justice of Ukraine on 14.09.2010 under the No. 811/18106;

the Order of the Ministry of Transport and Communications of Ukraine as of 24.06.2010 No. 385 “On Approving the User Manual for Control Devices (Tachographs) on the Road Transport”, registered by the Ministry of Justice of Ukraine on 20.10.2010 under the No. 946/18241;

the Order of the Ministry of Infrastructure of Ukraine as of 17.04.2013 No. 226 “On Approving the Procedure for Maintaining the List of Economic Operators Providing Services of Installation and Maintenance of Control Devices (Tachographs) on Motor Vehicles”, registered by the Ministry of Justice of Ukraine on 17.05.2013 under the No. 759/23291;

the Order of the Ministry of Infrastructure of Ukraine as of 30.05.2013 No. 329 “On Approving the Procedure for Circulation of Cards Which Are Used in Digital Control Devices (Tachographs)”, registered by the Ministry of Justice of Ukraine on 14.06.2013 under the No. 964/23496.

The Procedure for approving the construction of vehicles, components and equipment thereof, as approved by the Order of the Ministry of Infrastructure of Ukraine as of 17.08.2012 No. 521, and registered by the Ministry of Justice of Ukraine on 14.09.2012 under the No. 1586/21898, envisages verification to be conducted regarding the availability of speed limiters on vehicles which are used in terms of international cargo operations.

Frequency and procedure of patrol inspections and state supervision (control) measures (both scheduled and unscheduled inspections), in particular on ensuring that the laws regarding installation of digital tachographs are observed, are governed by:

the Resolution of the Cabinet of Ministers of Ukraine as of 08.11.2006 No. 1567 “On Approving the Procedure of Patrol Inspections (Inspections on the Road)”;

the Resolution of the Cabinet of Ministers of Ukraine as of 15.01.2020 No. 7 “On Approving Criteria According to Which the Extent of Risk of Economic Activity in the Sphere of Motor Vehicles Is Estimated and the Frequency of Scheduled State Supervision (Control) Measures To Be Taken by the State Service for Transport Safety Is Defined”.

According to the regulations as mentioned above, frequency and procedure of state supervision (control) measures to be taken by the officers of the State Service for Transport Safety are established; the issues to be verified in terms of these measures include the issue on meeting the requirements regarding the installation of digital tachographs.

Buses that are used for non-regular and regular special passenger transportation, regular passenger transportation on intercity bus routes exceeding 50 km, trucks which exceed the total weight of 3.5 tons shall be equipped with valid and verified tachographs.

SE “State Road Transport Research Institute” is the Center for issuing cards for the digital tachograph of the Competent Authority (Mininfrastruktury).

Drivers, officials, and civilians which conduct economic activity shall be imposed administrative penalties on for the failure to observe the well-established working hours and rest periods for drivers, including the requirements for the installation of tachographs.

EU Regulations and Directives as mentioned above will be finally implemented following the adoption of the Draft Law of Ukraine “On Amending Some Regulations of Ukraine Related to the Sphere of Safe Operation of Wheeled Vehicles According to the Requirements of the Association Agreement between Ukraine, on the One Side, and the European Union, the European Atomic Energy Community and Their Member States, on the Other Side”, which is being finalized and will be shortly submitted to the Cabinet of Ministers of Ukraine for its further introduction for consideration by Verkhovna Rada of Ukraine.

This bill provides for the mandatory use of analog and digital tachographs.

Ukraine intends to introduce smart tachographs (SMART tachographs), the Ukrainian Government has approved the National Transport Strategy of Ukraine until 2030, which envisages the introduction of smart transport systems and traffic management systems on land and water transport (ERTMS, ITS, SST and LRIT, RIS; SMART tachographs).

16. Is there legislation on technical vehicle inspection and control (Directive 2014/45/EU on roadworthiness tests for motor vehicles and their trailers and Directive 2014/47/EU on the technical roadside inspection of the roadworthiness of commercial vehicles)?

General requirements for the technical inspection of wheeled vehicles are established by the regulations as follows:

the Law of Ukraine “On Road Traffic”;

the Law of Ukraine “On Road Transport”;

the Resolution of the Cabinet of Ministers of Ukraine as of 30.01.2012 No. 137 “On Approving the Procedure for Mandatory Technical Control and Scope of Vehicle Serviceability Status Inspection, Technical Description, and Sample of Vehicle Serviceability Status Inspection Protocol”;

the Order of the Ministry of Infrastructure of Ukraine as of 26.11.2012 No. 710 “On Approving Requirements for Inspecting Construction and Serviceability Status of the Wheeled Vehicle, Methods of Such an Inspection”, registered by the Ministry of Justice of Ukraine on 25.12.2012 under the No. 2169/22481;

the Order of the Ministry of Infrastructure of Ukraine as of 15.02.2012 No. 106 “On Approving Technology Requirements for Measures Regarding Inspection of the Wheeled Vehicle Serviceability Status, Maintenance and Repair Practices”, registered by the Ministry of Justice of Ukraine on 03.03.2012 under the No. 356/20669;

the Order of the Ministry of Infrastructure of Ukraine as of 26.07.2013 No. 550 “On Approving the Rules for Operating Wheeled Vehicles”, registered by the Ministry of Justice of Ukraine on 22.08.2013 under the No. 1453/23985.

The regulations as mentioned above are harmonized with the European legislation.

Vehicle maintenance and repair operators are economic operators which comply with specific requirements established by the legislation.

The mandatory technical control of vehicles which are operated on the public road network and registered by the territorial bodies of the Ministry of Internal Affairs of Ukraine is carried out by economic operators providing mandatory technical control which own or use equipment allowing to ensure whether the serviceability status of vehicles conforms to the traffic and environmental safety requirements.

The Register of operators ensuring mandatory technical control is an integral part of the Unified State Register of Vehicles. Operators ensuring mandatory technical control are included to the register as mentioned above by the MIA Main Service Center following their inspection by the Ministry of Infrastructure of Ukraine to the extent that such operators conform to the requirements of the legislation.

Vehicle serviceability status control includes:

mandatory technical control of vehicles;

inspection of the serviceability status of vehicles by road carriers.

Between mandatory technical controls, the vehicle serviceability status conformity to the requirements of the legislation is ensured by the carrier.

Frequency of mandatory technical control to be carried out amounts to:

every two years for light vehicles (**M1**) used for carrying passengers or cargo for commercial purposes, trucks (regardless of the form of ownership) with the weight capacity not exceeding 3.5 tons (**N1**), trailers thereto (**O1, O2**), which have been operated for more than two years;

every year for trucks with the weight capacity exceeding 3.5 tons (**N2, N3**), trailers thereto (**O3, O4**), and taxis (**M1**), regardless of the term of operation;

twice per year for buses (**M2, M3**) and special vehicles carrying hazardous cargo, regardless of the term of operation.

Vehicles of the category L are not subject to mandatory technical inspection.

After the obligatory technical inspection, the protocol of the obligatory technical inspection is issued.

For every vehicle which has undergone mandatory technical control and has been recognized serviceable, an operator ensuring mandatory technical control draws up a vehicle serviceability status inspection protocol which is given to a driver of a vehicle. A protocol states the term of the scheduled mandatory vehicle technical control according to the frequency at which such control must be carried out.

The observance of the requirements related to wheeled vehicle technical control is ensured by the National Police of Ukraine within the framework of the regular/constant control of the road traffic safety.

When vehicles – serviceability status, equipment and completeness of which do not conform to the requirements of rules and standards applied in terms of ensuring road traffic safety and technical operation, which have been reequipped without corresponding approval, not duly registered, have not

undergone mandatory technical control, shift-based serviceability status check of which has not been made – are allowed on the routes, officials, who are responsible for the serviceability status, equipment, and operation of vehicles, get penalized (imposed administrative punishment on).

EU Regulations and Directives as mentioned above will be finally implemented following the adoption of the Draft Law of Ukraine “On Amending Some Regulations of Ukraine Related to the Sphere of Safe Operation of Wheeled Vehicles According to the Requirements of the Association Agreement between Ukraine, on the One Side, and the European Union, the European Atomic Energy Community and Their Member States, on the Other Side”, which is being finalized and will be shortly submitted to the Cabinet of Ministers of Ukraine for its further introduction for consideration by Verkhovna Rada of Ukraine.

17. Is there legislation on vehicle registration documents (Directive 1999/37/EC, as last amended by Directive 2014/46/EU)?

A sample of the vehicle registration certificate, which has been approved by the Resolution of the Cabinet of Ministers of Ukraine as of September 16, 2020 No. 844, conforms to the requirements of the Directive of the European Parliament and of the Council as of April 29, 1999 No. 1999/37/EC on vehicle registration documents. The only difference is that the Ukrainian vehicle registration certificate does not include information under the harmonized codes: K – type-approval number (-s) (if available); Q – power/weight ratio (in kW/kg) (only for motorcycles).

18. Is there legislation on transportable pressure equipment (Directive 2010/35/EU)?

The requirements for the equipment of wheeled vehicles, including vehicles which are operated under pressure, are established by:

- the Resolution of the Cabinet of Ministers of Ukraine as of 22.12.2010 No. 1166 “On the Unified Requirements for the Construction and the Serviceability Status of Wheeled Vehicles Which Are Operated” (with amendments thereto);

- the Procedure for approving the construction of vehicles, components and equipment thereof, as approved by the Order of the Ministry of Infrastructure of Ukraine as of 17.08.2012 No. 521, and registered by the Ministry of Justice of Ukraine on 14.09.2012 under the No. 1586/21898 (with amendments thereto);

- the Procedure for checking cisterns carrying hazardous goods as approved by the Order of the Ministry of Infrastructure of Ukraine and the Ministry of Internal Affairs of Ukraine as of 12.05.2015 No. 166/550, and registered by the Ministry of Justice of Ukraine on 05.06.2015 under the No. 663/27108.

The regulations as mentioned above correspond to the requirements of the EU Directives to the fullest possible extent.

19. Is there legislation concerning vehicle registration data exchange to investigate road-safety-related traffic offences, as envisaged in Directive (EU) 2015/413?

Directive (EU) 2015/413 is aimed at facilitating cross-border exchange of information between EU member states regarding the following road-safety-related traffic offences: speeding; failing to use a seat-belt; failing to stop at a red traffic light; drink-driving; failing to wear a safety helmet; the use of a forbidden lane; illegally using a mobile telephone or any other communication devices while driving. As of today, in Ukraine, data related to road accidents are registered in the database of the AWPOO (Automatized Working Place of the Operations Officer) system (operated by the National Police).

The Action Plan on implementation of the Association Agreement between Ukraine, on the one side, and the European Union, the European Atomic Energy Community and their member states, on the other side, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of October 25, 2017 No. 1106, does not provide for the implementation of the Directive (EU) 2015/413.

At the same time, MIA MSC carries out activities on establishing the capability to join the European Vehicle and Driving License Information System, EUCARIS (hereinafter referred to as EUCARIS), for the purpose of information exchange between competent authorities in order to confirm the validity of national driving licenses, which were issued by other states, in terms of their exchange, and the validity of registration documents for vehicles coming from abroad in terms of these vehicles state registration. For the purpose as mentioned above, the cooperation with EUCARIS Secretariat has been established.

However, it must be noted that the issue of the legal ground for information exchange using EUCARIS has not been governed as of today, except to the extent that the information exchange is related to driving licenses in compliance with international agreements on mutual recognition and exchange of driving licenses.

Road and other user charges

20. What road user charges system has been implemented for heavy goods vehicles and for private light vehicles (Directive 1999/62/EC)? Do these charges vary according to type of vehicle or vehicle emissions? What is the total amount of road fees collected per year? What are the collected funds used for?

As of today, there exist no toll roads in Ukraine; therefore, road charges are not collected.

However, a state road fund has been created within the framework of the state budget (Article 242 of the Budget Code of Ukraine).

Funds of the state road fund are allocated for:

1) financial support of construction, reconstruction, repair and maintenance of public motorways of the state value, and other actions as defined by Clause 1 Chapter Four Article 3 of the Law of Ukraine “On Sources of Financing Road Economy of Ukraine” (where at least 5 per cent of funds are allocated for construction, reconstruction, repair and maintenance of structures);

2) financial support of construction, reconstruction, repair and maintenance of public motorways of the local value, streets and roads owned by the community in the inhabited areas

(represented by subventions from the state budget to the local budget) (where at least 5 per cent of funds are allocated for construction, reconstruction, repair and maintenance of structures);

3) fulfillment of financial commitments under the loans, received by the state or against state guarantees, for the development of the network of public roads and maintenance thereof;

4) financial support of actions on ensuring road traffic safety according to state programs.

Sources for establishing the state road fund include:

1. government revenues:

86.56 per cent of the excise tax on fuel produced in Ukraine and imported into the customs territory of Ukraine;

the excise tax on vehicles manufactured in Ukraine and imported into the customs territory of Ukraine;

the import duty for oil products and vehicles, and tyres for them;

road-user charges collected from vehicles and other self-propelled machines and mechanisms, which weight and size parameters exceed the specified ones;

road-user charges for travelling by toll public roads of the state value;

50 per cent of revenues received from administrative-and-household fines which have been collected for the violation of the road transport legislation and are envisaged by Paragraphs fourteen-seventeen Part One Article 60 of the Law of Ukraine “On Road Transport” (except for 40 per cent of revenues received from administrative fines collected for administrative offences in the sphere of ensuring road traffic safety which were fixed automatically);

concession payments which are provided if public roads are constructed and operated subject to a concession agreement;

2) state borrowings raised according to Clause 1 Chapter Three Article 15 of this Code for the purpose of implementing investment projects regarding the development of the network of public roads and maintenance thereof;

2¹) receipts, which are obtained due to loans raised against state guarantees, for the development of the network of public roads of the state value and maintenance thereof;

3) other receipts as defined by the Law “On State Budget of Ukraine”.

In order to adapt the legal acts of Ukraine to the acts of the European Union, in particular, Council Directive 1999/62/EC of 17 June 1999 on fees for the transport of heavy goods for the use of certain infrastructures, draft laws were developed aimed at introducing tolls for the use of public roads of state importance by vehicles with a gross weight of 12 tons and more.

These draft laws were registered in the Verkhovna Rada of Ukraine under registration numbers №№ 6087, 6088 and 6089 dated 23.09.2021.

Currently, draft laws are being considered by committees of the Verkhovna Rada of Ukraine.

21. Are tolls collected electronically (Directive (EU) 2019/520)?

As of today, there exist no toll roads in Ukraine; therefore, road charges are not collected.

22. What is the structure of the taxes imposed on heavy goods vehicles (Directive 1999/62/EC)? Are other charges to heavy goods vehicles [and other road vehicles] applied?

There are currently no toll roads in Ukraine, and therefore user charges are not held, including those defined by Council Directive 1999/62 / EC.

According to Article 1 of the Law of Ukraine “On Road Transport”, a heavy goods vehicle is defined as a vehicle with cargo or without cargo, at least one weight parameter of which exceeds the maximum permissible mass or axial load established on the territory of Ukraine.

Marginal limitations regarding sizes, actual mass and axial loads of vehicles are established by Clause 22.5 of Road Traffic Rules, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of October 10, 2001 No. 1306 (hereinafter referred to as RTR).

According to Chapter Four Article 48 of the Law of Ukraine “On Road Transport”, in the event goods are carried with the size or weight limitations exceeded, there must be also present a document entitling to travel by motorways of Ukraine, which has been issued by duly authorized competent authorities, or a document stating that a payment has been made for the travel of heavy goods (large-sized) vehicles in the event weight and size limitations, as established by the applicable legislation, are exceeded by less than five per cent.

The Resolution of the Cabinet of Ministers of Ukraine as of June 27, 2007 No. 879 “On Measures Concerning Preserving Motorways” establishes, including but not limited to, the Procedure for executing size and weight control and making payment for travel of vehicles and other self-propelled machines and mechanisms by public motorways in the event weight and/or size parameters of vehicles and other self-propelled machines and mechanisms exceed the specified ones; rates of payment for travel of vehicles and other self-propelled machines and mechanisms by public motorways in the event weight and/or size parameters of vehicles and other self-propelled machines and mechanisms exceed the specified ones.

Type of vehicle	Parameters	Rate of payment for each km of distance, euro
1. Heavy goods vehicles (for the total mass)	from 40 to 44 tons inclusive	0.2
	from 44 to 52 tons inclusive	0.4
	from 52 to 60 tons inclusive	0.54
	more than 60 tons, for each next 10 tons	1.56

2. Heavy goods vehicles with the permissible axial loads exceeded	up to 5 per cent inclusive	0.1
	from 5 to 10 per cent inclusive	0.2
	from 10 to 20 per cent inclusive	0.54
	more than 20 per cent, for each next 5 per cent	0.3
3. Heavy goods vehicles with the established width, height, length exceeded	for each parameter	0.06

RAIL TRANSPORT

Social and technical rules and standards

23. Please list the laws of the legal framework governing the railway transport in the country.

As of today, rail transport is governed by the Laws of Ukraine “On Transport” and “On Rail Transport”, the Statute of Railways of Ukraine, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of April 06, 1998 No. 457 (with amendments thereto) (hereinafter referred to as the Statute of Railways).

The issue of licensing the activity of the enterprises in the sphere of the rail transport is governed by the Law of Ukraine “On Licensing Types of Economic Activity” and Licensing Conditions for conducting economic activity related to railway transportation of passengers, hazardous goods and hazardous waste, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of December 09, 2015 No. 1168.

The issue of the technical policy and certification of the rolling stock and the personnel is governed by the Law of Ukraine “On Technical Regulations and Conformity Assessment”, the Technical Regulations on the safety of the railway rolling stock, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of December 30, 2015 No.1194, the Technical Regulation on the safety of the railway infrastructure, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of July 11, 2013 No.494 (with amendments thereto), and the Resolution of the Cabinet of Ministers of Ukraine as of 03.10.2018 No. 797, which establishes the modules for assessment of the conformity in the sphere of the rail transport.

The issue of the technical operation is defined by the Rules of technical operation of the rail transport, as approved by the Order of the Ministry of Transport of Ukraine as of December 20, 1996 No. 411.

The issue of passenger transportation by the railway is governed by the Procedure for servicing of citizens on the railway, as approved by the Resolution of the Cabinet of Ministers of Ukraine as of

March 19, 1997 No. 252, and the Rules for passengers, luggage, cargo-luggage and mail transportation by the rail transport of Ukraine, as approved by the Order of the Ministry of Transport and Communications of Ukraine as of December 27, 2006 No. 1196.

There also exist a number of orders of the Ministry which establish the procedure and conditions for the transportation arrangement, the usage of public railway facilities, the rail safety, the occupational health and safety, the provision of public order, the crossing of railway tracks by other means of transport and communications, the fire safety, the public health regulations on the rail transport of Ukraine.

24. What are the rules governing rail safety and interoperability (e.g. safety certificates, authorisation of rolling stock and of train drivers)? Who enforces them? What are the rights and obligations of railway undertakings and infrastructure managers in relation to safety and interoperability?

The issue of rail safety is governed by the regulations as follows:

the Law of Ukraine “On Rail Transport”;

the Resolution of the Cabinet of Ministers of Ukraine as of 30.12.2015 No. 1194 “On Approving Technical Regulation on the Safety of the Railway Rolling Stock”;

the Resolution of the Cabinet of Ministers of Ukraine as of 11.07.2013 No.494 “On Approving Technical Regulation on the Safety of the Railway Infrastructure”;

the Order of the Ministry of Infrastructure of Ukraine as of 24.12.2020 No. 842 “On Approving the Provision Regarding Rail Safety Management System”, registered by the Ministry of Justice of Ukraine on 19.03.2021 under the No. 351/35973;

the Order of the Ministry of Infrastructure of Ukraine as of 21.09.2018 No. 433 “On Approving the Procedure for Technical Investigation of Rail Disasters, Emergencies, Accidents, and Events”, registered by the Ministry of Justice of Ukraine on 22.10.2018 under the No. 1185/32637.

The provision regarding rail safety management system establishes the structure and performance of rail safety management systems (hereinafter referred to as RSMS) of Ukraine.

The requirements of this Provision are binding on companies in terms of conduct of their economic activity related to railway transportation of passengers and cargo.

RSMS within the enterprise consists particularly of the components as follows:

traffic safety policy;

the procedures for identifying dangerous factors and hazards, risk assessment and management;

generic traffic safety indicators;

the procedures for fulfilling current, new, and amended statutory provisions or standards of technical and operational nature;

the programs and procedures for the enterprise personnel training regarding traffic safety in order to ensure competence of the enterprise personnel;

information exchange-related actions;

the procedure for information recording;
the procedures for mandatory reporting and investigation of accidents;
internal traffic safety audit.

An enterprise shall agree RSMS to the extent that RSMS is related to the procedure for cooperation with other enterprises and the enterprise, which infrastructure or rolling stock is operated by it.

When developing RSMS components, an enterprise may be guided by requirements and standards, as approved by the European Union or its competent authorities, as well as the Agreement on the international railway freight traffic.

For the purpose of final implementation of EU regulations related to the sphere of rail transport, the Draft Law of Ukraine “On Rail Transport of Ukraine” has been prepared and registered by Verkhovna Rada of Ukraine on September 06, 2019 under the No. 1196-1.

The Draft Law “On Rail Transport of Ukraine” envisages resolving the issues related to technical policy and ensuring safety of traffic in compliance with the EU Directives 2004/49/EC and 2008/57/EC, namely:

the implementation of the rail safety system;
the technical investigation of rail accidents;
the establishment of legal grounds for technical regulation in order to ensure interoperability, including putting interoperability subsystems into operation;
the access to the profession of the train driver.

According to the Draft Law “On Rail Transport of Ukraine”, the issuance of certificates of safety (for carriers) and authorization certificates (for the infrastructure operator and owners of access tracks), maintenance of registers of authorization certificates and certificates of safety, as well as issuance of train driver’s certificates (defined as train driver’s license in the EU Directive 2007/59/EC on the certification of train drivers operating locomotives and trains on the railway system in the Community), and maintenance of the register of train driver’s certificates will fall within the powers of the central executive body which ensures the implementation of the state policy in the sphere of rail safety (hereinafter referred to as the Body dealing with safety issues).

Infrastructure operator, owner of the access track, and carrier shall develop, implement, maintain, and improve their own traffic safety management systems with the consideration given to the requirements of the provision regarding traffic safety management system and guidelines for the system development and implementation.

25. Who sets the technical and environmental standards, technical specifications for interoperability (TSIs) applicable for rolling stock and for other rail subsystems? Which EU TSIs are applicable? Which common safety methods (EU CSMs) are applicable?

The technical requirements to be met by the Goods that are put into circulation, given on the market or put into operation, shall be stipulated by the technical regulations according to Article 10 of the Law of Ukraine "On Technical Regulations and Conformity Assessment".

The lists of national standards for the application of technical regulations in accordance with Article 8, paragraph 2, of the Law of Ukraine "On Technical Regulations and Conformity Assessment" are approved by the relevant state bodies, which are authorized to adopt normative and legal acts within their competence.

According to the Resolution of the Cabinet of Ministers of Ukraine dated 16.12.2015 No. 1057, defining spheres of activities that are technically regulated by the central executive bodies and the Security Service of Ukraine, the technical regulation in the sphere of railway transport and operational compatibility (interoperability) of the railway system is carried out by the Ministry of Infrastructure.

In accordance with the mentioned powers it has been approved as follows:

List of standards for the purpose of application of the Technical regulations for the safety of railway transport rolling stock - by Order of the Ministry of Infrastructure of Ukraine dtd. 31.01.2022 No. 60.

List of standards for the purpose of application of the Technical regulations for the safety of railway transport infrastructure by the Order of the Ministry of Infrastructure of Ukraine No. 69 dated 03.02.2022.

The standards, mentioned in the above lists, meet the requirements of the EU legislation for a gauge of 1520 mm.

The technical specifications of interoperability (TSIs) for railway transport sub-systems are supposed to be introduced during the implementation of the European Parliament and Council Directive 2016/797 dtd. 11.05.2016 on the interoperability of the rail system within the European Union (adopted to replace Directive 2008/57/EC) in the national legislation.

Notably, it is foreseen to apply the TSIs for railway transport sub-systems, developed by the contact group on interoperability of railway systems of the gauge 1520, which included the experts of the European Railway Agency (ERA), the Organization for Cooperation between Railways (OSJD), and specialists of JSC "UkrZaliznytsia" on behalf of Ukraine.

In accordance with the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, the date of implementation of the said Directive norms in Ukraine is defined as 2022.

The acts, aimed at the implementation of the norms of EU Directive 2016/797, to be adopted by the Cabinet of Ministers of Ukraine in 2022, are provided for by the Action Plan on Development of the Technical Regulation System for the period up to 2025.

26. Have the national technical, safety and operational rules been classified compared with OTIF rules where appropriate or those of EU MS?

The technical rules, that do not contradict the OTIF rules or regulations of the EU member states, are applied for the railway transport. However, some of these rules (e.g. GOSTs or EN standards) have to be adopted as the national standards.

27. Who sets and enforces the safety standards? Are the rules and standards made public? Who delivers the safety certificates to your railway undertakings and safety authorisations to the national rail infrastructure?

The Ministry of Infrastructure of Ukraine is the authority that formulates the policy on the railway safety.

All regulations approved or developed by the Ministry of Infrastructure of Ukraine are published both in printed editions of the Official Newsletter of Ukraine and on official websites of the Ministry of Infrastructure of Ukraine, the Cabinet of Ministers of Ukraine and the Verkhovna Rada of Ukraine.

The State Service of Ukraine for Transport Safety is an authority that carries out licensing, state supervision (control), technical investigation, market supervision in the sphere of railway transport.

JSC "UkrZaliznytsia" is a national carrier of the cargo and passengers. The Company's goal is to meet the needs of safe and high-quality rail transport, to ensure efficient functioning and development of rail transport, to create conditions for increasing the competitiveness of the industry, etc.

28. Is there a specific fiscal regime for rail transport operations?

The railway transport operations are taxed in accordance with the general rules set by the Tax Code of Ukraine.

29. Is there any specific legislation on working time applicable to rail staff?

According to the current Law of Ukraine "On Railway Transport", the peculiarities of working conditions, working time and rest time of certain categories of workers of general use railway transport, whose work is directly connected with the movement of trains, are established by JSC "UkrZaliznytsia" according to the current legislation of Ukraine under the agreement with branch trade unions.

The special regulatory considerations on the working time and rest time of separate categories of employees, directly connected with safety of movement of trains and service of passengers on railways and underground of Ukraine, have been introduced by Order of the State Administration of Railway Transport of Ukraine dtd. 10.03.1994 No. 40-Ts. According to these special regulatory considerations, the locomotive crews shall at least take a 16 hours-rest prior the run and the total duration of their work shall not exceed 12 hours.

The draft law "On Rail Transport of Ukraine" says that the special regulatory considerations on the working time and rest time, labor conditions of railway transport workers, involved into the train run, shall be established by the Ministry of Infrastructure of Ukraine.

30. Is there legislation on train drivers' licencing and certification?

The introduction of the European system for the certification of train drivers as per EU Directive 2007/59/EC on certification of train drivers, operating locomotives and trains on the Community's railways, is provided for by the draft law "On Rail Transport of Ukraine".

In particular, the draft law stipulates the procedure for issuing a driver's license (in Directive 2007/59/EC – License), which gives the right to operate the traction rolling stock, and a driver's

certificate, which gives the right to operate on a certain infrastructure and a specific railway rolling stock.

Notably, it shall be stated that Ukraine has a similar system of drivers' admission for work. In particular, in order to work on the railways in Ukraine, the driver shall have the following documents:

Certificate for locomotive operation, and assistant of the driver shall have a certificate of the locomotive driver's assistant, issued by the educational institution, having the license of the Ministry of Education of Ukraine for training the driver and driver's assistant under the program approved by JSC "UkrZaliznytsia", and

Enclosure to Certificate for locomotive operation, based on the positive results of passing of the driver's theoretical knowledge check and practical examinations on a specific site of railway infrastructure.

31. Do you keep registers of rail vehicles and rail infrastructure? Are they compatible with the relevant EU legislation and similar to the registers managed by the European Railway Agency (ERA), such as ERATV, EVR, RINF, ERADIS?

At present, the register of the inventory rail vehicles and private freight wagons owned by private companies is kept in the Automated data bank of the freight wagon fleet. according to the Rules of operation of freight wagons, approved by the Order of the Ministry of Infrastructure of Ukraine dtd. 20.01.2015 No.17.

The data on private freight wagons are entered based on the agreements between the railways and the owners of freight wagons, considering the methodical provisions on the keeping registers of the Automated data bank of the freight wagon fleet, approved by the Council on railway transport of the CIS member states on April 25, 2001.

The draft law "On Rail Transport of Ukraine" says the registers of structural subsystems of railway transport (infrastructure, access road, rolling stock) shall be kept by the Safety Authority. These registers are being generated and will be in compliance with the registers of the European Railway Agency (ERA).

Conditions of access to market and profession

32. What are the rules governing market access (e.g. regarding railway licences or capacity allocation)? Who enforces them?

Transport of Ukraine, which was approved by the Resolution of the Cabinet of Ministers of Ukraine dtd. 06.04.1998 No. 457 (with changes) (hereinafter – the “Railway Statute”).

Licensing of enterprises in the sphere of railway transport is regulated by the Law of Ukraine "On Licensing Types of Economic activities" and licensing terms of conducting economic activity on transportation of passengers, dangerous cargoes and dangerous wastes by railway transport, that were approved by the Resolution of the Cabinet of Ministers of Ukraine dtd. 09.12.2015 No. 1168.

It should be noted that in accordance with the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their member states, on the other hand, (hereinafter – the “Association Agreement”) and the Action Plan on the implementation of the Association Agreement, approved by the Resolution of the Cabinet of Ministers of Ukraine dtd. 25.10.2017 No. 1106, the Government of Ukraine is working on harmonization of Ukrainian legislation in the field of rail transport with the legislation of the European Union.

In order to implement the acts of the EU legislation in the field of railway transport, the Law of Ukraine "On Railway Transport of Ukraine" was developed and registered in the Verkhovna Rada of Ukraine on 06.09.2019 under the Ref. No. 1196-1 - Law of Ukraine "On Railway Transport of Ukraine". The law presents a new model of the railway transportation market, similar to the European railway systems. It defines the conditions of access to the railway transportation market, stipulates basic requirements, duties and rights of the infrastructure operator, carrier, basic requirements to the railway rolling stock and the basic principles of activity of operators of the railway rolling stock.

In particular, the law stipulates that the economic activity on transportation of freight and/or passengers, luggage, cargo by railway traffic by general-use railway wheels shall be licensed. The license will witness the reputation, financial capacity and professional competence of the licensed body to conduct such activities.

After the Law "On Rail Transport of Ukraine" is adopted, all procedures for access to the market of rail transport will be introduced, including licensing and issuance of safety certificates.

Also, according to the Law “On Rail Transport of Ukraine”, the infrastructure operator will provide the carriers with mandatory services on access to the railway infrastructure, which will include:

- consideration of requests for railway infrastructure capacity;

- use of railway infrastructure;

- management of the transportation process on the general use railway transport, including electricity supply (if necessary), signalling, regulation, dispatch and communication control, provision of information about the movement of trains (a combination of transport operations aimed at the movement of trains);

- access of public use wheels to the objects to be serviced;

- providing information necessary for carrying out or implementing transportation for which capacity has been given.

Mandatory services on access to railway infrastructure will be provided on a non-discriminatory basis.

33. Are there any rules that the infrastructure manager should be independent from any railway undertaking? Is there accounting separation between operations and infrastructure?

The final provisions of the draft law "On Rail Transport of Ukraine" stipulate the tasks for the Cabinet of Ministers of Ukraine to ensure the financial and organizational division of the activities,

performed by JSC "UkrZaliznytsia" as a carrier and as an infrastructure operator, in order to ensure an equal access to strategic infrastructure and fair competition in the railway transport market.

At present, JSC "UkrZaliznytsia" is implementing the structural reform of the company, which envisages transformation of the company according to the types of activity and, in particular, organizational and financial division of the infrastructure operator and carrier within the Company. In accordance with the Action Plan on Implementation of the Association Agreement and the Action Plan on Railway Transport Reform, approved by the Cabinet of Ministers of Ukraine Resolution dtd. 27.12.2019.

34. Does the public railway company and the infrastructure manager have management autonomy in relation to the public authorities?

JSC "UkrZaliznytsia" has been established in accordance with the Law of Ukraine "On the Peculiarities of Establishment of Joint Stock Company of Rail Transport of General use" (hereinafter referred to as the "Law 4442-VI") and the Resolution of the Cabinet of Ministers of Ukraine dated 25.06.2014 No. 200 "On establishment of Public Joint Stock Company "UkrZaliznytsia". According to Article 6 of Law 4442-VI, the highest body of the Company is the General Assembly. The functions of the General Assembly are performed by the Cabinet of Ministers of Ukraine.

At the same time, according to Article 53 of the Law of Ukraine "On Joint Stock Companies" and paragraph 62 of the Statute of the JSC "Ukrainian Railway", approved by the Resolution of the Cabinet of Ministers of Ukraine dtd. 02.09.2015 No. 735, the supervisory board shall include independent members of the supervisory board (independent directors), the number of which should be the majority of the supervisory board members, and members of the supervisory board - representatives of the state. This is in compliance with the OECD guidelines on corporate governance at state-owned enterprises.

In view of the above mentioned, the national railway company of JSC "Ukrzaliznytsia" can be considered partially independent in relations with the state.

35. Are the public railway company and the infrastructure manager financially sound (no accumulated debt burdens imposed by the public authorities)?

Total debt of the Company as of 31.12.2021 according to accounting approach where liabilities includes nominal debt and non-paid and accrued interest is amounted to UAH 36.5 bn. It contains of Eurobonds, Ukrainian banks debt, IFI lines such as EIB and EBRD, financial leasing and some small part of other debt. Almost 70% of the credit portfolio structure is Eurobonds (USD 895 mln with maturity in 2024 and 2026). Nearly 90% of the outstanding debt of the Ukrainian Railway is denominated in foreign currency (USD and EUR).

Since 2013, Ukrainian railways have made significant improvements in transparency and openness to investors. The company's priority is building a reputation as a reliable partner. Its relations with international investors are based on transparency and trust. Ukrainian railways share all the information on the company's activities and financial condition and its vision of plans. Official information is available at website of the Company.

For year-end 2021, Ukrainian railways complied with its financial and non-financial covenants under the loan agreements, all payments under the liabilities were paid on time and in full.

The main sources of the Company's liquidity are revenues from core and non-core operating activities, as well as funds raised in the Ukrainian and international financial markets. Work on optimization of credit policy is carried out by UZ by selecting the optimal financial instruments, reducing the cost of borrowing, increasing the terms of financing and improving the credit quality of the Company, compliance with obligations and covenants, increasing the credit rating of the Company. The main goals and objectives of the credit policy of UZ:

- ensuring a balanced amount and cost of borrowing financing for the implementation of strategic initiatives of the Company's verticals
- strengthening the financial stability of UZ due to changes in the maturity of financial liabilities and the emphasis on long-term financing
- reduction of financial costs for servicing the existing loan portfolio
- raising the Company's credit rating to the level of sovereign.

Successful relation with UZ's creditors is confirmed by the willingness of banks to increase the credit lines limit and to prolongate of the existing credit lines to the Company. Such steps are a confirmation and recognition of the company as a borrower that always fulfills its obligations.

The maturity schedule of the company for 2022-2023 does not provide a significant burden on the company's liquidity – up to USD 50 mln for each year. The largest part of debt repayment falls on 2024 and 2026 – the years of debt repayment on Eurobonds.

36. Are there rules on equal access to the railway network for public and private railway undertakings?

The draft law "On Rail Transport of Ukraine" envisages the introduction of a model of the railway transportation market, which is similar to the European railway systems.

According to the draft law, to gain access to infrastructure of general use railway transport, the enterprise shall obtain a license, a security certificate and submit a relevant application to the infrastructure operator.

The services on access to railway infrastructure are provided to carriers on the basis of an agreement with the infrastructure operator.

The infrastructure operator is obliged to provide the carriers on a non-discriminatory basis with mandatory services on access to the railway infrastructure.

The additional and auxiliary services on access to infrastructure can be provided by the infrastructure operator and other economic entities. In the absence of competitive alternatives, the infrastructure operator is obliged to provide additional, auxiliary services, if technical capacity is available, at economically justified prices.

In order to guarantee non-discriminatory access to the railway infrastructure, the National Commission is formed, which carries out state regulation in the transport sector.

The relevant draft law “On Amendments to the Law of Ukraine “On Transport” (registration No. 6514 as of January 13, 2022) was developed and registered in the Verkhovna Rada of Ukraine. This draft provides for the establishment of the National Commission for State Regulation of Transport, as well as defines its functions and powers.

Additionally, the functions and powers of the National Commission for State Regulation of Transport in the field of railway transport are defined separately in the draft law "On Railway Transport of Ukraine".

The powers of the Commission include, in particular:

- state regulation of prices for railway transport within the limits of certain powers and control over its compliance;
- adoption of the Methodology of the formation of the tariff for mandatory services of access to strategic infrastructure and control over its application;
- control over the equal access to strategic infrastructure;
- approval of the infrastructure operator investment programs;
- consideration of claims regarding equal access to strategic infrastructure, access roads, allocation of strategic infrastructure capacity, level and / or tariff structure for mandatory services on access to strategic infrastructure;
- issuance of licenses granting the rights to conduct activities in the field of railway transport and supervision of its compliance with licensing conditions;
- approval of the order of equal access to strategic infrastructure (network statement).

The National Commission for State Regulation of Transport will have the right to:

- make decisions on measures to promote effective competition in the railway transport market and ensure its proper functioning;
- impose sanctions on business entities operating in the field of railway transport that have violated their obligations under this Law and other acts of legislation in the manner prescribed by law;
- issue binding decisions for business entities engaged in activities in the field of railway transport in the manner prescribed by law within the frames of its competence;
- provide recommendations to the infrastructure operator on changes to the procedure for access to the strategic infrastructure in order to comply with the principle of non-discrimination.

In accordance with the draft law “On Amendments to the Law of Ukraine “On transport”, the National Commission for State Regulation of Transport is formed of the Chairman and 6 members, who are appointed and dismissed by the President of Ukraine. This ensures the independence of the Commission in decision making.

The rules for access to railway infrastructure will be approved by the Government. The draft of the rules has been already developed by the Ministry of Infrastructure and has earned positive feedback from the European experts. These rules define the principles and procedures for providing access to the infrastructure of general strategic use of rail transport by the market participants,

distribution of infrastructure capacity, establishment and collection of tariffs for rail infrastructure use.

According to the rules, the infrastructure operator, after the consultations with the stakeholders, develops and publishes the Procedure of equal access to the railway infrastructure (network statement), available after payment of the fee, which shall not exceed the cost of publication of this procedure. In particular, the order should contain information on the principles and criteria for the distribution of working capacity.

37. Has Ukraine established a proper legal framework to ensure the establishment and functioning of the conformity assessment bodies (AsBo, NoBo, DeBo, ECM certification bodies)? Are there any active conformity assessment bodies in the rail sector?

The norms on establishing and functioning of these bodies are provided for by the draft law "On Railway Transport of Ukraine", which was registered in the Verkhovna Rada of Ukraine on 06.09.2019 under Ref. No.1196-1.

Besides, it is stipulated by the mentioned draft law to establish the legal technical regulations for ensuring interoperability, including commissioning of sub-systems of interoperability.

Currently, there are conformity assessment bodies in Ukraine which, according to the accreditation sphere, carry out conformity assessment of products for railway transport.

38. How are railway safety responsibilities assigned to the main actors of the rail sector in Ukraine, namely railway undertakings, infrastructure managers, entities in charge of maintenance? Is there a legal requirement for those entities to hold safety management systems?

The requirement for the availability of railway transport of Ukraine at the enterprises, that perform economic activity on transportation of passengers and cargoes by rail, is stipulated by the Order of the Ministry of Infrastructure of Ukraine dtd. 24.12.2020 No. 842 "On Approval of the Regulation on the System of Traffic Safety Management on Rail Transport", registered in the Ministry of Justice of Ukraine on 19.03.2021 under Ref. No. 351/35973.

The structure and functioning of the Traffic Safety Management Systems (hereinafter referred to as the "TSMS") on the Ukrainian Railway Transport is stipulated by the Regulation on the Railway Traffic Safety Management System.

The requirements of this Regulation are mandatory for enterprises when carrying out economic activity on transportation of passengers and cargo by rail.

Based on this Regulation, enterprises shall develop and implement their own TSMS.

The main TSMS task is to reveal the dangerous factors or threats, to evaluate the risk level and to implement measures for reducing the risk of harm to human health, the environment and material damage.

The managers of enterprises shall take measures to ensure traffic safety.

The personnel of the enterprise involved in the organization of traffic safety at the enterprise shall have knowledge, powers, and resources required for carrying out their duties.

The maintenance and improvement of the level of traffic safety at the enterprises is directly connected with the formation of a traffic safety culture. The personnel of the enterprise shall be familiar with the concept, traffic safety policy, procedures and practices of the organization of traffic safety, as well as with their functions and responsibilities in the TSMS.

The key component for the establishment of TSMS at the enterprise is the traffic safety service.

The enterprise shall establish a traffic safety department, which is directly subordinate to the head of the enterprise or his deputy responsible for traffic safety, and shall not be subordinate to the heads of branches, departments or structural subdivisions of the enterprise.

TSMS at the enterprise shall consist of the following components:

- traffic safety policy;

- procedures for identification of dangerous factors or threats, risk assessment, risk management;
- general indicators of traffic safety;

- procedures for the implementation of existing, new and amended technical and operational norms of legislation or standards;

- programs and procedures of training of personnel of the enterprise on the issues of traffic safety to ensure competence of personnel of the enterprise;

- information exchange activities;

- procedures for documenting information;

- procedures for mandatory reporting and investigation of transport events;

- internal audit on traffic safety.

The enterprise shall coordinate TSMS as for the procedure of interaction with other enterprises and with the enterprise, the infrastructure or rolling stock of which is used.

During the establishment of the TSMS components, the enterprise may be subject to the requirements and standards approved by the European Union or its competent authorities, as well as the Agreement on Main International Railway Lines.

39. If the safety authority is established:

Today, the issue of implementation of the state policy on railway transport safety is within the competence of the State Service of Ukraine for Transport Safety (the central executive body, which ensures implementation of the state policy in the field of railway transport safety).

The Draft Law of Ukraine “On Rail Transport of Ukraine”, registered in the Verkhovna Rada of Ukraine on 06.09.2019 under the Ref. No.1196-1, provides for bringing the powers of the Safety Authority into conformity with the provisions defined by the EU directives, in particular the Directive 2004/49/EC “On Safety on the Community's Railways”, Directive 2008/57/EC "On the Interoperability of the Rail System within the Community".

a) Has it set up a register of train driver licenses?

The register of the train driver licenses shall be kept by the Safety Authority (the central body of the executive power, which ensures the implementation of the state policy in the field of railway transport safety) as per the provisions of the draft law "On Rail Transport of Ukraine".

b) Is it performing supervision of safety management systems of railway undertakings and infrastructure managers? If not, which entity is responsible for that?

The railway safety system shall be introduced as per the provisions of the Draft Law "On Rail Transport of Ukraine".

After the mentioned law is adopted, the subordinate normative-legal acts, stipulating the list of issues concerning the state supervision (control), will be changed as for including into the mentioned issues the review of the system of safety management at enterprises of railway transport and fulfilment of requirements of the Order of the Ministry of Infrastructure of Ukraine dtd. 24.12.2020 No. 842 "On approval of the Regulation on the system of traffic safety management on railway transport", registered in the Ministry of Justice of Ukraine on 19.03.2021 No.351/35973.

The inspection will be carried out by the Safety Authority (the central executive body, which ensures implementation of the state policy in the field of railway transport safety).

Currently, the state supervision and control over the observance of the regulations by the railway transportation entities (i.e. railway enterprises and infrastructure managers) is performed by the State Service of Ukraine for Transport Safety.

c) Is it authorising rail vehicles? If not, which entity is responsible for that?

The railway rolling stock is put into operation (in regards to permit) by means of its adding into the relevant register on the basis of the certificate of conformity, which is stipulated in Article 10 of the Law of Ukraine "On Transport" (all transport means shall meet the requirements of safety, labor protection and ecology, have the corresponding certificate) and Article 11 of the Law of Ukraine "On Railway Transport" (the rolling stock, equipment and other technical means supplied to railway transport shall meet the requirements of traffic safety, cargo safety, labor protection, environmental safety and have the corresponding certificate).

This register is kept by the main information and computing center of the Joint Stock Company "UkrZaliznytsia".

The Draft Law "On Rail Transport of Ukraine" says that all structural sub-systems after construction (manufacture) or reconstruction (modernization) before the operation shall be given with a permit for putting into operation under the procedure, defined by the Cabinet of Ministers of Ukraine. The permit for putting into operation of structural subsystems of railway transport will be issued by the Safety Authority.

d) Is it authorising fixed installations? If not, which entity is responsible for that?

The Draft Law "On Rail Transport of Ukraine" says that all structural sub-systems after construction (manufacture) or reconstruction (modernization) before the operation shall be given with a permit for putting into operation under the procedure, defined by the Cabinet of Ministers of Ukraine. The permit for putting into operation of structural subsystems of railway transport will be issued by the Safety Authority.

e) Is it licensing train drivers? If not, which entity is responsible for that?

The introduction of the European system for the certification of train drivers as per EU Directive 2007/59/EC on certification of train drivers, operating locomotives and trains on the Community's railways, is provided for by the draft law "On Rail Transport of Ukraine".

In particular, the draft law stipulates the procedure for issuing a driver's license (in Directive 2007/59/EC – License), which gives the right to operate the traction rolling stock, and a driver's certificate, which gives the right to operate on a certain infrastructure and a specific railway rolling stock.

Notably, it shall be stated that Ukraine has a similar system of operators' admission for work. In particular, in order to work on the railways in Ukraine, the driver shall have the following documents:

Certificate for locomotive operation, and assistant of the driver shall have a certificate of the locomotive driver's assistant, issued by the educational institution, having the license of the Ministry of Education of Ukraine for training the driver and driver's assistant under the program approved by JSC "UkrZaliznytsia",

Enclosure to Certificate for locomotive operation, based on the positive results of passing of the driver's theoretical knowledge check and practical examinations on a specific site of railway infrastructure.

Today, the drivers are admitted for the operation by JSC "UkrZaliznytsia", which is responsible for this.

40. What are the requirements applicable to the entities in charge of maintenance?

Today the requirements for maintenance and repair of rolling stock are defined by the Rules of technical operation of railway transport, approved by the Order of the Ministry of Transport of Ukraine dtd. 20.12.1996 No. 411.

The Draft Law "On Rail Transport of Ukraine" stipulates that economic entities, providing technical service and repair of freight railway cars and railway rolling stock, shall be certified for the implementation of the mentioned activity in the order established by the central executive body, which ensures the formation and implementation of the state policy in the field of railway transport.

41. Has Ukraine aligned existing and/or concluded new rail border crossing agreements in recent years on its international border crossings in compliance with EU railway legislation? In which way do these agreements permit open access by domestic or foreign operators?

There are no new agreements.

At the same time, the Draft Law “On Rail Transport of Ukraine” defines the equality of the participants of the rail transport market regardless of the form of ownership.

When transporting by rail in an international connection, the conditions for the organization of carriage using the border infrastructure of Ukraine are determined by the relevant intergovernmental agreements, which are concluded in accordance with the legislation on international agreements, as well as agreements concluded by the infrastructure operator with foreign railways.

MARITIME TRANSPORT

42. Please outline the legislation that covers this area. What are your national rules concerning safety, security, environmental and pollution prevention aspects of transport by sea? Which institution(s) is/are in charge of registration and control of ships/boats (flag state)?

There is no separate legislation for the inland water transport or maritime transport sectors yet.

The following legislation covers the area of maritime and inland transport:

1. Merchant Shipping Code of Ukraine
2. Law of Ukraine «On Transport»
3. Law of Ukraine «On Ukrainian Sea Ports»
4. Law of Ukraine «On the Exclusive (Sea) Economic Zone of Ukraine»
5. Law of Ukraine «On Inland Water Transport»
6. Code of Ukraine on Administrative Offenses
7. Resolution of the Cabinet of Ministers of Ukraine «On approval of the Maritime Doctrine of Ukraine for the period up to 2035» on 07.10.2009 № 1307 amended by Resolution of the Cabinet of Ministers of Ukraine from 28.10.2020 № 1023.
8. Resolution of the Cabinet of Ministers of Ukraine « On approval of the National Transport Strategy of Ukraine for the period up to 2030» on 30.05.2018 № 430-p.
9. Decree of the Cabinet of Ministers of Ukraine from 12.05.2007 № 722 “On Measures to Improve Safety in Maritime and River Transport”.
10. Decree of the Cabinet of Minister of Ukraine from 30.06.2015 № 460 “On Approval of the Ministry of Infrastructure of Ukraine”;
11. Decree of the Cabinet of Ministers of Ukraine from 09.02.2022 № 136 On approval of the list of inland sea waters and inland waterways classified as navigable”.
12. Decree of the Cabinet of Ministers of Ukraine from 06.03.2022 № 212 “Some issues of optimizing the functioning of central executive bodies in the areas of maritime and inland water transport and shipping”.

13. Decree of the Cabinet of Ministers of Ukraine from 06.03.2022 № 227 “About the National Search and Rescue System at Sea”.

14. Decree of the Cabinet of Ministers of Ukraine from 29.02.1996 № 269 “On Approval of the Rules for Protection of Inland Sea Waters and Territorial Sea from Pollution and Fouling”.

15. Decree of the Cabinet of Ministers of Ukraine from 17.07.2019 № 670 “On approval of the Order of interaction between the state enterprise "Ukrainian Sea Ports Authority" and the State Environmental Inspectorate to ensure compliance with legislation on environmental protection in case of detection of discharge by vessels (floating craft) of pollutants within the water area of the seaport”.

16. Decree of the Cabinet of Ministers of Ukraine from 24.07.2013 № 926 “On approval of the Procedure for participation of stevedoring companies, owners (users) of marine terminals in the plan development of localization and elimination of accidents (disasters), purchase, maintenance of equipment, devices and mechanisms, reimbursement of the costs of accidents in the territory and water area of the seaport”.

17. Decree of the Cabinet of Ministers of Ukraine from 24.07.2013 № 670 “On Approval of the Procedure of Provision of Assistance by Central and Local Executive Authorities to the Ukrainian Sea Ports Authority, Owners of Marine Terminals, Port Operators in Elimination of Consequences of Natural Disasters, Accidents and Disasters, as well as in Prevention of Illegal and Unauthorized Interference in Port Activities”.

18. Decree of the Cabinet of Ministers of Ukraine from 11.07.2013 № 548-p (amended by the Decree of the Cabinet of Ministers of Ukraine from 23.12.2020 № 1634-p) “On approval of the Strategy of Development of Sea Ports of Ukraine for the period up to 2038”.

19. Order of the Ministry of Transport and Communications of Ukraine dated on 29.05.2006 No 514 ‘On Approval of the Regulations on the Navigational and Hydrographic Support of Navigational Safety in the Internal Waters, Territorial Waters and Exclusive Economic Zone of Ukraine’ registered by the Ministry of Justice of Ukraine on 14.06.2006 No 708/12582.

20. Order of the Ministry of Transport and Communications of Ukraine dated on 09.07.2001 No 420 ‘On Appointment of the Navigation Warning National Coordinator and Its Regulations Approval’ registered by the Ministry of Justice of Ukraine on 09.10.2001 No 870/6061.

21. Order of the Ministry of Infrastructure of Ukraine dated on 25.04.2012 No 221 ‘On Establishment of the Unified Supermarine Monitoring System Using the Automated Identification System (AIS) in the Black Sea and the Sea of Azov within the Zone of Responsibility of Ukraine’, as amended by the Order of the Ministry of Infrastructure of Ukraine dated on 18.08.2017 № 284.

22. Order of the Ministry of Infrastructure of Ukraine dated on 08.05.2013 № 294 ‘On Approval of the Procedure for Services Provision in the Navigational, Hydrographic and Charting Support of Navigation in the Sea Ports of Ukraine’ registered by the Ministry of Justice of Ukraine on 29.05.2013 No 834/23366.

23. Order of the Ministry of Transport of Ukraine dated on 20.11.2003 No 904 ‘On Approval of the Regulations on the Safety Management System for the Maritime and River Transport’ registered by the Ministry of Justice of Ukraine on 19.12.2003 № 1193/8514.

24. Order of the Ministry of Infrastructure of Ukraine dated on 27.05.2013 No 316 'On Approval of Procedure of Port Charges and Duties Rates and Levying and Procedure of Inventory and Use of the Resources Proceeded from the of Port Charges and Duties' registered by the Ministry of Justice of Ukraine on 12.06.No 930/23462.

25. Order of the Ministry from 26.07.2016 № 250 "On-laying duties to recognized organizations in the security of ships and port facilities at sea", registered with the Ministry of Justice of Ukraine 15.08.2016 under № 1133/29263.

26. Order of the Ministry from 03.12.2007 № 1095 "On the procedure for approval of security assessments plans for port facilities and the issuance of the Acts of compliance of port facilities", registered in the Ministry of Justice of Ukraine 19.12.2007 under № 1380/14647.

27. Order of the Ministry from 27.03.2013 № 198 "On the procedure for security of sea and river ports", registered in the Ministry of Justice of Ukraine 22.04.2013 under № 654/23186.

28. Order of the Ministry from 25.08.2011 № 339 " On Approval of the Model Provision on the Port Marine Safety Service", registered with the Ministry of Justice of Ukraine 26.10.2011 under № 1233/19971.

29. Order of the Ministry from 15.04.2013 № 220 "On Approval of the Model Provision on the Seaport Security Detachment", registered in the Ministry of Justice of Ukraine 10.06.2013 under № 922/23454.

30. Order of the Ministry from 18.12.2019 № 871 "On approval of the composition of the Commission for approval of security assessments and plans for ports and port facilities".

31. Order of the Ministry from 28.09.2020 № 588 "On approval of the List of port facilities, covered by the ISPS Code".

32. Order of the Ministry from 08.02.2016 № 48 "On approval of the List of ports for which port security officer assigned (Head of Maritime Security Service) and for which conducting the port security assessment and developing port security plan", registered in the Ministry of Justice of Ukraine 01.03.2016 under № 317/28447.

33. Order of the Ministry from 22.09.2015 № 379 «On approval of the Regulations on the National Center for LRIT System», registered in the Ministry of Justice of Ukraine 07.10.2015 under № 1214/27659.

34. Order of the Ministry of Infrastructure from 21.08.2013 № 631 "On approval of the Procedure for providing services to prevent and eliminate spillage of pollutants in Ukrainian sea ports", registered by the Ministry of Justice of Ukraine on 06.09.2013 № 1533/24065.

This list of acts is not final, as many regulations are currently being prepared in connection with the recent adoption of the Law of Ukraine "On Inland Water Transport".

The institution in charge of registration and control of ships/boats is State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine.

43. Have you already transposed parts of the EU maritime acquis into national legislation?

Ukraine is constantly taking measures to implement the norms of European legislation into the national legislation of Ukraine.

On December 3, 2020, the Law of Ukraine “On Inland Water Transport” was adopted, which entered into force on January 1, 2022 and which partially implemented the basic norms provided by the following acts of the European Union:

Council Directive 87/540/EEC of 9 November 1987 on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation

Council Directive 96/75/EC of 19 November 1996 on the systems of chartering and pricing in national and international inland waterway transport in the Community

Council Directive 96/50/EC of 23 July 1996 on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community

Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation and repealing Council Directives 91/672/EEC and 96/50/EC

Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC

Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community.

Also, in order to implement the provisions of Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC and Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels was developed and approved the resolution of the Cabinet of Ministers of Ukraine of March 6, 2022 № 227 "On the National Search and Rescue System at Sea".

At the same time, in order to implement Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control the Ministry of Infrastructure of Ukraine has developed the following draft laws of Ukraine:

"On Ratification of the International Labor Organization Convention concerning Labor in Maritime Affairs, 2006, as amended";

"On Amendments to Certain Legislative Acts of Ukraine in Connection with the Ratification of the International Labor Organization Convention concerning Labor in Maritime Labor, 2006, as amended";

"On Ukraine's Accession to the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as amended";

"On Amendments to Certain Legislative Acts of Ukraine in Connection with Ukraine's Accession to the International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004, as amended";

"On Amendments to the Code of Ukraine on Administrative Offenses in Connection with Ukraine's Accession to the International Convention for the Control and Management of Ships' Ballast Water and Sediment, 2004, as amended";

On Amendments to Certain Legislative Acts of Ukraine (Concerning Ensuring the Safety of Maritime Affairs, Port Activities and State Supervision of Maritime Affairs)".

The abovementioned information is only part of what has been done to bring national legislation in line with the European legislation. In addition to the above, a number of normative legal acts of lower legal force have been developed and adopted, aimed at the implementation of European legislation in the part of:

- recognition of professional qualifications in inland navigation;
- special requirements for the stability for ro-ro passenger ships;
- double hull or equivalent design for single hull oil tankers;
- technical requirements for inland waterway vessels.

Draft regulations are being analyzed for compliance with European legislation by European experts working in the field of technical assistance.

44. Which institution(s) is/are in charge of port state control, and how is it implemented?

State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine is a state central body of executive power, directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Infrastructure of Ukraine that implements state policy in areas of safety and security of maritime and river transport (merchant shipping, navigation on inland waterways, navigation and hydrographic support of navigation).

The main tasks of the Shipping Administration are:

- fulfillment of certain functions for the implementation of state policy in the areas of maritime and inland waterways transport:
 - merchant shipping; navigation on inland waterways;
 - navigation and hydrographic support of navigation;
 - safety in sea and inland waterways transport;
 - implementation of state supervision (control) over the safety of sea and inland waterways transport, merchant shipping, shipping on inland waterways, navigation and hydrographic support of navigation;

provision of administrative services in the field of maritime and river transport.

The Shipping Administration exercises its powers directly and through territorial bodies.
The Shipping Administration acts on the basis:

- Law of Ukraine «On Transport»;
- Resolution of the Cabinet of Ministers of Ukraine dated 06.03.2022 № 212 “Regulations on the State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine”;
- Order of the Ministry of Transport of Ukraine "On Approval of rules for the control of vessels for the safety of navigation" of July 17, 2003 № 545. In this Order implemented the procedures provided for by the relevant resolutions of the International Maritime Organization.

45. What are the numbers and categories of vessels registered under the flag of Ukraine involved in maritime transport?

Passenger vessels – 22 (under conventional requirements – 0);
Cargo vessels (incl. all types of cargo vessels) – 83 (under conventional requirements – 33);
Cargo vessels (incl. all types of cargo vessels) mixed navigation – 110 (under conventional requirements – 4);
Tugs - 107 (under conventional requirements – 15);
Technical fleet - 72 (under conventional requirements – 4);
Other – 87 (under conventional requirements – 6).

46. What are the port(s) and port facilities serving maritime traffic in Ukraine?

On the territory of Ukraine in the Black Sea-Azov basin and the Danube Delta there are 18 seaports, including 13 - on the mainland (Reni, Izmail, Ust-Dunaisk, Belgorod-Dniester, Black Sea, Odessa, South, Nikolaev, Olbia, Kherson, Skadovsk, Berdyansk, Mariupol) and 5 - in the temporarily occupied territory of the Autonomous Republic of Crimea (Kerch, Sevastopol, Feodosia, Yalta and Evpatoria).

In the conditions of temporary occupation of the Autonomous Republic of Crimea and Sevastopol in accordance with the order of the Ministry of Infrastructure of June 16, 2014 N 255 "On closure of seaports" it was decided to close seaports located on the peninsula, in particular Kerch, Sevastopol, Feodosia, Yalta and Evpatoria till the restoration of the constitutional order of Ukraine in the temporarily occupied territory of the Autonomous Republic of Crimea and the city of Sevastopol. Thus, it is difficult to control the safety of navigation on the Kerch-Enikal channel.

The length of the berth front of Ukrainian seaports is about 40 kilometers, and the length of the canals (Kherson Sea Canal, Buzhsko-Dnepro-Limansky Canal and the deep waterway "Danube - Black Sea") is 124.768 kilometers (40 kilometers, 8 kilometers respectively).

The largest in terms of cargo processing among Ukrainian seaports today are the seaports of Yuzhny, Mykolaiv, Odessa and Chernomorsk, which serve about 87 percent of cargo traffic (mostly privately owned businesses) of all seaports in Ukraine. The main advantage of these seaports is the availability of deep-sea approaches. Other seaports in Ukraine today can accept vessels with less draft, while the service of cargo flows is mainly provided by stevedoring companies of state ownership.

Ukraine also has a network of ferry services and sea container lines connecting Ukraine with the ports of the Black Sea basin and part of the international transport corridors (Europe-Caucasus-

Asia corridor (TRACECA), Pan-European Transport Corridor No. 9), EU-China transport routes, Silk Road Economic Belt ").

Today, the service of container lines is provided by container terminals located in the seaports of Odessa, Chernomorsk and Yuzhny, with a total capacity of 3130 thousand TEU per year.

The service of passenger and cruise ships in domestic and international traffic is carried out by sea stations in the ports of Reni, Izmail and Ust-Dunaisk (with a port in Vilkovo), as well as the passenger complex in the seaport of Odessa.

According to the results of activities in 2019, the seaports of Ukraine with a cargo processing index of 160 million tons took second place among the countries of the Black Sea-Azov basin.

47. Please provide information on and an assessment of your participation in the Black and Caspian Sea Project implemented by the European Maritime Safety Agency (EMSA)?

Since 2017 the European Maritime Safety Agency is implementing the Black and Caspian Sea Project for 8 non-EU countries including Ukraine.

Due to COVID-19 pandemic the abovementioned Project was continued till September 2022. The aim of the Project is to raise the safety, security and protection of marine environment.

During this period Ukraine as the beneficiary country of the Project has got a significant assistance in the following areas, namely flag state implementation, port state control, vessel traffic monitoring, protection of the marine environment, security of ships and port facilities, as well as the human element in maritime safety.

A huge number of trainings, seminars, studies and exercises (on the regional level, as well as bilateral) were conducted for Ukrainian officials and experts that in its turn improved their experience and competences.

It is worth noting the assistance of the European Maritime Safety Agency in the implementation and adoption of the national legislation to the EU legislation and IMO mandatory instruments.

A significant contribution to the improvement of maritime safety in Ukraine was the donation of three base stations and one central node.

48. Have you concluded any maritime transport agreements with third countries and/or are you in the process to negotiate such an agreement? If so, please provide details (third country concerned, content of the agreement, year, etc.)

International agreements concluded with non-EU countries

№	Country	Name of the international agreement	Date and place of signing	Date of entry into force
1.	Azerbaijan	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Azerbaijan on merchant shipping	22.01.2000 Baku	22.01.2000

2.	Georgia	Agreement between the Government of Ukraine and the Government of the Republic of Georgia on merchant shipping	13.04.1993 Kyiv	01.08.1994
3.	Georgia	Agreement between the Cabinet of Ministers of Ukraine and the Government of Georgia on the organization of direct international railway-ferry traffic through the ports of Ukraine and Georgia	13.09.2016 Batumi	20.04.2017
4.	USA	Agreement between the Government of Ukraine and the Government of the United States of America on certain issues in the field of maritime navigation	03.12.1992 Washington	03.12.1992
5.	Vietnam	Agreement between the Government of Ukraine and the Government of the Socialist Republic of Vietnam on merchant shipping	20.07.92	20.04.1994
6.	PRC	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Hong Kong Special Administrative Region of the PRC on maritime transport	04.09.2010 Hong Kong	03.11.2010
7.	Egypt	Agreement between the Government of Ukraine and the Government of the Arab Republic of Egypt on merchant shipping	29.03.1997 Cairo	05.10.2000
8.	Jordan	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Hashemite Kingdom of Jordan on merchant shipping	30.11.2005 Kyiv	24.01.2007

9.	Israel	Agreement between the Government of Ukraine and the Government of the State of Israel on navigation and shipping	25.11.1996 Jerusalem	17.01.2002
10.	India	Agreement between the Committee of Ministers of Ukraine and the Government of the Republic of India on merchant shipping	03.10.2002 New Delhi	15.05 003
11.	Iran	Agreement on Merchant Maritime Navigation between the Government of Ukraine and the Government of the Islamic Republic of Iran	09.07.1993 Tehran	17.01.2002
12.	PRC	Agreement between the Government of Ukraine and the Government of the People's Republic of China on maritime transport	06.09.94 Kyiv	15.04.1996
13.	Cyprus	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Cyprus on commercial maritime navigation	08.11.2012 Nicosia	04.11. 2015
14.	Cuba	Agreement between the Government of Ukraine and the Government of the Republic of Cuba on merchant shipping	29.06.1994	14.01.1995
15.	Libya	Agreement on maritime commercial navigation between the Cabinet of Ministers of Ukraine and the Main People's Committee of the Great Socialist People's Libyan Arab Jamahiriya	30.06.2003 Tripoli	18.02.2004
16.	Morocco	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of	07.12.2009 Rabati	20.06.2013

		Morocco on commercial maritime navigation		
17.	Panama	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Panama on commercial maritime navigation	04.11.2003	19.11.2004
18.	Republic of Korea	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Korea on merchant shipping Protocol of the Agreement	20.10.2005 Kyiv	20.05.2009
19.	Syrian	Agreement between the Cabinet of Ministers of Ukraine and the Government of the Syrian Arab Republic on merchant shipping	05.06.2003 Kyiv	22.07.2004
20.	Turkey	Agreement between the Government of Ukraine and the Government of the Republic of Turkey on commercial maritime navigation	27.11.1996 Ankara	20.04. 2004
21.	Turkey	Protocol between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on amendments and additions to the Agreement between the Government of Ukraine and the Government of the Republic of Turkey on commercial maritime navigation	19.06.2003 Kyiv	28.05.2004

Draft international agreements concluded with non-EU countries

№	Country	Name of the draft international agreement	State of processing
1.	Serbia	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Serbia on Cooperation in the Field of Merchant Shipping	The text of the Agreement is being agreed upon by the parties
2.	Turkey	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on Cooperation in the Field of Maritime Search and Rescue in the Black Sea	The text is being agreed upon by the parties
3.	Algeria	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the People's Democratic Republic of Algeria on Maritime Merchant Shipping	Needs confirmation of relevance for the Algerian side
4.	South African Republic	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of South Africa on Maritime Merchant Shipping	Needs confirmation of relevance for the South African side
5.	Tunisia	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Tunisia on Maritime Merchant Shipping	The text of the Agreement is being agreed upon by the parties
6.	Saudi Arabia	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Saudi Arabia on Maritime Merchant Shipping	Needs confirmation of relevance for the Saudi side

7.	Iraq	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Iraq on Maritime Merchant Shipping	Needs confirmation of relevance for the Iraqi side
8.	Indonesia	Draft Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Indonesia on Maritime Merchant Shipping	Needs confirmation of relevance for the Indonesian side

49. Do you have any cargo sharing arrangements and/or cargo sharing agreement in place with third countries and/or private companies? If so, please provide details (entity concerned, content of the agreement, year, duration etc.)

Ukraine has not ratified the “Convention on the Code of Conduct for Liner Conferences”.

Pursuant to Article 53 of the Law of Ukraine "On Inland Water Transport" Transportation of passengers and cargo in international voyages between river ports (terminals), other places of cargo operations on inland waterways of Ukraine and foreign ports (terminals) may be carried out by Ukrainian and foreign vessels (except vessels under the flag of the aggressor state, vessels whose owners or ship owners) or participants (shareholders, members) or ultimate beneficiaries of the owners or ship owners are citizens of the state recognized by Ukraine as the aggressor state or occupant state, legal entities registered on the territory of the state recognized by Ukraine as an aggressor state or an occupant state, the state recognized by Ukraine as an aggressor state or an occupant state, individuals and legal entities against which special economic and other restrictive measures (sanctions) in accordance with the Law of Ukraine "On Sanctions" are applied).

Transportation in cabotage voyages between river ports (terminals), other places of cargo operations on inland waterways of Ukraine and/or seaports (terminals) of Ukraine may be carried out by Ukrainian vessels or foreign vessels, ship owners of which are registered entities of Ukraine (except vessels under the flag of the aggressor state, vessels whose owners or ship owners or participants (shareholders, members) or the ultimate beneficiaries of the owners or ship owners of which are citizens of the state recognized by Ukraine as the aggressor state or occupant state, legal entities registered in the territory of the state recognized by Ukraine as the aggressor state or occupant state, the state recognized by Ukraine as the aggressor state or occupant state, individuals and legal

entities, against which special economic and other restrictive measures (sanctions) in accordance with the Law were applied.

The Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Croatia (Date of entry into force: 22.02.2006) on navigation on inland waterways stipulates the following. The shipping enterprises of both Contracting Parties take part in the interstate traffic on a parity basis and, if possible, evenly throughout the year. The allocation of the carriage of goods shall be on the basis of the quantity of cargo in tons per transaction. In case the shipping enterprises of one Contracting Party are unable to perform the carriage of their share of the goods, they shall propose to the shipping enterprises of the other Contracting Party that they perform that carriage without having it set off against the agreed quota. If it is not possible to perform the carriage of the agreed quantity in accordance with paragraph 3 of this article, the shipping enterprises of the Contracting Parties may permit that carriage to a third party on such terms and in such manner as the Joint Commission shall determine.

The Agreement between the Government of Ukraine and the Government of the Federal Republic of Germany on navigation on inland waterways (Date of entry into force: 01.06.1994) stipulates the following. Vessels of one contracting party may carry passengers and/or cargoes through the state territory of the other party by inland waterways, which are established by the contracting parties on the basis of a proposal of the Mixed Commission (transit traffic). Each contracting party may, after discussion in the Mixed Commission, in exceptional cases for technical reasons of navigational safety set a maximum number of vessel passages through its waterways in the transit traffic. Vessels of both contracting parties may only carry passengers and/or cargo between one of the ports of the other contracting party and a port of a third country (combination with third countries) and in the opposite direction on the basis of special permission from the responsible competent authority.

INLAND WATERWAY TRANSPORT

50. Please provide a description of the transport activities on navigable rivers, canals or lakes in the country (cargo and passenger transport – river cruises or tourist transport, etc.). For each navigable fairway, kindly indicate if such is shared with a neighbouring country, and shared, with which one.

Ukraine has a fairly high navigable potential of rivers, the length of waterways suitable for operation is about 6.2 thousand km.

Inland waterways in the Ukraine are of a considerable length (approximately Dnieper river – 1990 km, Danube river including the Deepwater Navigation Course «Danube – Black Sea» – 173 km, Dniester river – 317 km, Desna river – 520 km, Southern Buh river – 155 km, Pripyat river 60 km and other smaller) and represent a natural advantage for the development of inland waterway transport.

Deepwater Navigation Course «Danube – Black Sea» is a deep-water canal in the Danube Delta that runs through a Danube Delta distributaries Chilia, Old Istanbul and the mouth of the Bystre.

Ukraine's inland waterways include rivers identified by the European Agreement on the Most Important Inland Waterways of International Importance, in particular the Danube (E-80), Dnieper (E-40), Dniester (E-90), etc.

Along the Dnieper, Ukraine has six gateways (Kyiv, Kaniv, Kremenchug, Kamyansk, Zaporizhia, Kakhovka). Gateway is a hydraulic structure on inland waterways to ensure the transition of vessels from one water basin (beef) to another with different water levels in them.

There are 11 river ports and piers on the banks of the Dnieper and the Southern Bug (Kamensky, Dniprovsky, Zaporizhzhya, Kyiv, Kremenchug, Mykolayiv, Nikopol, Novokakhovsky, Kherson, Cherkasy, Chernihiv River ports). On the Dniester River – 1 (Mohyliv-Podilskyi), on the Danube River – 3 (ports Izmail, Reni and Ust-Dunaisk) which combine river and sea activities.

The most important types of carriage of goods in the field of inland waterway transport is transport of goods and merchandise transported by ships intended for dry and bulk freight transport and by ships intended for oil and sunflower oil transport. Approximately 14 million tons of goods is transported by inland waterways in the Ukraine. However, the potential of river transport is much greater. Potentially, about 60 million tons of cargo can be transported by the Dnieper alone.

Inland waterway and seaway passenger transport are developed secondary and are currently in the reform stage.

51. Please outline the legislation covering inland waterway transport the area. Are there any rules concerning safety, security, environmental and pollution prevention aspects of transport by sea and on lakes/ rivers? Which institution(s) is/are in charge of registration and control of ships/boats?

There is no separate legislation for the inland water transport or maritime transport sectors yet.

The following legislation covers the area of maritime and inland transport:

1. Merchant Shipping Code of Ukraine
2. Law of Ukraine «On Transport»
3. Law of Ukraine «On Ukrainian Sea Ports»
4. Law of Ukraine «On the Exclusive (Sea) Economic Zone of Ukraine»
5. Law of Ukraine «On Inland Water Transport».
6. Code of Ukraine on Administrative Offenses
7. Resolution of the Cabinet of Ministers of Ukraine «On approval of the Maritime Doctrine of Ukraine for the period up to 2035» on 07.10.2009 № 1307 amended by Resolution of the Cabinet of Ministers of Ukraine from 28.10.2020 № 1023.
8. Resolution of the Cabinet of Ministers of Ukraine « On approval of the National Transport Strategy of Ukraine for the period up to 2030» on 30.05.2018 № 430-p.
9. Decree of the Cabinet of Ministers of Ukraine from 12.05.2007 № 722 “On Measures to Improve Safety in Maritime and River Transport”.
10. Decree of the Cabinet of Minister of Ukraine from 30.06.2015 № 460 “On Approval of the Ministry of Infrastructure of Ukraine”;
11. Decree of the Cabinet of Ministers of Ukraine from 09.02.2022 № 136 On approval of the list of inland sea waters and inland waterways classified as navigable”.
12. Decree of the Cabinet of Ministers of Ukraine from 06.03.2022 № 212 “Some issues of optimizing the functioning of central executive bodies in the areas of maritime and inland water transport and shipping”.

13. Decree of the Cabinet of Ministers of Ukraine from 06.03.2022 № 227 “About the National Search and Rescue System at Sea”.

14. Decree of the Cabinet of Ministers of Ukraine from 29.02.1996 № 269 “On Approval of the Rules for Protection of Inland Sea Waters and Territorial Sea from Pollution and Fouling”.

15. Decree of the Cabinet of Ministers of Ukraine from 17.07.2019 № 670 “On approval of the Order of interaction between the state enterprise "Ukrainian Sea Ports Authority" and the State Environmental Inspectorate to ensure compliance with legislation on environmental protection in case of detection of discharge by vessels (floating craft) of pollutants within the water area of the seaport”.

16. Decree of the Cabinet of Ministers of Ukraine from 24.07.2013 № 926 “On approval of the Procedure for participation of stevedoring companies, owners (users) of marine terminals in the plan development of localization and elimination of accidents (disasters), purchase, maintenance of equipment, devices and mechanisms, reimbursement of the costs of accidents in the territory and water area of the seaport”.

17. Decree of the Cabinet of Ministers of Ukraine from 24.07.2013 № 670 “On Approval of the Procedure of Provision of Assistance by Central and Local Executive Authorities to the Ukrainian Sea Ports Authority, Owners of Marine Terminals, Port Operators in Elimination of Consequences of Natural Disasters, Accidents and Disasters, as well as in Prevention of Illegal and Unauthorized Interference in Port Activities”.

18. Decree of the Cabinet of Ministers of Ukraine from 11.07.2013 № 548-p (amended by the Decree of the Cabinet of Ministers of Ukraine from 23.12.2020 № 1634-p) “On approval of the Strategy of Development of Sea Ports of Ukraine for the period up to 2038”.

19. Order of the Ministry of Transport and Communications of Ukraine dated on 29.05.2006 No 514 ‘On Approval of the Regulations on the Navigational and Hydrographic Support of Navigational Safety in the Internal Waters, Territorial Waters and Exclusive Economic Zone of Ukraine’ registered by the Ministry of Justice of Ukraine on 14.06.2006 No 708/12582.

20. Order of the Ministry of Transport and Communications of Ukraine dated on 09.07.2001 No 420 ‘On Appointment of the Navigation Warning National Coordinator and Its Regulations Approval’ registered by the Ministry of Justice of Ukraine on 09.10.2001 No 870/6061.

21. Order of the Ministry of Infrastructure of Ukraine dated on 25.04.2012 No 221 ‘On Establishment of the Unified Supermarine Monitoring System Using the Automated Identification System (AIS) in the Black Sea and the Sea of Azov within the Zone of Responsibility of Ukraine’, as amended by the Order of the Ministry of Infrastructure of Ukraine dated on 18.08.2017 № 284.

22. Order of the Ministry of Infrastructure of Ukraine dated on 08.05.2013 № 294 ‘On Approval of the Procedure for Services Provision in the Navigational, Hydrographic and Charting Support of Navigation in the Sea Ports of Ukraine’ registered by the Ministry of Justice of Ukraine on 29.05.2013 No 834/23366.

23. Order of the Ministry of Transport of Ukraine dated on 20.11.2003 No 904 ‘On Approval of the Regulations on the Safety Management System for the Maritime and River Transport’ registered by the Ministry of Justice of Ukraine on 19.12.2003 № 1193/8514.

24. Order of the Ministry of Infrastructure of Ukraine dated on 27.05.2013 No 316 ‘On Approval of Procedure of Port Charges and Duties Rates and Levying and Procedure of Inventory and Use of the Resources Proceeded from the of Port Charges and Duties’ registered by the Ministry of Justice of Ukraine on 12.06.2013 No 930/23462.

25. Order of the Ministry from 26.07.2016 № 250 "On-laying duties to recognized organizations in the security of ships and port facilities at sea", registered with the Ministry of Justice of Ukraine 15.08.2016 under № 1133/29263.

26. Order of the Ministry from 03.12.2007 № 1095 "On the procedure for approval of security assessments plans for port facilities and the issuance of the Acts of compliance of port facilities", registered in the Ministry of Justice of Ukraine 19.12.2007 under № 1380/14647.

27. Order of the Ministry from 27.03.2013 № 198 "On the procedure for security of sea and river ports", registered in the Ministry of Justice of Ukraine 22.04.2013 under № 654/23186.

28. Order of the Ministry from 25.08.2011 № 339 " On Approval of the Model Provision on the Port Marine Safety Service", registered with the Ministry of Justice of Ukraine 26.10.2011 under № 1233/19971.

29. Order of the Ministry from 15.04.2013 № 220 "On Approval of the Model Provision on the Seaport Security Detachment", registered in the Ministry of Justice of Ukraine 10.06.2013 under № 922/23454.

30. Order of the Ministry from 18.12.2019 № 871 "On approval of the composition of the Commission for approval of security assessments and plans for ports and port facilities".

31. Order of the Ministry from 28.09.2020 № 588 "On approval of the List of port facilities, covered by the ISPS Code".

32. Order of the Ministry from 08.02.2016 № 48 "On approval of the List of ports for which port security officer assigned (Head of Maritime Security Service) and for which conducting the port security assessment and developing port security plan", registered in the Ministry of Justice of Ukraine 01.03.2016 under № 317/28447.

33. Order of the Ministry from 22.09.2015 № 379 «On approval of the Regulations on the National Center for LRIT System», registered in the Ministry of Justice of Ukraine 07.10.2015 under № 1214/27659.

34. Order of the Ministry of Infrastructure from 21.08.2013 № 631 "On approval of the Procedure for providing services to prevent and eliminate spillage of pollutants in Ukrainian sea ports", registered by the Ministry of Justice of Ukraine on 06.09.2013 № 1533/24065.

The institution in charge of registration and control of ships/boats is State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine.

The competent public administration authority for maritime and inland waterway transport is the Ministry of Infrastructure of Ukraine and State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine.

Ministry of Infrastructure is a state central body which provides formation and implementation of state policy in the field of maritime transport and on issues related to transportation safety, merchant shipping and navigational/hydrographic support for vessels. Develops and approves regulations on merchant shipping, instructions, rules of transportation of cargo and passengers that are mandatory for all businesses and individuals.

State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine is a state central body of executive power, directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Infrastructure of Ukraine that implements state policy in areas of safety and security of maritime and river transport (merchant shipping, navigation on inland waterways, navigation and hydrographic support of navigation).

The main tasks of the Shipping Administration are:
fulfillment of certain functions for the implementation of state policy in the areas of maritime and river transport:
merchant shipping; navigation on inland waterways;
navigation and hydrographic support of navigation;
safety in sea and inland waterways transport;
implementation of state supervision (control) over the safety of sea and inland waterways transport, merchant shipping, shipping on inland waterways, navigation and hydrographic support of navigation;
provision of administrative services in the field of maritime and river transport.
The Shipping Administration exercises its powers directly and through territorial bodies.

The Shipping Administration acts on the basis:

- Law of Ukraine «On Transport»
- Resolution of the Cabinet of Ministers of Ukraine dated 06.03.2022 № 212 “Regulations on the State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine”
- Order of the Ministry of Transport of Ukraine "On approval of the Instruction on inspection of vessels sailing (operated) on the inland waterways of Ukraine" of April 19, 2001 № 225.

52. Kindly provide a brief description about the vessel fleet involved in inland waterway transport (type of vessel, type of cargo, capacity etc.). Please indicate the port(s) and port facilities for inland waterway ports.

On March 2022, the number of ships under Ukrainian flag involved in:

inland navigation – 809;
mixed navigation (marine-inland) – 154

By categories:

tugboat (including pushers) 142
passenger vessels 75
cargo vessels 340
other technical vessels 147
other 113
total: 817.

There are 11 river ports and piers on the banks of the Dnieper and the Southern Bug (Kamensky, Dniprovsky, Zaporizhzhya, Kyiv, Kremenchug, Mykolayiv, Nikopol, Novokakhovsky, Kherson, Cherkasy, Chernihiv river ports). On the Dniester river – 1 (Mohyliv-Podilskyi), on the Danube river – 3 (ports Izmail, Reni and Ust-Dunaisk) which combine river and sea activities, as well as the ferry crossing in Orlivka. In addition, there are many small cargo and passenger piers.

The most important types of carriage of goods in the field of inland waterway transport is transport of goods and merchandise transported by ships intended for dry and bulk freight transport and by ships intended for oil and sunflower oil transport.

53. According to which technical requirements are the vessels of the domestic inland navigation fleet certified? Is there a legislation laying down technical requirements for inland

waterway vessels (cf. Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016)

Technical requirements applied to the Ukrainian inland navigation vessels are as follows:

1. Recommendations on harmonized europe-wide technical requirements for inland navigation vessels, Resolution 17 and Resolution 61 adopted by the Working Party on Inland Water Transport of UN ECE.

2. Recommendations concerning technical requirements for inland navigation vessels adopted by Danube Commission.

3. Rules for classification and construction of inland navigation vessels developed and apply to the classified vessel by national classification society Shipping Register of Ukraine. This Rules full harmonized with Resolutions UN ECE, Recommendations DC and technical requirements referred to in Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC.

The Law of Ukraine on Inland Water Transport stipulates that the Central Authority of executive power ensuring development of state policy in the area of inland water transport (Ministry of Infrastructure of Ukraine) develops and approves technical requirements for inland navigation vessels, procedure for technical supervision of vessels. The above-mentioned regulations will implement into national legislation the technical requirements that are specified in Directive (EU) 2016/1629.

54. Is there a legislation on professional qualifications in inland navigation (Directive (EU) 2017/2397 as amended by Directive (EU) 2021/1233)?

The Ukrainian legislation at the highest level implements the main norms of the EU Directive 2017/2397 on the qualification of personnel of inland navigation vessels: article 30 of the Law of Ukraine "On Inland Water Transport", requirements for crew members are devoted to this issue. This article, in particular, fixes the rules on:

- 1) qualification certificates of a member of the deck crew of an inland navigation vessel;
- 2) special permits of captains to operate ships - on which liquefied natural gas is used as fuel;
 - sailing in conditions of limited visibility with the help of radar;
 - sailing by sea waterways classified as navigable;
 - sailing in waterways that pose a particular risk to navigation;

3) mandatory availability of service books;

4) the obligation to undergo preliminary and periodic medical examinations and obtain a confirmatory medical certificate, etc.

A separate implementation order of the Ministry of Infrastructure No. 55 dated 01/28/2022 "Some issues of maintaining the logbook of an inland navigation vessel" was adopted. The form of the ship's logbook corresponds to the form established by CESNI resolution - annex to resolution 2019-II-5 – «Ship's log standards»

Currently, with the participation of European technical assistance experts, the development of another order on detailed requirements for crew members of inland navigation vessels, the process of obtaining qualification documents and the forms of these documents continues.

55. Are there any specific rules on working conditions of seafarers? If yes, what are the rules (if any) on working hours and rest, paid annual leave, keeping records of working time, protection of seafarers' health as well as age limits (Directive 1999/63/EC and Directive 2009/13/EC as amended by Directive 2018/131)?

General professional requirements for inland waterways are set up by the Law of Ukraine "On Inland Waterway Transport". These requirements are in compliance with the Directive (EU) 2017/2397 of the European Parliament and of the Council of 12 December 2017 on the recognition of professional qualifications in inland navigation.

Minimum entry requirements for crew, serving on board maritime vessels, specified in SCTW Convention and SCTW Code, which were ratified by Ukraine. Also, national provisions specified in the Order of the Ministry of Infrastructure of Ukraine dated August 07, 2013 № 567 "On approval of the Regulations on the rank of officers of sea vessels and the procedure for their assignment".

The working time of crew members is regulated by the Regulations on working hours and time of rest of crew members of sea and river transport of Ukraine, adopted by the order of the Ministry of Infrastructure of Ukraine № 135 dated 29.02.2012.

According to this Regulation, the duration of daily rest of crew members of seagoing vessels and inland waterway vessels should be from 12 to 16 hours, depending on the established duration of watches (ship work). During the daily rest of the crew members are breaks between individual shifts according to the established schedules agreed with the relevant elected body of the primary trade union organization, and in its absence - with the authorized representative body of the labor collective, with one of the breaks must provide eight hours of uninterrupted rest.

Manning issues on maritime and inland water transport are regulated by the procedure for determining the minimum safe manning, adopted by the order of the Ministry of Infrastructure of Ukraine № 575 dated 10.11.2014.

Ukrainian competent authorities responsible for enforcing the relevant legislation and requirements are:

Ministry of Education and Science of Ukraine;

Ministry of Infrastructure of Ukraine;

State Service for Maritime, Inland Waterway Transport and Shipping of Ukraine;

Inspectorate for Training and Certification of Seafarers.

56. Are there any specific rules on working conditions of inland waterways workers? If yes, who is covered by those rules? What are the rules (if any) applicable to working time, paid annual leave and to night shifts, rest periods, seasonal work and recording of working time and protection of workers' health (Directive 2014/112/EU)?

The working time of crew members is regulated by the Regulations on working hours and time of rest of crew members of sea and river transport of Ukraine, adopted by the order of the Ministry of Infrastructure of Ukraine № 135 dated 29.02.2012.

According to this Regulation, the duration of daily rest of crew members of seagoing vessels and inland waterway vessels should be from 12 to 16 hours, depending on the established duration of watches (ship work). During the daily rest of the crew members are breaks between individual shifts according to the established schedules agreed with the relevant elected body of the primary trade

union organization, and in its absence - with the authorized representative body of the labor collective, with one of the breaks must provide eight hours of uninterrupted rest.

Also the issues of standardization of working hours and wages are regulated by the general labor legislation in Ukraine.

Access to Market and Professions

57. Is there any legislation relating to the provision of port services (e.g. passenger and cargo handling, bunkering, tug vessels) for maritime ports?

According to the second part of Article 19 of the Law of Ukraine "On Sea Ports of Ukraine" the Rules of providing services at sea ports of Ukraine are approved by the Order of the Ministry of Infrastructure of Ukraine from 05.06.2013 № 348.

58. Are there any requirements regarding access to the profession of carrier of passengers and/or goods by inland waterways (cf. Directive 87/540/EC)?

The norms for the carrier by inland waterways are introduced into the legislation by Article 55 of the Law of Ukraine "On Inland Water Transport", especially the requirements for the professional competence of the carrier by inland waterway transport. The requirement to have a specialist carrier applies to carriers carrying goods by inland waterways on ships with a deadweight of 200 tons or more at maximum draft.

We note that in the Ukrainian inland fleet there have always been positions with the qualification of a manager-manager, which is an analogue of a carrier specialist in the sense of Directive 87/540 / EC.

Inland transport of dangerous goods (road, rail, inland waterways)

59. Is there legislation concerning inland (road, rail or inland waterway) transport of dangerous goods or transportable pressure equipment (Directives 2008/68/EC; 95/50/EC and 2010/35/EU)? Are the international rules provided for in ADR Agreement, in RID Regulations and, if applicable, in ADN European Agreement applied to national carriage of dangerous goods?

The transportation of dangerous goods is stipulated by the following regulations:

- Law of Ukraine "On Carriage of Dangerous Goods";
- Resolution of the Cabinet of Ministers of Ukraine dated 31.10.2007 No. 1285 "Procedure of special training of workers of dangerous cargo transportation subjects";
- Order of the Ministry of Infrastructure of Ukraine dtd. 04.04.2017 No. 126 "On Approval of Rules of Carriage of Dangerous Goods by Inland Waterways of Ukraine", registered in the Ministry of Justice of Ukraine dtd. 28.04.2017 under Ref. No. 556/30424;

- Rules of transportation of bulk cargoes, approved by the order of the Ministry of Transport of Ukraine dtd. 18.04.2003 No. 299, registered in the Ministry of Justice of Ukraine on 07.07.2003 under Ref. No.558/7879 (with changes);
- Rules of dangerous goods transportation, approved by the order of the Ministry of Transport of Ukraine dtd. 25.11.2008 No.1430, registered in the Ministry of Justice of Ukraine on 26.02.2009 under Ref. No.180/16196 (with changes);
- Safety rules and procedure for liquidation of consequences of emergency situations with dangerous cargoes during transportation by railway transport, approved by the Order of the Ministry of Transport of Ukraine dtd. 16.10.2000 No.567, registered in the Ministry of Justice of Ukraine on 23.11.2000 under Ref. No. 857/5078(with changes);
- Order of the Ministry of Infrastructure of Ukraine and the Ministry of Internal Affairs of Ukraine dtd. 12.05.2015 No.166/550 "On Approval of the Procedure of Inspection of Dangerous Goods Tanks", registered in Ministry of Justice on 05.06.2015 under Ref. No. 663/27108;
- Order of the Ministry of Internal Affairs of Ukraine dated 04.08.2018 No. 656 "On approval of certain normative-legal acts on road transportation of dangerous cargoes", registered in the Ministry of Justice of Ukraine on 11.09.2018 under Ref. No. 1041/32493;

The normative-legal acts are developed taking into account the European and international legislation as follows:

International Maritime Dangerous Goods Code (IMDG);

European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN);

European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR);

Regulation concerning the International Carriage of Dangerous Goods by Rail (RID);

Regulations for dangerous goods transportation by rail and others.

60. How and by whom is this legislation enforced? What are the scope and frequency of these controls? How many vehicles are subject to daily controls?

Competent body of Ukraine in terms of transportation of dangerous goods is the Ministry of infrastructure of Ukraine, except of road transportation of dangerous goods, which belongs to the competence of the Ministry of Internal Affairs of Ukraine.

Competence of competence body on the physical protection of a nuclear material and nuclear units according to the Convention of the physical protection of nuclear material and nuclear units; on the issues of safe transportation of radioactive materials – according to the rules of nuclear and radiation safety during transportation of radioactive materials; on issues of emergency notification and provision of information concerning nuclear emergencies – it is in the scope of competence of the State inspection of nuclear regulation of Ukraine.

Provision of control over road safety during road transport of dangerous goods, compliance with the legislation, is conducted by the National police (conducted on a continuous basis within control over road safety).

Control over compliance with the legislation in the field of transportation of dangerous goods (except of road transport of dangerous goods), is conducted by the state service of Ukraine on

transport safety (it is executed during raid checks, measures of state supervision (control) – scheduled and unscheduled checks).

Regulative acts of Ukraine, inter alia, contain requirements to availability, level of training and periodic training of an authorized person/advisor on the issues of transportation of dangerous goods and to the staff, the competence of which includes issues of transportation of dangerous goods and connected types of activity.

MULTIMODAL AND INTERMODAL (COMBINED) TRANSPORT

61. What is the current volume of multimodal and intermodal (combined) transport involving rail, inland waterways or short sea transport combined with road transport?

In 2021, 472239 TEU were transported by rail in Ukraine, which is 11.1% more than the volume of container traffic for the same period in 2020 and is 2.1% of the total volume of freight transported by rail. Of these volumes of transported containers, the most transported in the export connection - 175770 TEU.

In order to consolidate freight flows, increase traffic, speed up the delivery and storage of goods in containers in 2021, more than 90 container trains ran, of which 17 trains – international.

In 2021, 224888 TEU were transported through the territory of Ukraine as part of container trains, which is 3% less than in 2020 (230784 TEU) and is 48% of the total volume of transported containers through the territory of Ukraine.

In 2021, 1,023,000 containers were handled by Ukrainian seaports. Of them:

- Export - 477.8 thousand containers;
- Import - 500, 8 thousand containers;
- Transit - 43, 5 thousand containers

Most containers were processed in the following seaports of Ukraine:

- Odesa port - 490.8 thousand containers;
- Pivdennyi port - 280, 7 thousand containers;
- Chornomorsk port - 111, 6 thousand containers.

62. Are there any existing promotion measures/instruments available for national/international intermodal (combined) transport (see also Combined Transport Directive 92/106/EEC), such as:

- a) **Granting of subsidies for intermodal (combined) transshipment terminals;**
- b) **Granting of operational subsidies either to shippers and logistics companies or to any of the transport operators involved in the intermodal (combined) transport;**
- c) **Exemption from general restrictions imposed on road transport (driving ban, maximum authorised weights and dimensions etc.) when performing combined transport operations;**
- d) **Specific fiscal treatment**

On 17th November 2021, the Law of Ukraine “On Multimodal Transport” was adopted, which implements the EU Council Directive 92/106 /EEC of 07th December 1992 “On establishing common rules for certain types of combined transport of goods between Member States”, aimed at

improving the legal regulation of organizational and legal bases of multimodal cargo transportation in Ukraine, as well as their state support, the Law is of a framework nature, its implementation will reduce the use of road transport by reorienting a significant part of road transport (long distances) to the use of cleaner modes of transport, which will create the conditions for strengthening and maintaining public health, reducing air pollution.

Along with the adoption of the Law of Ukraine "On Multimodal Transportation", a draft Law "On Amendments to the Tax Code of Ukraine in connection with the adoption of the Law of Ukraine "On Multimodal Transportation" is currently being developed together with the interested central executive bodies. The draft law provides for subsidies for combined transport terminals with special requirements for such terminals (a), provision of operating subsidies (b) and specific fiscal regime (d) to stimulate the development of such terminals, as well as exemption from general restrictions on road transport in combined transport operations (c), such as the maximum permissible weight of the vehicle and the fare.

Digitalisation of maritime transport & logistics

63. Are there any legal provisions enabling economic operators to use electronic transport information or documents to prove compliance with applicable legal requirements for the transport of goods (see Regulation on electronic freight transport information EU No 2020/1056)?

There is no comprehensive document similar to EU Freight Electronic Information Regulation 2020/1056. But the provisions applicable in the said Regulations are contained in the following regulatory enactments:

- Order of the Ministry of Infrastructure of Ukraine No. 301 dated May 07, 2020 approved the Procedure for implementation of the pilot project for the introduction of electronic document management of the electronic consignment note
- Order of the Ministry of Transport and Communications of Ukraine dated 01.11.2010 No. 800 approved the Procedure of electronic carriage document application for the transportation of goods by rail
- Standard technological scheme of crossing the state border of persons, road, water, rail and air vehicles of carriers and their goods approved by the Decree of the Cabinet of Ministers of Ukraine on 21.05.2012 № 451, provides for the use of electronic interaction information systems - commercial, port or transport information systems that comply with the legislation on electronic document management and allow state agencies and business entities to accumulate, verify, process, store, transmit in electronic form information and documents about persons, goods and vehicles moved by them and to exchange such information and documents by technical and software means. Structure and format of data exchange, forms of electronic documents, technological conditions of creation, implementation and operation, procedures and conditions of connection and use of electronic interaction information systems shall be determined by the owners of the mentioned systems by means of entering into agreements on information exchange and relevant protocols with the port community members. If the data and documents will be used by the participants of the port community - state bodies, implementing the state policy in the relevant area, the structure and format of data exchange, forms of electronic documents shall be coordinated with the mentioned state bodies.

If the relevant information system of electronic interaction will be used for the implementation of the requirements of the Convention on Facilitation of International Maritime Navigation, 1965 on the arrival or departure of ships, the structure and format of data exchange, forms of electronic documents shall be coordinated with the State Enterprise "Ukrainian Sea Ports Authority".

64. Are there any legal provisions establishing a legal and technical framework for the electronic transmission of information in relation to reporting obligations for port calls (see Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU) ?

There is no comprehensive document similar to Regulation (EU) 2019/1239. But the provisions applicable in the said Regulations are contained in the following regulatory enactment:

- Standard technological scheme of crossing the state border of persons, road, water, rail and air vehicles of carriers and their goods approved by the Decree of the Cabinet of Ministers of Ukraine on 21.05.2012 № 451, provides for the use of electronic interaction information systems to exchange information and documents in electronic form required to make a decision on the possibility of applying free practice to the vessel. (documents stipulated by the Convention on the Facilitation of International Maritime Navigation, 1965 and the International Health Regulations, 2005);

- Order of the Ministry of Infrastructure of Ukraine No. 430 dated June 27, 2013 approved the Procedure for registration of vessels' calls at the seaport, granting permission for departure of vessels to the sea and registration of vessels' departure from the seaport. The possibility of providing certain information to the Harbour Master of seaport by e-mail is provided for inland or intermodal vessels.

AIR TRANSPORT

65. Are there any plans in place concerning establishment or expansion of national air carriers?

Establishment of the national air carrier is envisaged by the clause 216 of the Action plan for execution of the State programme for stimulation of economy and for eradication of negative consequences, cause by restrictive measures on prevention for origination and spread of the COVID-19 acute respiratory disease, caused by the SARS-CoV-2 coronavirus for 2020-2022, approved by the Resolution of the Cabinet of Ministers of Ukraine dd. 27/05/2020 No 534. Currently the order of the Ministry of Infrastructure of Ukraine No 636 dd. 24/11/2021 was issued with amendments, made by the order of the Ministry of Infrastructure of Ukraine No 641 dd. 26/11/2021 "On establishment of the Joint Stock Company "Ukrainian National Airlines". Order envisages establishment of the joint stock company, one hundred percent of shares of which belongs to the state, represented by the Ministry of infrastructure, with the planned charter capital of 500 000,0 thousand UAH.

On 02/12/2021 the Law of Ukraine No 1931-IX "On Amendments to the Annexes No 1 and No 3 to the Law of Ukraine "On the State Budget of Ukraine for 2021"" (concerning implementation of infrastructure projects and development of the sites of social and cultural field), that made amendments to the distribution of expenses of the State budget of Ukraine for 2021. It envisaged

expenses for the Ministry of Infrastructure according to the budget programme 3101380 “Establishment of the charter capital of the joint stock company that executes tasks and functions of the national air carrier” for the sum of 500 000,0 thousand UAH.

Implementation of the long-term large-scale project "National Air Carrier" is provided by the decision of the National Security and Defense Council of Ukraine of June 4, 2021 "On the development of the aircraft industry of Ukraine", enacted by Presidential Decree of June 24, 2021 № 268/2021.

In terms of certification of the national air carrier as an aircraft operator, the requirements and certification procedures are no different from the requirements and certification procedures of other Ukrainian operators performing commercial transportation and defined in the Air Code of Ukraine and Aviation Regulations of Ukraine “Technical requirements and administrative procedures related to air operations in civil aviation”, approved by the Order of the State Aviation Administration of Ukraine dated 5 July, 2018 No. 682 and registered by the Ministry of Justice of Ukraine on 27 September, 2018 under No. 1109/32561 (implements to provisions of the Commission Regulation (EU) No. 965/2012 of 5 October 2012) as well as the corresponding acceptable means of compliance (AMC), guidance material (GM) and certification specifications (CS).

Access to market and profession

66. How and by whom are airport charges set? Are they set in a transparent and non-discriminatory manner? Are they cost related? Are there any consultation mechanisms with interested parties such as airport users and airport managing bodies?

In the field of airport and similar charges, Ukraine adheres to the rules set out in Article 15 of the "Airport and similar charges" of the Convention on International Civil Aviation.

The mechanism for establishing state-regulated airport charges in Ukraine, namely: aircraft landing-take-off fee, passenger service fee at the airport, aviation security fee and over-parking fee, is in line with ICAO policy set out in Doc 9082 «ICAO’s Policies on Charges for Airports and Air Navigation Services» ICAO Airport and Air Navigation Fees Policy and Doc 9562 «Airport Economics Manual».

In the formation and establishment of these charges, Ukraine adheres to the basic principles of ICAO policy on airport fees: non-discrimination, the formation of airport fees on the basis of costs, transparency, consultation with users. These principles are enshrined in the national legislation of Ukraine.

According to the Law of Ukraine on Prices and Pricing, airport and air navigation charges are state regulated prices.

According to the resolution of the Cabinet of Ministers of Ukraine of December 25, 1996 № 1548 "On establishing the powers of executive bodies and executive bodies of city councils to regulate prices (tariffs)" (as amended) The Ministry of Infrastructure of Ukraine establishes in agreement with the Ministry of Economy of Ukraine:

airport charges in foreign currency for the service of aircraft and passengers at the airports of Ukraine (landing - takeoff of the aircraft, passenger service at the airport, excessive parking of the aircraft, aviation security).

Mentioned airport fees are approved by the corresponding orders of the Ministry of infrastructure of Ukraine, coordinated with the Ministry of Economy of Ukraine and are registered in the Ministry of Justice of Ukraine:

- Order of the Ministry of transport and communication of Ukraine No 433 dd. 14/04/2008, registered in the Ministry of Justice of Ukraine on May 14, 2008 under the No 408/15099 “On establishment of airport fees for maintenance of aircraft and provision of services to passengers in the airports of Ukraine and amendments to the order of the Ministry of transport No 352 dd. 06/07/99”;

- Order of the Ministry of transport and communication of Ukraine No 337 dd. 26/03/2008, registered in the Ministry of Justice of Ukraine on April 22, 2008 under the No 349/15040 “On Establishment of airport fees for maintenance of aircraft and passengers in the state enterprise “International Airport “Boryspil””.

Rates of airports fees are approved individually for each airport of civil aviation, they are transparent and non-discriminatory and are connected with the price.

According to the order of the Ministry of Transport and Communications of Ukraine dated 14.04.2008 № 433 with the aim to stimulate airlines as commercial partners of airports reduction factors to the maximum fee can be applied by the decision of the airport director (for scheduled flights - up to 0.2, for charter flights - up to 0.7), taking into account economic efficiency and in compliance with the requirements of the legislation on protection of economic competition, as well as taking into account the ticket price.

Consultation mechanisms with the stakeholders, such as airport users and airport management bodies is prescribed by new Procedure recently drafted to comply with the Directive 2009/12/EC of 11 March 2009 on airport charges.

67. What are the insurance requirements in the air transport sector?

As provided by the Article 117 of the Air Code of Ukraine, obligatory aviation insurance of civil aviation is carried out in Ukraine in accordance with the Procedure and rules of obligatory aviation insurance of civil aviation (as amended), approved by the Cabinet of Ministers of Ukraine dated 06.09.2017 № 676, which meets the requirements of the Convention for the unification of certain rules for international carriage by air signed in Montreal on 28.05.1999 (Montreal Convention) and Regulation (EC) № 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators, Commission Regulation (EU) No 285/2010 of 6 April 2010 amending Regulation (EC) № 785/2004 of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators (except for limits on third party liability during flights within Ukraine, but for international flights it corresponds).

Technical and social standards

68. Is airport management separate from airport ownership?

According to Article 1 of the Air Code of Ukraine, the airport operator is a legal entity that is the holder of the aerodrome certificate and has a certificate for the right to carry out ground administration activities at the airport.

According to the first part of Article 70 of the Air Code of Ukraine, the airport operator provides reception and dispatch of aircraft, organization of ground handling of aircraft, passengers, crews, luggage, cargo and mail, must have an aerodrome, facilities, equipment, machinery, personnel and may include the objects of the air traffic management system, meteorological service, helipads, access tracks with diversion lanes, social sphere objects and other constructions and objects are located on its territory.

Article 73 of the Air Code of Ukraine provides that if an airport or civil aerodrome is not used for its intended purpose, the aerodrome is not certified for more than three years, the state has the right to forcibly alienate and transfer the airport, civil aerodrome is owned by individuals or legal entities, to state ownership or terminate the lease, concession, management agreement with these individuals and legal entities. The decision to liquidate, change the form of ownership of airports, civil airfields in terms of compliance with the above requirements is made in accordance with the law.

The Ministry of Infrastructure of Ukraine manages two international airports (Kyiv (Boryspil) and Lviv), which are state-owned enterprises.

Most international airports are owned by local communities.

The international airports of Kharkiv, Odesa and Dnipro were transferred by territorial communities to the management of private enterprises.

69. How are aviation safety requirements implemented and applied in the field of design, production, operation, maintenance of aircraft, parts and appliances and persons and organisations involved in the design, production, maintenance and operation of such products, parts and appliances, as well as certification of aerodromes and air navigation service providers?

The requirements with respect to aviation safety are introduced into the regulatory framework through the Air Code of Ukraine and corresponding legislative acts. Those legislative acts are adapted versions of the EU Implementing Rules. For the implementation and application of abovementioned aviation rules the related Acceptable Means of Compliance (AMC), Guidance Material (GM) and Certification Specifications (CS) are adopted. Some of them adopted as original documents published by EASA in English. The Aviation Rules of Ukraine are adopted by the orders of the State Aviation Administration of Ukraine (SAAU) and then registered by the orders of the Ministry of Justice of Ukraine, which makes them binding to the aeronautical industry and individuals. The AMC, GM and CS are adopted by the order of State Aviation Administration of Ukraine.

1) Production and design are regulated by the Article 13 of the Air Code of Ukraine and the following legislative act:

Aviation rules of Ukraine, Part 21 “Certification of aircraft and related products, parts and appliances, and of design and production organizations” (ARU-21(Part-21)) adopted by the Order of SAAU No 529 dated 03.08.2019 (based on Commission Regulation (EU) No 748/2012)

2) Maintenance and continuing airworthiness including the organisations and the personnel involved in those tasks are regulated by Articles 13, 42 and 49-53 of the Air Code of Ukraine and the following legislative act:

Aviation rules of Ukraine “On the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks” adopted by the Order of SAAU No 286 dated 06.03.2019 (based on Commission Regulation (EU) No 1321/2014)

3) Operations are regulated by Articles 13, 108 and 109 of the Air Code of Ukraine and the following legislative act:

Aviation rules of Ukraine “Technical requirements and administrative procedures related to air operations in civil aviation” adopted by the Order of SAAU No 682 dated 05.07.2018 (based on Commission Regulation (EU) No 965/2012)

4) Aircrew is regulated by the Articles 49-61 of the Air Code of Ukraine and the following legislative act:

Aviation rules of Ukraine “Technical requirements and administrative procedures for civil aviation aircrew” adopted by the Order of SAAU No 565 dated 20.07.2017 (based on Commission Regulation (EU) No 1178/2011)

5) Aerodromes are regulated by the Articles 64 and 65 of the Air Code of Ukraine and the following legislative acts:

Aviation Rules of Ukraine “Technical requirements and administrative procedures for aerodromes certification” adopted by the Order of SAAU No 849 dated 06.11.2017 (based on Commission Regulation (EU) No 139/2014).

“Aerodromes certification Rules” adopted by the Order of SAAU dated 01.04.2021.

6) Air Navigation Service Providers (ANSPs) are regulated by the Articles 5, 13 and 34 the Air Code of Ukraine and the following legislative acts:

Rules for certification of organizations that provide air navigation services, adopted by the order of the Ministry of Transport and Communications of Ukraine No 42 dated 22.01.2007 (Rules for certification)

Rules on safety oversight in air traffic management system, adopted by the order of the Ministry of Transport and Communications of Ukraine No 320 dated 31.05.2010 (Regulation on safety oversight).

On 30.12.2022 Rules for certification and Regulation on safety oversight will be repealed by the Aviation rules of Ukraine “Requirements for air navigation services providers, flight procedure design service providers, DAT service providers and their certification and oversight”, approved by the order of the State Aviation Administration of Ukraine No 700 dated 30.04.2020 (Requirements for ATM/ANS providers), that are specifically compatible with the Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.

According to the provisions of the “Agreement between the Government of the Slovak Republic and the Cabinet of Ministers of Ukraine on determining the conditions of use the designated part of the airspace of the Slovak Republic in relation to the provision of air traffic services by the designated Ukrainian air navigation services provider at Uzhhorod International Airport” (hereinafter – Agreement), Ukrainian State Air Traffic Services Enterprise (UkSATSE) is the ANSP certified by the EUROPEAN UNION AVIATION SAFETY AGENCY (EASA) as an ANSP fully compliant with the requirements of the EUROPEAN COMMISSION IMPLEMENTING REGULATION (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.

According to the Agreement, UkSATSE is designated as the air traffic management/air navigation service provider by the Ministry of Transport and Construction of the Slovak Republic for the provision of air traffic services, communication, navigation and airspace management (tactical level) services in the designated part of the airspace of the Slovak Republic.

70. Which body is responsible for exercising regulatory control for aeronautical products, persons, organisations, aerodromes and air navigation service providers?

In accordance with the Articles 5 and 11 of the Air Code of Ukraine the authorized body in the field of civil aviation is responsible for accomplishment of the state regulation of the activities in the field of civil aviation including the adoption of the aviation rules of Ukraine and certification of the aeronautical entities.

The aviation rules of Ukraine are binding for all legal and natural persons on the territory of Ukraine and entities of Ukraine involved in aviation activity abroad.

The State Aviation Administration of Ukraine is the authorized body in the field of civil aviation in accordance with the Decree of the Cabinet of Ministers No 520 from 08 October 2014 “On Establishment of the State Aviation Administration of Ukraine”.

The State Aviation Administration of Ukraine is the authorized body for the development, adoption and implementation of aviation rules of Ukraine.

71. Which body is responsible for their oversight and for enforcing aviation safety requirements?

In accordance with Articles 5 and 10 of the Air Code of Ukraine, the authorized body in the field of civil aviation carries out continued oversight and inspections for compliance with the requirements established by the legislation, including the aviation rules of Ukraine and is responsible for any enforcement action including limitation, suspension and revocation of the certificates and approvals for any aviation activity. In addition, the authorized body in the field of civil aviation is empowered to fine the aviation entities.

72. What is the legislation in force on accident investigation and is there any mandatory accident and incident reporting?

Investigation of accidents and serious incidents is regulated by Articles 119-125 of the Air Code of Ukraine and the National Bureau of Air Accidence Investigation of Ukraine Manual of accidents and incidents investigation. The National Bureau of Air Accidents Investigation of Ukraine was established in accordance with Article 9 of the Air Code of Ukraine by the Resolution of Cabinet of Ministers of Ukraine dated 21.03.2012 N 228.

Occurrence reporting is regulated by Articles 21-22 of the Air Code of Ukraine and Aviation Rules of Ukraine "Order of reporting, analysis and follow-up of occurrences in Civil Aviation". The Rules are based on Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 and Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 and are approved by the order of the State Aviation Administration of Ukraine No. 1817 dated 27 December 2019 and are registered by the Ministry of Justice of Ukraine No. 352/34635 dated 17 April 2020.

73. Are there measures to monitor and limit noise and emissions levels around airports (i.e. noise zoning, land-use rules) and to contain or reduce air pollution resulting from air transport activities?

In Ukraine, to establish the foundations of aviation noise management at airports adopted Aviation Rules of Ukraine of March 26, 2019 #381 of Requirements for the aerodrome operator for spatial zoning of the area around the airport from the effects of aviation noise, based on the Directive 2002/49/EC of the European Parliament and of the assessment and management of environmental noise.

In accordance with the requirements of the Aviation Rules # 381 the results of measurements of aviation noise characteristics are periodically published on the websites of the airport (aerodrome) and are considered as a basis for monitoring the implementation of measures aimed at reducing aviation noise. Aviation noise contours are an information base for summarizing statistical information on aviation noise characteristics at the airport (at the aerodrome) and in its vicinity, informing the population, relevant state and local governments about noise characteristics, clarifying the actual areas of aviation noise near the airport (aerodrome) to take into account the prospects for the development of settlements.

In order to make data on noise levels and contours accessible and understandable, the State Aviation Service has proposed the use of an online system for collecting information on noise from aviation infrastructure (with geospatial information) with visualization (interactive map of Ukraine) - NOMOS <https://nomos.avia.gov.ua/>

The resolution of the Cabinet of Ministers of Ukraine on the use of the aerodrome area of December 23, 2021 #1427 was adopted to settle the issue of land-use. This document stipulates that the aerodrome operator (heliport) develops restrictions on the use of the aerodrome area, taking into account the areas of restriction of obstacles, including areas of restriction of buildings in terms of aviation noise conditions. In particular, paragraph 34 of the Procedure for Restricting the Use of Aerodrome areas determined that the change of noise zones around the aerodrome due to the commissioning of new aircraft types or changes in flight intensity are grounds for changing the restrictions on the use of aerodrome territory.

74. Is a National Supervisory Authority in air traffic management effectively established? When and by which legal instrument?

According to the Article 5 of the Air Code of Ukraine, Regulation on the State Aviation Administration of Ukraine, approved by the decree of the Cabinet of Ministers of Ukraine No 520 dated 08.10.2014, p. 4, pp. 50), the State Aviation Administration of Ukraine performs functions of the national supervisory authority in the air traffic management and air navigation services domains.

According to the contract, signed between EASA and UkSATSE in October 2020, EASA is an authorized body on supervision over flights safety during provision of international services by UkSATSE in the corresponding part of the air space of Slovak Republic according to the EU regulations and Agreement between the Cabinet of Ministers of Ukraine and the Government of the Slovak Republic on definition of conditions for the usage of the defined part of the air space of the Slovak Republic due to provision of services of air traffic maintenance by the Ukrainian provided of air navigation equipment in “Uzhhorod” international airport, concluded on September 24, 2020 in Bratislava.

75. What are the rules regarding safety oversight, standards setting, investment planning, provision of services, service planning and revenue collection for air traffic management? How does the level of fees for over-flight compare with the level of fees charged for flights to or from domestic airports?

Certification and oversight activities of ANSPs are carried out by the State Aviation Administration of Ukraine in accordance with the Articles 5, 13 and 34 of the Air Code of Ukraine, Rules for certification of organizations that provide air navigation services, approved by the order of the Ministry of Transport and Communications of Ukraine No 42 dated 22.01.2007 (Rules for certification), and the Regulation on safety oversight in air traffic management system, approved by the order of the Ministry of Transport and Communications of Ukraine No 320 dated 31.05.2010 (Regulation on safety oversight). Rules for certification and Regulation on safety oversight are fully compatible with the EUROCONTROL Safety Regulatory Requirement 1, EUROCONTROL Safety Regulatory Requirement 3, EUROCONTROL Safety Regulatory Requirement 4 and EUROCONTROL Safety Regulatory Requirement 6, Commission Regulation (EC) No 2096/2005 of 20 December 2005 laying down common requirements for the provision of air navigation services and Commission Regulation (EC) No 1315/2007 of 8 November 2007 on safety oversight in air traffic management and amending Regulation (EC) No 2096/2005, Commission Implementing Regulation (EU) No 1035/2011 of 17 October 2011 laying down common requirements for the provision of air navigation services and Commission Implementing Regulation

(EU) No 1034/2011 of 17 October 2011 on safety oversight in air traffic management and air navigation services.

On 30.12.2022 Rules for certification and Regulation on safety oversight will be repealed by the Aviation rules of Ukraine “Requirements for air navigation services providers, flight procedure design service providers, DAT service providers and their certification and oversight”, approved by the order of the State Aviation Administration of Ukraine No 700 dated 30.04.2020 (Requirements for ATM/ANS providers). Requirements for ATM/ANS providers are compatible with the Commission Implementing Regulation (EU) 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight.

Other regulations related to the provision of air navigation services:

“On approval of ATS airspace classification of Ukraine”, approved by the order of the Ministry of Infrastructure of Ukraine No 1009 dated 10.12.2013;

Regulation on utilization of airspace of Ukraine, approved by the decree of the Cabinet of Ministers of Ukraine No 954 dated 06.12.2017;

Aviation rules of Ukraine “Rules for the usage of airspace of Ukraine” approved by the order of the State Aviation Administration of Ukraine and Ministry of Defence of Ukraine No 430/210 dated 11.05.2018;

Aviation rules of Ukraine “General flight rules in the airspace of Ukraine”, approved by the order of the State Aviation Administration of Ukraine and Ministry of Defence of Ukraine No 66/73 dated 06.02.2017;

Rules of Air for civil aircraft within the airspace of Ukraine, approved by the Ministry of Infrastructure of Ukraine, No 478 dated 28.10.2011;

Aviation rules of Ukraine “Air traffic services” approved by the order of the State Aviation Administration of Ukraine No 475 dated 16.04.2019;

Rules for air traffic services on civil aerodromes of Ukraine, approved by the order of the Ministry of transport and communications of Ukraine No 383 dated 23.06.2010;

Rules for separation during air traffic services, approved by the order of the Ministry of transport and communications of Ukraine No 714 dated 29.09.2010;

Rules for air traffic services with the usage of surveillance systems, approved by the order of the Ministry of transport and communications of Ukraine No 521 dated 07.11.2011;

Aviation Rules of Ukraine “Technical requirements and administrative procedures related to air traffic controllers’ licenses and certificates” approved by order of State Aviation Administration of Ukraine № 485 dated 31.05.2018;

Rules of air traffic flow management, approved by the order of the State Aviation Administration of Ukraine No 567 dated 20.07.2016;

Rules for communications in civil aviation, approved by the order of the Ministry of transport of Ukraine No 736 dated 23.09.2003;

Rules of ground CNS equipment maintenance in civil aviation in Ukraine, approved by the order of the Ministry of transport and communications of Ukraine No 381 dated 08.05.2007;

Rules for ground and flight checking CNS and light equipment for civil aerodromes of Ukraine, approved by the order of the State aviation Administration of Ukraine No 210 dated 23.03.2005;

Rules for certification of ground CNS equipment in civil aviation in Ukraine, approved by the order of the Ministry of infrastructure of Ukraine No 121 dated 25.05.2011;

Aviation rules of Ukraine “Aeronautical information services”, approved by the order of the State Aviation Administration of Ukraine No 582 dated 13.05.2019;

Regulation on pre-flight information service at civil aerodromes of Ukraine, approved by the order of the Ministry of transport of Ukraine No 458 dated 25.06.2003;

Aviation rules of Ukraine “Meteorological services of civil aviation”, approved by the order of the State Aviation Administration of Ukraine No 166 dated 09.03.2017;

Rules for certification of aerodrome meteorological equipment, approved by the order of the Ministry of infrastructure of Ukraine No 117 dated 24.05.2011.

Ukraine is operating within EUROCONTROL Common Route Changes System from the year 2021. All economic aspects of the provision of air navigation services (including planning, establishment of air navigation charges, billing and collection of charges) are aligned with and regulated by respective ICAO and EUROCONTROL documents.

En-route air navigation services are billed and collected by EUROCONTROL Central Route Charges Office on behalf of Ukraine. Terminal air navigation services are billed and collected by UksATSE in full accordance with the rules and procedures applied by EUROCONTROL in respect to en route charges.

En-route unit rates for Ukraine are approved by the EUROCONTROL Enlarged Commission on an annual basis. Ukraine is applying a single unit rate for en route air navigation services provided for overflights, domestic and international flights.

The mechanism for establishing air navigation charges in Ukraine is in line with the ICAO policy set out in Doc 9082 «ICAO’s Policies on Charges for Airports and Air Navigation Services» and Doc 9161 «Manual on Air Navigation Services Economics».

The policy on determining the cost base, payment terms and calculation of unit rates for air navigation services in the airspace of Ukraine is conducted in accordance with the main guidelines of the European Organization for the Safety of Air Navigation (EUROCONTROL): «Principles for establishing the cost-base for en route charges and the calculation of the unit rates» and «Conditions of Application of the Route Charges System and Conditions of Payment».

According to the Resolution of the Cabinet of Ministers of Ukraine of 25.12.1996 № 1548 "On establishing the powers of executive bodies and executive bodies of city councils to regulate prices (tariffs)" (as amended) the Ministry of Infrastructure of Ukraine establishes in agreement with the Ministry of Economy of Ukraine: unit rates of charge for approach control and terminal air navigation services.

76. What are the rules for licensing of air traffic controllers?

Detailed requirements for licensing of air traffic controllers are prescribed by Aviation Rules of Ukraine:

- “Technical requirements and administrative procedures related to air traffic controllers’ licences and certificates” approved by order of State Aviation Administration of Ukraine №485 dated 31.05.2018 and registered by Ministry of Justice on 21.09.2018 № 1089/32541, that implements the requirements of Commission Regulation (EU) 2015/340 of 20.02.2015 laying down technical requirements and administrative procedures related to air traffic controllers’ licences and certificates.

- “Technical requirements and administrative procedures concerning the issuance of certificates for air traffic control operators” in the form of acceptable methods for definition of compliance

(AMC) and instruction material (GM)”, approved by the order of the State aviation service of Ukraine No 391 dd. 29/03/2019 that comply with the Annexes I-IV of the EASA Resolution 2015/010/R.

77. Has Ukraine implemented the flexible use of airspace concept, and which authority is responsible for it? Has Ukraine undertaken steps to participate in any initiative conducive to establish a functional airspace block?

Ukraine is implemented the flexible use of airspace concept by establishing the appropriate requirements in the Air Code of Ukraine, Decree of the Cabinet of Ministers of Ukraine No.954 dated 06 Dec 2017 “Regulation on Airspace Use of Ukraine” and Order of the SAAU and Ministry of Defence of Ukraine No.430/210 dated 11 May 2018 “Rules on Airspace Use of Ukraine”. The management of airspace of Ukraine covers also airspace over the High Seas where the responsibility for air navigation services provision delegated to Ukraine by international agreements. Current procedures are in compliance with FUA principles and European Route Network Improvement Plan (ERNIP) - Part 3 “Airspace Management Handbook” on three levels: strategic, pre-tactical, tactical and in common covers the requirements of Commission Regulation (EU) 551/2004 of 10.03.2004 on the organization and use of the airspace in the single European sky and Commission Regulation (EU) №2150/2005 of 23.12.2005 laying down common rules for the flexible use of airspace.

Three levels of airspace management cover the civil-military coordination tasks for ATM.

Airspace management at Strategic level is fulfilled by SAAU and approved by Ministry of Defence of Ukraine.

Airspace management at Pre-tactical and Tactical levels is fulfilled by UKRAEROCENTER and ATM centers of UkSATSEe within their areas of responsibility in the framework of Integrated ATM Civil Military System of Ukraine (ICMS). Business structure, objectives and functions of ICMS are defined by the Decree of Cabinet of Ministers of Ukraine №1281 dated 19.07.1999

Currently, Ukraine has not taken steps towards participation in any functional airspace block (FAB) because the “Common Aviation Area Agreement between the EU and its Member States and Ukraine” signed by Ukraine is not still in force due to the ratification process in progress. Ukraine will follow its obligations and transitional periods arising from the mentioned agreement to organize the airspace under its responsibility in line with the EU requirements applicable for the establishment of FABs.

78. Are there specific rules applicable to working conditions of aviation workers? If yes, what is the personal scope of such rules? What are the rules applicable to working time, paid annual leave and protection of workers’ health and safety (Directive 2000/79)?

According to Article 53 of the Air Code of Ukraine, labor relations and social protection of aviation personnel are regulated by the legislation of Ukraine on labor, social insurance and state aid, other acts of legislation of Ukraine, sectoral agreement between the central executive body in transport and civil aviation unions of Ukraine and collective bargaining agreements of enterprises.

Peculiarities of working conditions, social, housing, working hours, rest time of certain categories of aviation personnel are established by law, taking into account international requirements and recommendations on safe working conditions and special conditions of social protection of certain categories of aviation personnel.

Article 8 of the Law of Ukraine “On Collective Bargaining Agreements” stipulates that the Agreement regulates norms at the sectoral level, in particular: rationing and remuneration, establishment of minimum wage guarantees for enterprises in the industry (subsector) according to the qualification the minimum limit and minimum amounts of surcharges and allowances, taking into account the specifics, working conditions of individual professional groups and categories of workers in the industry (subsector); establishment of minimum social guarantees, compensations, benefits in the field of labor and employment; labor relations; conditions and labor protection; housing, medical, cultural services, health and recreation; conditions for the growth of wage funds; establishment of inter-qualification (inter-job) relations in remuneration; ensuring equal rights and opportunities for women and men; prohibition of discrimination.

Thus, in accordance with the provisions of the above Law in Ukraine in the transport sector there is a Sectoral Agreement between the Ministry of Infrastructure of Ukraine, the Federation of Transport Employers of Ukraine and the Trade Unions of Civil Aviation of Ukraine for 2018-2020. , implementation on this basis of professional, labor and socio-economic guarantees of employees.

This Sectoral Agreement is automatically extended for a new three-year period until the conclusion of a new Sectoral Agreement.

The Law of Ukraine “On Holidays” and the above-mentioned Sectoral Agreement provide for the provision of annual paid basic leave to employees lasting at least 24 calendar days for the working year, which is counted from the date of the employment contract, and additional social leave.

Flight and duty time limitations requirements for aircraft crews are defined:

- for CAT operations on aircraft in FTL Subpart of Annex III "Organizational Requirements for Air Operations" (Part - ORO) and to the Aviation Regulations of Ukraine “Technical requirements and administrative procedures related to air operations in civil aviation”, approved by the Order of the State Aviation Administration of Ukraine dated 5 July, 2018 No. 682 and registered by the Ministry of Justice of Ukraine on 27 September, 2018 under No. 1109/32561 (implemented the requirements of the Commission Regulation (EU) No. 965/2012 of 5 October 2012);

- for the operation of single-pilot aircraft for aerotaxi, for the provision of emergency medical care and for the operation of CAT; CAT operation on helicopters, aerostats and gliders; non-commercial operation, including non-commercial specialized operation of motor aircraft and helicopters of complex design, as well as commercial specialized operation using aircraft, helicopters, aerostats and gliders in the Regulations on determining the working hours and rest time of aircraft crews of civil aviation of Ukraine, approved by the Order of the Ministry of Transport of Ukraine dated 02 April, 2002 No. 219 and registered by the Ministry of Justice of Ukraine on 24 April, 2002 under No. 390/6678.

Aviation security

79. Which bodies are responsible for the coordination and monitoring of the implementation of aviation security measures?

The appropriate authority in the field of civil aviation security is the central executive body that implements the state policy in the field of civil aviation – Civil Aviation Authority of Ukraine.

The duties of the Civil Aviation Authority of Ukraine in relation to aviation security are as follows:

- development, introduction and implementation of the National Civil Aviation Security Programme (hereinafter referred to as the NCASP);
- implementation of a unified state policy in the field of aviation security and safeguarding civil aviation against acts of unlawful interference;
- preparation of draft legislative documents on the implementation of state policy and planning in the field of aviation security;
- assistance in the definition and distribution of the tasks related to the implementation of the NCASP among the central executive bodies, institutions, organizations, and aviation entities;
- submission of proposals for amendments to the NCASP in order to increase its efficiency;
- conducting a state oversight in reference to aviation security measures implemented by aviation entities (including foreign ones – on the territory of Ukraine and Ukrainian ones – outside Ukraine) and safeguarding such entities against acts of unlawful interference;
- checking the effectiveness of aviation security measures implemented by aviation entities;
- performing analysis in relation to the level of threats to civil aviation and the ability of aviation entities to neutralize such threats;
- aviation security certification of aviation entities, aviation security personnel, personnel performing security controls, legal entities and individuals whose activities pertain to the training of personnel involved in implementation of aviation security measures;
- development of requirements for the selection, training and aviation security certification of individuals whose activities pertain to the training of aviation security personnel and personnel performing security controls;
- ensuring that deputy directors on aviation security in aviation entities are subjected to background checks carried out by law enforcement agencies, and certifying such deputy directors for approval to be appointed in case the background checks are successfully completed;
- issuance of certificates, if applicable, monitoring of compliance with certification requirements, cancellation or revocation of the certificate (in case deficiencies that may pose a threat to aviation security are identified);
- participation in investigations of accidents and other aviation-related events where committing acts of unlawful interference is possible;
- conducting official investigations of acts of unlawful interference or attempted ones in the territory of Ukraine, and in the prescribed order – in respect of civil aircraft of Ukrainian operators in the territories of other states;
- performing analysis in relation to projects for the construction of new and reconstruction of existing airports, services or civil aviation facilities located in the airside in order to carry out monitoring compliance with aviation security requirements during the operation.

Also, in accordance with the National Civil Aviation Security Program of Ukraine, the following central executive bodies are responsible for implementation of this program:

- The National Police of Ukraine
- The Ministry of Defence of Ukraine
- The central executive body, which ensures the formation of state policy in the field of transport
- The central executive body, which ensures the formation of state policy in the field of health care

- The central executive body, which implements the state policy in the field of civil protection
- The central executive body, which implements the state policy in the field of state border protection
- The central executive body, which implements the state customs policy
- The Security Service of Ukraine

80. Please specify if the mentioned legislation applies to all airports, and if not, to which type of airport it applies (e.g. civil/military airports, airports handling only certain types of traffic)?

The applicable legislation on civil aviation security is used for all civil airports and shared airports/aerodromes, as well as other aviation entities, regardless of ownership.

81. Please provide the names, ICAO codes, and IATA codes of the airports to which the applicable legislation applies. If the applicable legislation does not apply to all airports, please specify which airports are not covered and why.

The applicable legislation applies to all the airports specified in paragraph 80.

Names, ICAO codes and IATA codes of airports to which the current legislation applies:

№	Name of an airport/aerodrome	ICAO code	IATA code
1.	Boryspil International Airport	UKBB	KBP
2.	Bila Tserkva Air Cargo Complex, the aerodrome of Bila Tserkva	UKBC	none
3.	Vinnytsia International Airport	UKWW	VIN
4.	State Enterprise "Antonov", the aerodrome of Gostomel	UKKM	GML
5.	Dnipro International Airport	UKDD	DNK
6.	Ivano-Frankivsk International Airport	UKLI	IFO

7.	Zhytomyr International Airport named after Serhiy Korolyov	UKKV	ZTR
8.	Zaporizhia International Airport	UKDE	OZH
9.	Kyiv International Airport (Zhulyany)	UKKK	IEV
10.	Kyiv-Pivdennyi aerodrome	UKBD	none
11.	Kremenchug Flight College aerodrome	UKHK	KHU
12.	Kyryvyi Rih International Airport	UKDR	KWG
13.	NAU Flight Academy aerodrome, the city of Kropyvnytskyi	UKKG	KGO
14.	Lviv International Airport named after Danylo Halytsky	UKLL	LWO
15.	Mykolaiv International Airport	UKON	NLV
16.	Ozerne-Zhytomyr aerodrome	UKKO	none
17.	Odesa International Airport	UKOO	ODS
18.	Poltava International Airport	UKHP	PLV
19.	Rivne International Airport	UKLR	RWN
20.	Sumy International Airport	UKHS	UMY
21.	Sokolniki Airport (Kharkiv State Aviation Enterprise)	UKHD	none

22.	Ternopil International Airport	UKLT	TNL
23.	Uzhhorod International Airport	UKLU	UDJ
24.	Kharkiv International Airport	UKHH	HRK
25.	Kherson International Airport	UKOH	KHE
26.	Cherkasy International Airport	UKKE	CKC
27.	Chernivtsi International Airport named after Leonid Kadenyuk	UKLN	CWC

International organisations and conventions

82. Please specify the international organisations in the field of aviation of which Ukraine is a member (ICAO, ECAC, JAA, Eurocontrol)? On what date did Ukraine adhere to these organisations? Please indicate the date or intended date of joining the organisations Ukraine is not yet member of.

Ukraine is a member of:

- the International Civil Aviation Organisation (since 09 September 1992);
- the European Civil Aviation Conference (15 December 1999);
- European Organisation for the Safety of Air Navigation (Eurocontrol) (01 May 2004).

Social protection

83. What are the rules for safety and health protection in the air transport sector? What are the rules for the working time of mobile workers in air transport?

Aviation rules of Ukraine "Technical requirements and administrative procedures for civil aviation flight crews", approved by the order of the State Aviation Service from 20.07.2017 №565, registered in the Ministry of Justice of Ukraine on August 28, 2017 at №1056 / 30924 (implemented the requirements of the Regulation of the European Commission of 03 November 2011 (EU) № 1178/2011), set general requirements: for medical certificates issued to pilots, the conditions of their issuance, compliance with them, amendments, restrictions, suspension and revocation of medical certificates, and the conditions for replacing national medical certificates with medical certificates that meet the requirements of these aviation rules; certification of aviation medical experts, and the conditions for performing the duties of aviation medical experts by general practitioners-family medicine, aviation medicine doctors.

Flight and duty time limitations requirements for aircraft crews are defined:

- for CAT operations on aircraft in FTL Subpart of Annex III "Organizational Requirements for Air Operations" (Part - ORO) and to the Aviation Regulations of Ukraine "Technical requirements and administrative procedures related to air operations in civil aviation", approved by the Order of the State Aviation Administration of Ukraine dated 5 July, 2018 No. 682 and registered by the Ministry of Justice of Ukraine on 27 September, 2018 under No. 1109/32561 (implemented the requirements of the Commission Regulation (EU) No. 965/2012 of 5 October 2012);

- for the operation of single-pilot aircraft for aerotaxi, for the provision of emergency medical care and for the operation of CAT; CAT operation on helicopters, aerostats and gliders; non-commercial operation, including non-commercial specialized operation of motor aircraft and helicopters of complex design, as well as commercial specialized operation using aircraft, helicopters, aerostats and gliders in the Regulations on determining the working hours and rest time of aircraft crews of civil aviation of Ukraine, approved by the Order of the Ministry of Transport of Ukraine dated 02 April, 2002 No. 219 and registered by the Ministry of Justice of Ukraine on 24 April, 2002 under No. 390/6678.

Administrative capacity

84. Please describe the bodies responsible for the administration of civil aviation with their names, legislative and regulatory status and the relations between them? Please indicate the number of persons employed by each body. How is the training of the employees organised? How are these bodies financed?

In accordance with Part 5 of Article 4 of the Air Code of Ukraine, state regulation in the field of civil aviation and the utilization of the airspace of Ukraine is carried out by the following Bodies:

- central body of executive power, which ensures the formation of state policy in the field of transport (Ministry of Infrastructure of Ukraine);
- central body of executive power, which ensures the implementation of state policy in the field of civil aviation (hereinafter - the authorized body for civil aviation);
- national commission for state regulation in the field of transport.

The Central Executive Body, which ensures the formation of state policy in the field of transport, determines priority areas and implements measures for the formation of state policy in the field of air transport and utilization of the airspace of Ukraine and provides regulation in accordance with Article 11 of the Air Code of Ukraine.

The State Aviation Administration of Ukraine (SAAU) is a central executive body which activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Infrastructure, which implements state policy in the field of civil aviation and utilization of the airspace of Ukraine and is the authorized body for civil aviation.

Currently, the total possible staff number of the SAAU is 435 employees, the actual number of employed people at the SAAU is 379, and staff quantity of the Division of airport infrastructure and air services in the Ministry of infrastructure of Ukraine is 9 persons.

Professional training and further training of the employees of the Ministry of Infrastructure of Ukraine is conducted according to the Provision on the system of professional training of public servants, heads of local state administrations, their first deputies and deputies, officials of local self-government and deputies of local councils (hereinafter referred to as the Provision), approved by the resolution of the Cabinet of Ministers of Ukraine dd. February 06, 2019 No 106 (with amendments).

Namely, clause 7 of the Provision envisages that public servants, within execution of individual programmes, shall choose at least one ECTS credit during one calendar year. Yearly share of self-education among other types of professional training within execution of individual programme shall be at least 10 and not more than 20 percent from the total quantity of received ECTS credits based on results of the programme execution.

Professional training and advanced training of employees of the SAAU is carried out in accordance with regulations and other documents of the SAAU:

- Air Code of Ukraine;
- Law of Ukraine "On Civil Service";
- Regulations on the State Aviation Administration of Ukraine, approved by the resolution of the Cabinet of Ministers of Ukraine of 08.10.2014 № 520;
- Regulations on the system of professional training of civil servants, heads of local state administrations, their first deputies and deputies, local government officials and deputies of local councils, approved by the Cabinet of Ministers of Ukraine dated 06.02.2019 № 106;
- Resolutions of the Cabinet of Ministers of Ukraine of 26.09.2007 № 1172 "On the introduction of positions of state inspectors for aviation supervision in the State Aviation Service and the conditions of payment for their work" (as amended);
- Regulations on the State Inspector for Aviation Supervision in the State Aviation Administration of Ukraine, approved by the order of the Ministry of Transport and Communications of Ukraine dated 09.02.2010 № 68, registered in the Ministry of Justice of Ukraine on 26.04.2010 for № 307/17602;
- Personnel Management Strategy of the State Aviation Administration of Ukraine for the period up to 2024;
- Guidelines for the training of personnel of the State Aviation Administration of Ukraine GEN.A-004 Edition 2 of 12.11.2018 № 1-159-18;
- Guidelines for the training of personnel of the State Aviation Administration of Ukraine GEN.A-004 (CS - civil servants) Edition 4 from 30.03.2021 № 1-586-21;
- Procedures for organizing training for employees of the State Aviation Administration of Ukraine when participating in international projects and during international technical assistance ORG.A-010 Edition 2 from 27.10.2021 № 1-2048-21;
- Annual plans for training and retraining of employees of the State Aviation Administration of Ukraine for the current year;
- Specialized courses of internal training of structural subdivisions of the State Aviation Administration of Ukraine.

We also note that the Ministry of Infrastructure of Ukraine is funded from the State Budget. SAAU in accordance with the Budget Code of Ukraine (paragraph 43 of the second part of Article 29, paragraph 6-1 of the third part of Article 29 and paragraph 19 of the fourth part of Article 30) and Air Code of Ukraine (Articles 12 and 12-1) is funded by 80 percent of revenues to the State Specialized Fund for Financing National Expenditures on Aviation Activities and Ukraine's Participation in International Aviation Organizations, which is an integral part of the State Budget of Ukraine (hereinafter - the Fund). The sources of income to the Fund are state fees from aviation entities. The Fund's resources in the amount approved by the Law on the State Budget of Ukraine for the respective year are used to maintain the staff and other expenses of the SAAU related to its functions, to finance the participation and representation of Ukraine in international aviation organizations and other activities specified by law.

Abbreviations:

AA - Association agreement

ACER - Agency for the Cooperation of Energy Regulators

CMU – Cabinet of Ministers of Ukraine, the Government of Ukraine

DSO - gas distribution system operator

ESCOs - energy service companies

ESG-project - Environmental, Social, and Governance-project

GTS - gas transmission system

HHI - Herfindahl-Hirschman index

IPS - Integrated Power System

NAP RE 2030 - National Action Plan for Renewable Energy for 2030

NAPEE 2030 - National Action Plan on Energy Efficiency of Ukraine

NEURC - National Energy and Utilities Regulatory Commission, Regulator

NJSC – National joint stock company

PJSC – Private joint stock company

SAEE - State Agency for Energy Efficiency and Energy Saving of Ukraine

SNRIU - State Nuclear Regulatory Inspectorate of Ukraine

SSSU - State Statistics Service of Ukraine

TSO - Transmission System Operator

Ukrtransgaz - gas storage operator

UNIDO - United Nations Industrial Development Organization

USAID - U.S. Agency for International Development

ZTSEP RAV - National Targeted Environmental Program for Radioactive Waste Management

CHAPTER 15. ENERGY

I. GENERAL

1. Please provide information on the distribution of competences, the legislation in force and the existing and planned strategy documents (energy policy, energy saving or policies in sub-sectors) on energy matters.

Distribution of competences

Key player in the energy sector of Ukraine:

State authorities:

- **Verkhovna Rada Ukraine**, the Parliament, <https://www.rada.gov.ua/>

The Verkhovna Rada of Ukraine is the only body of legislative power in Ukraine.

The main competences:

- adoption of laws;
- approval of the State Budget of Ukraine and amendments to it, control over the implementation of the State Budget of Ukraine, decision-making on the report on its implementation;
- determination of the principles of domestic and foreign policy.

- **The Cabinet of Ministers of Ukraine**, the Government, <https://www.kmu.gov.ua/>

The Cabinet of Ministers of Ukraine is the highest body in the system of executive bodies. The Cabinet of Ministers of Ukraine is responsible to the President of Ukraine and the Verkhovna Rada of Ukraine, under the control of and accountable to the Verkhovna Rada of Ukraine within the limits provided by this Constitution.

The main competences:

- within its competence, issues resolutions and orders
- directs and coordinates the work of ministries and other executive bodies;
- ensures the implementation of policies in the fields of nature protection, environmental safety and nature management;

- **The Ministry of Energy of Ukraine**, <http://mpe.kmu.gov.ua/>

The Ministry of Energy of Ukraine is the central executive body, directed and coordinated by the Cabinet of Ministers of Ukraine. The Ministry provides the formation and implementation of state policy in the electricity, nuclear, coal, peat, oil and gas and oil and gas refining complex; also of state policy in the field of efficient use of fuel and energy resources, energy saving, renewable energy sources and alternative fuels (except for energy efficiency of buildings and other structures) and in the field of supervision (control) in electricity and heat supply.

The main competences:

- formation and implementation of state policy in the fuel and energy sector, in the field of nuclear energy use and radiation safety;

- formation and implementation of state policy in the field of efficient use of fuel and energy resources, energy conservation, renewable energy sources and alternative fuels;

- formation and implementation of state policy in the field of supervision (control) in the fields of electricity and heat supply.

- **The Ministry of Environmental Protection and Natural Resources of Ukraine,** <https://mepr.gov.ua/>

The Ministry of Environmental Protection and Natural Resources of Ukraine (Ministry of Environment) is the central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine.

The main competences:

- formation of state policy in the field of geological study and rational use of subsoil;

- ensuring the formation of state policy in the field of waste management, including radioactive, hazardous chemicals and radiation protection;

- provides legal regulation in the field of geological study and rational use of subsoil;

- **Ministry of Development of Communities and Territories of Ukraine,** <https://www.minregion.gov.ua/about/>

- The main competences:

- formation and implementation of state regional policy, state policy in the field of local self-government, territorial organization of government and administrative-territorial organization, state housing policy and policy in the field of human settlements, state policy in the field of housing and communal services, state policy with household waste, state policy in the field of construction, urban planning, spatial planning and architecture, state policy in the field of technical regulation in construction

- **State Agency for Exclusion Zone Management,** <https://dazv.gov.ua/>

- The main competences:

- implementation of state policy in the field of management of the exclusion zone and the zone of unconditional (compulsory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning of the Chernobyl NPP and transformation of the Shelter into an environmentally safe system, as well as public administration in the field radioactive waste management;

- submission to the Minister of Environmental Protection and Natural Resources of proposals to ensure the formation of state policy in the management of the exclusion zone and the zone of unconditional (compulsory) resettlement, overcoming the consequences of the Chernobyl disaster, decommissioning of the Chernobyl NPP and transformation of the Shelter on environmentally friendly system, radioactive waste management.

- **The National Energy and Utilities Regulatory Commission,** <https://www.nerc.gov.ua/>

The National Energy and Utilities Regulatory Commission (the Regulator) is a permanent central executive body with a special status established by the Cabinet of Ministers) of Ukraine.

The main competences:

- ensure an effective functioning and development of energy and utilities markets;
- promote an effective opening of energy and utilities markets to all customers and suppliers and ensure non-discriminatory access of users to networks/pipelines;
- promote the integration of Ukraine's electricity and natural gas markets with relevant markets of other countries, in particular within the Energy Community, cooperation with the Energy Community Regulatory Board, the Energy Community Secretariat and national energy regulators of other countries;
- ensure protection of the rights of consumers for goods and services in the areas of energy and utilities sectors to obtain these goods and services of appropriate quality in sufficient quantities at reasonable prices;
- promote cross-border trade of electricity and natural gas, ensuring investment attractiveness of infrastructure development;
- implement pricing and tariff policy in the sectors of energy and utilities;
- promote implementation of energy efficiency measures, expansion the share of energy generation from renewable energy sources and enhance environmental protection;
- create favorable conditions for attracting investments in the development of energy and utilities markets;
- promote development of competition in the energy and utilities markets, etc.

• **The State Nuclear Regulatory Inspectorate of Ukraine**, <https://snriu.gov.ua/en>

The State Nuclear Regulatory Inspectorate of Ukraine is a central executive body, which activities are directly coordinated by the Cabinet of Ministers of Ukraine, and which ensures the formation and implementation of state policy in the field of nuclear energy safety.

The main competences:

- Formation and implementation of state policy in the field of nuclear energy safety.
- State regulation of nuclear energy use safety.
- The competent authority for the physical protection of nuclear material and nuclear facilities according to the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities; on the safe transportation of radioactive materials according to the rules of nuclear and radiation safety in the transportation of radioactive materials; on emergency notification and information in accordance with the Convention on Early Notification of Nuclear Accidents, implementation of the Agreement between Ukraine and the IAEA on the application of safeguards.
- legislative initiative and regulation - the establishment of regulatory criteria and requirements that determine the safe conditions for the use of nuclear energy
- permitting activity - issuance of permitting documents for carrying out activities in the field of nuclear energy use;

- state supervision - implementation of the state supervision over observance of legislation, conditions of permitting documents, norms and rules on nuclear and radiation safety, requirements of physical protection, application of sanctions.

• **Antimonopoly Committee of Ukraine**, <https://amcu.gov.ua/>

The Antimonopoly Committee of Ukraine is a state body with a special status, the purpose of which is to ensure state protection of competition in business and public procurement.

The main competences:

- to consider applications and cases of violations of the legislation on protection of economic competition and to investigate these applications and cases;

- to adopt orders and decisions on applications and cases provided by the legislation on protection of economic competition;

- inspect business entities, associations, authorities, local governments, administrative and economic management bodies and control their compliance with the requirements of the legislation on protection of economic competition;

• **The State Service of Geology and Subsoil of Ukraine**, <https://www.geo.gov.ua/>

The State Service of Geology and Subsoil of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Environment and Natural Resources, and which implements state policy in the field of geological study and rational use of subsoil product sharing agreements.

The main competences:

- Issuance of special permits for subsoil use (including for the use of oil and gas subsoil) in accordance with the established procedure;

- carries out state control over geological study of subsoil (state geological control) and their rational and effective use, including keeping records of oil, gas and related components;

- carries out state control over compliance with the rules and regulations for the use of oil and gas subsoil;

• **The State Agency for Energy Efficiency and Energy Saving of Ukraine**, <https://saee.gov.ua/en>

The State Agency for Energy Efficiency and Energy Saving of Ukraine is a central executive body, whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Energy and which implements state policy in the field of efficient use of fuel and energy resources.

The main competences:

- implementation of the state policy on the efficient use of fuel and energy resources, energy saving, renewable energy sources and alternative fuels;

- ensuring the increase in the share of renewable energy sources and alternative fuels in the energy balance of Ukraine;

- provision of administrative services in the relevant field;

- submission to the Minister of Energy of proposals to ensure the formation of state policy in this area.

• **The State Inspectorate for Energy Supervision of Ukraine**, <https://sies.gov.ua/>

The State Inspectorate for Energy Supervision of Ukraine is a central executive body whose activities are directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Energy and which implements state policy in the field of supervision (control) in electricity and heat supply.

The main competences:

- carries out state energy supervision over electrical installations and networks of market participants (except consumers);

- carries out state energy supervision over observance by market participants (except consumers) of the requirements of rules and other normative legal acts and normative documents on the issues of technical operation of power plants and networks;

- submits to the NEURC conclusions on the priority of technical solutions for the development of distribution systems provided for in the draft investment programs of distribution system operators.

Largest energy companies:

Electricity market

• **NPC Ukrenergo**, <https://ua.energy/>

Full name: PRIVATE JOINT STOCK COMPANY “NATIONAL POWER COMPANY “UKRENERGO”

Role on the market: transmission system operator; administrator of commercial metering;

Corporative management: on July 28, 2021, the Cabinet of Ministers adopted an order to transfer to the Ministry of Energy the authority to manage corporate rights owned by the state in the authorized capital of PJSC NEC Ukrenergo.

Unbundling: certified according to the ISO model in accordance with the norms of the Third Energy Package of the EU under the NEURC Resolution “On Making the Final Decision on Certification of the Transmission System Operator” № 2589 dated 17.12.2021;

• **JSC «Market operator»**, <https://www.oree.com.ua/>

Full name: Joint-stock company “Market operator”

Role on the market: market operator of the day-ahead and intraday markets;

Corporative management: on July 28, 2021, the Cabinet of Ministers adopted an order to transfer to the Ministry of Energy the authority to manage corporate rights owned by the state in the authorized capital of JSC “Market operator”.

Unbundling: is not required, JSC “Market operator” was incorporated according to the Law “On the Electricity Market”.

• **SC “Guaranteed buyer”**, www.gpee.com.ua

Full name: The State Company “Guaranteed buyer”;

Role on the market: purchase of renewable energy, PSO mechanism;

Corporative management: incorporated by the Cabinet of Ministers of Ukraine;

Unbundling: is not required, SC “Guaranteed Buyer” was incorporated according to the Law “On the Electricity Market”.

• **Ukrainian Energy Exchange**, <https://www.ueex.com.ua/>

Full name: LLC Ukrainian Energy Exchange (UEB)

Role on the market: according to the results of the competitive selection of organizers of electronic auctions for the sale of electricity under bilateral agreements, the UEB received the primary right to organize and conduct auctions under the Procedure for selecting organizers of electronic auctions for electricity bilateral agreements approved by the resolution of the Cabinet of Ministers of Ukraine of June 5, 2019 №499. The Ukrainian Energy Exchange conducts auctions for the sale of electricity in accordance with the results of the competitive selection of organizers of electronic auctions for the sale of electricity under bilateral agreements.

Corporative management: limited liability company without state ownership.

Unbundling: is not required.

• **SE “NNPGC Energoatom”**, <https://www.energoatom.com.ua>

Full name: State Enterprise (SE) “National Nuclear Power Generation Company (NNPGC) “Energoatom”.

Role on the market: nuclear generation.

Corporative management: state-owned company, the authority to manage corporate rights belongs to the Cabinet Ministers of Ukraine under the order of the Cabinet of Ministers of Ukraine dated January 20, 2021 № 50-r;

Unbundling: was not required.

• **PJSC “Ukrhydroenergo”**, <https://uhe.gov.ua/>

Full name: Private Joint Stock Company “Ukrhydroenergo”.

Role on the market: the leading producer of electricity in Ukraine from renewable sources, which provides coverage of peak loads, regulation of frequency and power of the network, mobile emergency reserve in the energy system of Ukraine.

Corporative management: state-owned company, the authority to manage corporate rights belongs to the Cabinet Ministers of Ukraine under the order of the Cabinet of Ministers of Ukraine dated January 20, 2021 № 50-r;

Unbundling: was not required.

• **SFTC “UKRINTERENERGO”**, <https://uie.kiev.ua/>

Full name: THE FOREIGN TRADE COMPANY “UKRINTERENERGO”

Role on the market: the supplier of “last resort”, a guarantor of electricity supply to a consumer who, due to certain circumstances, has lost the opportunity to receive electricity from his electricity supplier.

Corporative management: state-owned company, the authority to manage corporate rights belongs to the Ministry of Economic Development, Trade and Agriculture under the order of the Cabinet of Ministers of Ukraine dated January 20, 2021 № 50-r;

Unbundling: was not required.

• **PJSC “CENTRENERGO”, <http://www.centrenergo.com/>**

Full name: PUBLIC JOINT STOCK COMPANY CENTRENERGO.

Role on the market: coal generation.

Corporative management: The State Property Fund of Ukraine owns 78,29%;

Unbundling: was not required.

• **PJSC DONBASENERGO, <https://de.com.ua/>**

Full name: PUBLIC JOINT STOCK COMPANY DONBASENERGO.

Role on the market: coal generation.

Corporative management: The State Property Fund of Ukraine owns 25%;

Unbundling: was not required.

• **DTEK Group, <https://dtek.com/>**

Full name: DTEK LIMITED LIABILITY COMPANY.

Role on the market: electricity generation, distribution and trading.

Corporative management: DTEK Group is 100% owned by SCM Limited. The ultimate beneficiary is Rinat Akhmetov.

Unbundling: all requirements were performed.

Gas market

• **Gas Transmission System Operator of Ukraine LLC, <https://tsoua.com/en/>**

Full name: Gas Transmission System Operator of Ukraine, Limited Liability Company

Role on the market: gas transmission system operator.

Corporative management: the shareholder of LLC Gas TSO of Ukraine is JSC “MAHISTRALNI GAZOPROVODY UKRAINY” (MGU), the corporate rights of which belongs to the Ministry of Energy under the order of the Cabinet of Ministers of Ukraine dated January 20, 2021 № 50-r;

Unbundling: on December, 24, 2019, the NEURC adopted the Resolution No. 3010 “On making the final decision on certification of the gas transmission system operator” that confirms performance of all requirements regarding unbundling.

• **JSC “MAHISTRALNI GAZOPROVODY UKRAINY” (MGU), <https://mg.org.ua/>**

Full name: PUBLIC JOINT STOCK COMPANY “MAHISTRALNI GAZOPROVODY UKRAINY”

Role on the market: a sole owner of a 100% share in the authorized capital of LLC "Gas TSO of Ukraine".

Corporative management: the corporate rights of which belongs to the Ministry of Energy under the order of the Cabinet of Ministers of Ukraine dated January 20, 2021 № 50-r;

Unbundling: is not required.

• **NJSC Naftogaz of Ukraine**, <https://www.naftogaz.com/en/>

Full name: Joint Stock Company “National Joint Stock Company “Nafrogaz of Ukraine”

Role on the market: exploration and production of the natural gas; natural gas storage; oil transit and transportation; trading;

Corporative management: state owned company under the corporate management of the Cabinet of Ministers of Ukraine;

Unbundling: all requirements were performed.

• **JSC UKRTRANSGAZ**, <https://utg.ua/>

Full name: Joint Stock Company Ukrtransgaz

Role on the market: operation of Ukrainian UGS facilities as well as upgrade and construct gas pipelines and its objects;

Corporative management: state owned company under the corporate management of the Joint Stock Company “National Joint Stock Company “Nafrogaz of Ukraine”;

Unbundling: all requirements were performed.

• **JSC "Ukrtransnafta"**, <https://www.ukrtransnafta.com/>

Full name: Joint Stock Company Ukrtransnafta

Role on the market: oil transportation operations through the Ukrainian pipeline network;

Corporative management: state owned company under the corporate management of the Joint Stock Company “National Joint Stock Company “Nafrogaz of Ukraine”;

Unbundling: all requirements were performed.

• **LLC GSC NAFTOGAS OF UKRAINE**, <https://www.naftogaz.com/>

Full name: LIMITED LIABILITY COMPANY GAS SUPPLY COMPANY NAFTOGAS OF UKRAINE

Role on the market: a supplier of “last resort” by 2023;

Corporative management: state owned company under the corporate management of the Cabinet of Ministers of Ukraine;

Unbundling: all requirements were performed.

Main stakeholders:

- **Energy Community**

The Energy Community, as international organization where Ukraine is a Contracting Party of the Energy Community:

- Establish a stable regulatory and market framework capable of attracting investment in power generation and networks;
- Create an integrated energy market allowing for cross-border energy trade and integration with the EU market;
- Enhance the security of supply to ensure stable and continuous energy supply that is essential for economic development and social stability;

- **USAID's Energy Security Project (ESP)**

- assists the Government of Ukraine to integrate into European energy markets by helping key government agencies and the energy regulator to meet EU energy acquis requirements, including the Third Energy Package;
- improves energy security establishing competitive energy markets in electricity, natural gas and district heating sectors;
- increases energy supply in Ukraine by facilitating private sector-led energy investments in, and increasing production of renewable energy sources.

- **European Business Association**

- Established in 1999 and this initiative was initially supported by the European Commission;
- With more than nine hundred members;
- A high-quality government relations advisor, an accelerator in building meaningful relationships with the government.

Legislation in force:

- **Legislation on Regulatory activities**

- Law of Ukraine “On the National Energy and Utilities Regulatory Commission” dated 22.09.2016 № 1540-VIII;

(<https://zakon.rada.gov.ua/laws/show/1540-19#Text>)

- Law of Ukraine “On Natural Monopolies” dated 20.04.2000 № 1682-III;

(<https://zakon.rada.gov.ua/laws/show/1682-14#Text>)

- Law of Ukraine “On Licensing of Economic Activities” dated 02.03.2015 № 222-VIII;

(<https://zakon.rada.gov.ua/laws/show/222-19#Text>)

- Law of Ukraine “On the Antimonopoly Committee of Ukraine” dated 26.11.1993 № 3659-XII;

(<https://zakon.rada.gov.ua/laws/show/3659-12#Text>)

- Law of Ukraine "On Protection of Economic Competition" dated 11.01.2001 № 2210-III;

(<https://zakon.rada.gov.ua/laws/show/2210-14#Text>)

- Law of Ukraine on Combating Corruption dated 14.10. 2014 No. 1700-VII;

(<https://zakon.rada.gov.ua/laws/show/1700-18#Text>)

- President of Ukraine Decree “On the Regulation of the NEURC” dated 10.09.2014 №715/2014;

(<https://zakon.rada.gov.ua/laws/show/715/2014#Text>)

- NEURC Resolution "On adoption of Procedure for Market Monitoring in Energy and Utilities Sector that is Conducted by the NEURC" dated 14.09.2017 №1120;

(<https://zakon.rada.gov.ua/rada/show/v1120874-17#Text>)

- NEURC Resolution “On adoption of Procedure for Licensing Commercial Activities regulated by the NEURC” dated 03.03.2020 №548;

(<https://zakon.rada.gov.ua/laws/show/v0548874-20#Text>)

- NEURC Resolution “On approval of the Procedure for Investigation of Violations of the Legislation on the Functioning of the Electricity and Natural Gas Markets” dated 23.09.2020 №1760;

(<https://zakon.rada.gov.ua/laws/show/v1760874-20#Text>)

• **Key energy legislation in electricity sector:**

- Law of Ukraine “On the Electricity Market” dated 13.04.2017 № 2019-VII;

(<https://zakon.rada.gov.ua/laws/show/2019-19#Text>)

- Law of Ukraine “On the Alternative Energy Sources” dated 20.02.2003 №555-IV;

(<https://zakon.rada.gov.ua/laws/show/555-15#Text>)

- Law of Ukraine “On Combined Heat and Electricity Generation (Cogeneration) and Use of Waste Energy Potential” dated 05.04.2005 № 2509-IV;

(<https://zakon.rada.gov.ua/laws/show/2509-15#Text>)

- Law of Ukraine “On Housing and Utility Services” dated 09.11.2017№ 2189-VIII;

(<https://zakon.rada.gov.ua/laws/show/2189-19#Text>)

- Law of Ukraine “On Commercial Accounting for Heat and Water Supply” dated 22.06.2017 № 2119-VIII;

(<https://zakon.rada.gov.ua/laws/show/2119-19#Text>)

- Law of Ukraine “On Special Provisions for Access to Information in the Areas of Electricity, Natural Gas, Heat Supply, Centralized Hot Water Supply, Centralized Drinking Water Supply and Sanitation” dated 10.12.2015 № 887-VIII;

(<https://zakon.rada.gov.ua/laws/show/887-19#Text>)

- NEURC Resolution “On the approval of the Rules to Manage the Restrictions and the Procedure for the Allocation of Cross-Border Electricity Capacity” dated 03.04.2020 №763;

(<https://zakon.rada.gov.ua/laws/show/v0763874-20#Text>)

- NEURC Resolution “On approval of the Market Rules” dated 14.03.2018 № 307;

(<https://zakon.rada.gov.ua/laws/show/v0307874-18#Text>)

- NEURC Resolution “On approval of the Transmission Network Code” dated 14.03.2018 № 309;

(<https://zakon.rada.gov.ua/laws/show/v0309874-18#Text>)

- NEURC Resolution “On approval of the Distribution Network Code” dated 14.03.2018 № 310;

(<https://zakon.rada.gov.ua/laws/show/v0310874-18#Text>)

- NEURC Resolution “On approval of the Commercial Metering Code” dated 14.03.2018 № 311;

(<https://zakon.rada.gov.ua/laws/show/v0311874-18#Text>)

- NEURC Resolution “On approval of the DAM and IDM Rules (Day-ahead market and intraday market rules)” dated 14.03.2018 № 308;

(<https://zakon.rada.gov.ua/laws/show/v0308874-18#Text>)

- NEURC Resolution “On approval of the Retail Electricity Market Rules” dated 14.03.2018 № 312;

(<https://zakon.rada.gov.ua/laws/show/v0312874-18#Text>)

- Order of the Ministry of Energy and Coal Industry of Ukraine “On approval of the Security of Electricity Supply Rules” dated 27.08.2018 № 448;

(<https://zakon.rada.gov.ua/laws/show/z1076-18#Text>)

• **Key legislation on gas and oil:**

- Law of Ukraine "On the Natural Gas Market" dated 09.04.2015 №329-VIII;

(<https://zakon.rada.gov.ua/laws/show/329-19#Text>)

- Law of Ukraine "On Oil and Gas" dated 12.07.2001 №2665-III;

(<https://zakon.rada.gov.ua/laws/show/2665-14#Text>)

- Law of Ukraine "On Pipeline Transport" dated 15.05.1996 №192/96-BP;

(<https://zakon.rada.gov.ua/laws/show/192/96-%D0%B2%D1%80#Text>)

- Law of Ukraine "On Production Sharing Agreements" dated 14.09.1999 №1039-XIV;

(<https://zakon.rada.gov.ua/laws/show/1039-14#Text>)

- NEURC Resolution “Code of the Gas Transmission System”, dated 30.09.2015 №2493;

(<https://zakon.rada.gov.ua/laws/show/z1378-15#Text>)

- NEURC Resolution “Code of the Gas Distribution System”, dated 30.09.2015 №2494;

- (<https://zakon.rada.gov.ua/laws/show/z1379-15#Text>)
- NEURC Resolution “Gas Storage Systems Code” dated 30.09.2015 №2495;
(<https://zakon.rada.gov.ua/laws/show/z1380-15#Text>)
 - NEURC Resolution “Rules for Supply of Natural Gas” dated 30.09.2015 №2496;
(<https://zakon.rada.gov.ua/laws/show/z1382-15#Text>)
 - NEURC Resolution “Model Contract for the Transportation of Natural Gas” dated 30.09.2015 №2497;
(<https://zakon.rada.gov.ua/laws/show/z1383-15#Text>)
 - NEURC Resolution Model Agreement on Distribution of Natural Gas dated 30.09. 2015 №2498;
(<https://zakon.rada.gov.ua/laws/show/z1384-15#Text>)
 - NEURC Resolution Standard Agreement “On Supply of Natural Gas by Supplier of Last Resort dated 30.09.2015 №2501;
(<https://zakon.rada.gov.ua/laws/show/z1387-15#Text>)
 - CMU Resolution “Procedure for Conducting a Tender to Determine the Supplier of Last Resort” dated 30.09.2015 №809;
(<https://zakon.rada.gov.ua/laws/show/809-2015-%D0%BF#Text>)
 - NEURC Resolution "On approval of the Methodology for Determining and Calculating Tariffs for Natural Gas Transportation Services for Entry and Exit Points Based on Long-Term Incentive Regulation" dated 30.09.2015 №2517;
(<https://zakon.rada.gov.ua/laws/show/z1388-15#Text>)
 - NEURC Regulation “On approval of the Methodology for Determining and Calculating the Tariff for Natural Gas Distribution Services” dated 25.02.2016 №236;
(<https://zakon.rada.gov.ua/laws/show/z1434-16#Text>)
 - NEURC Resolution “On approval of Methodology of Determination and Calculation of Tariffs for Services of Storage (injection, selection) of Natural Gas Concerning Gas Storages Regulated Access Mode” dated 13.06.2016 №1131;
(<https://zakon.rada.gov.ua/laws/show/z1035-16#Text>)
 - NEURC Resolution "On the Implementation of Measures to Improve the Efficiency of the Gas Transmission System of Ukraine" dated 14.11.2019 №2365;
(<https://zakon.rada.gov.ua/rada/show/v2365874-19#Text>)
 - Order of the Ministry of Energy and Coal Industry of Ukraine "On Approval of the Rules on Security of Natural Gas Supply" dated 02.11.2015 №686;
(<https://zakon.rada.gov.ua/laws/show/z1489-15#Text>)
 - CMU Resolution “On Approval of the Rules to Protect the Main Pipelines” dated 16.11.2002 №1747;

(<https://zakon.rada.gov.ua/laws/show/1747-2002-%D0%BF#Text>)

- Order of the Ministry of Energy and Coal Industry of Ukraine "On Approval of the National Action Plan" dated 02.11.2015 № 687;

(<https://zakon.rada.gov.ua/laws/show/z1458-15#Text>)

- NEURC Regulation "On the Procedure for Certification of Gas Transmission System Operator" dated 14.04.2016 №631;

(<https://zakon.rada.gov.ua/laws/show/z0996-16#Text>)

- NEURC Resolution "On the Adoption of the Final Decision on the Certification of the Gas Transmission System Operator" dated 24.12.2019 №3010;

(<https://zakon.rada.gov.ua/rada/show/v3010874-19#Text>)

- NEURC Resolution "On the Issuance of a License for the Transportation of Natural Gas to GAS TRANSMISSION SYSTEM OPERATOR OF UKRAINE LLC" dated 24.12.2019 №3011;

(<https://www.nerc.gov.ua/acts/pro-vidachu-litsenzii-z-transportuvannya-prirodnogo-gazu-tov-operator-gts-ukraini?id=47870>)

- NEURC Resolution "On Approval on the Compliance Program of GAS TRANSMISSION SYSTEM OPERATOR OF UKRAINE LLC" dated 23.12.2020 №2679;

(<https://zakon.rada.gov.ua/rada/show/v2679874-20#Text>)

- CMU Resolution "On Separation of Natural Gas Transportation and Ensuring Operations of the Gas Transportation System Operator" dated 18.09.2019 №840;

(<https://zakon.rada.gov.ua/laws/show/840-2019-%D0%BF#Text>)

- NEURC Resolution "On Setting Tariffs for GAS TRANSMISSION SYSTEM OPERATOR OF UKRAINE LLC for Natural Gas Transportation Services for Entry Points and Exit Points for the Regulatory Period 2020 - 2024" dated 24.12.2019 №3013;

(<https://zakon.rada.gov.ua/laws/show/v3013874-19#Text>)

- NEURC Resolution "On Transposition of the Provisions of the Acts of the European Union and the Energy Community on the Natural Gas Market of Ukraine" dated 29.11.2019 №2586;

(<https://zakon.rada.gov.ua/rada/show/v2586874-19#Text>)

- NEURC Resolution "Licensing Terms for Commercial Activity in the Natural Gas Market" dated 16.02.2017 №201 [Licensing terms for transmission, storage, distribution, supply of natural gas];

(<https://zakon.rada.gov.ua/laws/show/v0201874-17#Text>)

- NEURC Resolution "On the Approval of Forms of the Reporting of NEURC Concerning Carrying out of Monitoring in the Natural Gas Market and Instructions on their Filling" dated 07.07.2016 №1234;

(<https://zakon.rada.gov.ua/laws/show/z1090-16#Text>)

- NEURC Resolution "On Approval of Minimum Standards and Requirements for the Quality of Customer Service and Natural Gas Supply" dated 21.09.2017 №1156;

(<https://zakon.rada.gov.ua/laws/show/v1156874-17#Text>)

• **Key legislation on energy efficiency:**

Law of Ukraine "On Technical Regulations and Conformity Assessment" dated 15.01.2015 №124-VIII;

(<https://zakon.rada.gov.ua/laws/show/124-19#Text>)

Law of Ukraine "On Ratification of the Association Agreement between Ukraine, on the One Part, and the European Union, the European Atomic Energy Community and their Member States, on the Other Part" dated 16.09.2014 No. 1678-VII ;

(<https://zakon.rada.gov.ua/laws/show/1678-18#Text>)

Law of Ukraine "On the Decision of the EU-Ukraine Association Council on Amendments to Annex XXVII to the Association Agreement between Ukraine, on the One Part, and the European Union, the European Atomic Energy Community and their Member States, on the Other Part" dated 06.06.2019 No. 2739-VIII;

<https://zakon.rada.gov.ua/laws/show/2739-19#Text>)

Law of Ukraine "On Energy Efficiency" dated 21.10.2021 No. 1818-IX;

(<https://zakon.rada.gov.ua/laws/show/1818-20#Text>)

Law of Ukraine “On the Energy Efficiency Fund” dated 08.06.2017 No. 2095-VIII;

(<https://zakon.rada.gov.ua/laws/show/1818-20#Text>)

Law of Ukraine “On Heat Supply” dated 2.07.2005 No. 2633-IV;

(<https://zakon.rada.gov.ua/laws/show/2633-15#Text>)

Law of Ukraine “On Commercial Metering of Heat and Water Supply” dated 22.06.2017 No. 2119-VIII;

(<https://zakon.rada.gov.ua/laws/show/2119-19#Text>)

Law of Ukraine “On the Natural Gas Market” dated 09.04.2015 No. 329-VIII;

(<https://zakon.rada.gov.ua/laws/show/329-19>)

Law of Ukraine “On the Electricity Market” dated 13.04.2017 No. 2019-VIII;

(<https://zakon.rada.gov.ua/laws/show/2019-19#Text>)

Law of Ukraine “On Energy Performance of Buildings” dated 22.06.2017 No. 2118-VIII;

(<https://zakon.rada.gov.ua/laws/show/2118-19#Text>)

Law of Ukraine “On Alternative Energy Sources” dated 20.02.2003 No. 555-IV;

(<https://zakon.rada.gov.ua/laws/show/555-15#Text>)

Law of Ukraine “On Alternative Types of Fuel” dated 14.01.2000 No. 1391-XIV;

(<https://zakon.rada.gov.ua/laws/show/1391-14#Text>)

Law of Ukraine “On Regulation of Town-Planning Activities” dated 17.02.2011 No. 3038-VI;

(<https://zakon.rada.gov.ua/laws/show/3038-17#Text>)

Law of Ukraine “On Introduction of New Investment Opportunities, Guarantee of the Rights and Lawful Interests of Subjects of Business Activity for Carrying Out Large-Scale Energy Modernization” dated 09.04.2015 No. 327-VIII;

(<https://zakon.rada.gov.ua/laws/show/327-19#Text>)

Law of Ukraine “On Amendments to the Budget code of Ukraine Concerning Introduction of New Investment Opportunities, Guarantee of the Rights and Lawful Interests of Subjects of Business Activity for Carrying Out Large-Scale Energy Modernization” dated 09.04.2015 No. 328-VIII;

(<https://zakon.rada.gov.ua/laws/show/328-19#Text>)

Law of Ukraine “On Amendments to the Law of Ukraine "On Public Procurement" and Some Other Legislative Acts of Ukraine on Improving Public Procurement” dated 19.09.2019 No. 114-IX;

(<https://zakon.rada.gov.ua/laws/show/114-20#Text>)

Order of the Cabinet of Ministers of Ukraine “On the National Action Plan on Energy Efficiency until the Year 2030” dated 29.12.2021 No. 1803-p;

(<https://zakon.rada.gov.ua/laws/show/1803-2021-p#Text>)

CMU Resolution “On the Procedure for Issuing a Certificate of Classification of Fuel as Alternative” dated 05.10.04 No. 1307;

(<https://zakon.rada.gov.ua/laws/show/1307-2004-n#Text>)

Order of the State Committee for Energy Saving “On Approval of the Procedure for Expert Examination for Confirmation of the Classification of Fuel as Alternative” dated 10.12.04 No. 183.

(<https://zakon.rada.gov.ua/laws/show/z1647-04#Text>)

To implement the provisions of these legislative acts, the following regulatory acts were adopted:

- CMU Resolution “On Determining the Areas of Activity in which the Central Executive Bodies and the Security Service of Ukraine Perform the Functions of Technical Regulation” dated 16.12.2015 No. 1057;

(<https://zakon.rada.gov.ua/laws/show/1057-2015-n#Text>)

- CMU Resolution “On the Implementation of Energy Management Systems” dated 23.12.2021 No. 1460;

(<https://zakon.rada.gov.ua/laws/show/1460-2021-n#Text>)

- CMU Resolution “On Approval of the Model Energy Service Agreement” dated 25.10.2015 No. 845;

(<https://zakon.rada.gov.ua/laws/show/845-2015-n#Text>)

- CMU Resolution “On Approval of the Procedure for Monitoring the Status of Commercial Metering Units and Information Exchange between the State Agency for Energy Efficiency and Energy Saving and the State Service for Food Safety and Consumer Protection Regarding Violations

of Legislation Pertinent to Compliance of Measuring Equipment with Technical Regulations, and the Terms of Its Installation or Replacement” dated 26.07.18 No. 603;

(<https://zakon.rada.gov.ua/laws/show/603-2018-n#Text>)

- CMU Resolution “On the Implementation of the Association Agreement between Ukraine, on the One Part, and the European Union, the European Atomic Energy Community and their Member States, on the Other Part” dated 25.10.2017 No. 1106;

(<https://zakon.rada.gov.ua/laws/show/1106-2017-n#Text>)

- CMU Order “On Approval of the Action Plan for the Development of the Technical Regulation System for the Period up to 2025” dated 22.09.2021 No.1145-p;

(<https://zakon.rada.gov.ua/laws/show/1145-2021-p#Text>)

It should be noted that the Law of Ukraine “On Energy Performance of Buildings” dated 22.06.2017 No.2118-VIII came into force on 23.07.2017 and was enacted on 23.07.2018. The *Law was approved* to implement the requirements of the Directive of the European Parliament and the Council 2010/31/EU on energy performance of buildings into national law, in the framework of the ratified Treaty Establishing the Energy Community.

In accordance with the Law of Ukraine “On Energy Performance of Buildings” the following acts were passed:

- the procedure for conducting professional certification of persons who intend to carry out activities on energy efficiency certification and inspection of engineering systems (approved by the Cabinet of Ministers of Ukraine on 9 June 2021 No. 600, entered into force on 17 August 2021);

(<https://zakon.rada.gov.ua/laws/show/600-2021-n#Text>)

- the procedure for independent monitoring of energy certificates (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 18 October 2018 No. 276, entered into force on 21 December 2018);

(<https://zakon.rada.gov.ua/laws/show/z1323-18#Text>)

- the procedure for independent monitoring of reports on the results of the inspection of engineering systems (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 18 October 2018 No. 274, entered into force on 07 December 2018);

(<https://zakon.rada.gov.ua/laws/show/z1277-18#Text>)

- the procedure for reviewing reports on the inspection of engineering systems (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 18 October 2018 No. 275, entered into force on 07 December 2018);

(<https://zakon.rada.gov.ua/laws/show/z1266-18#Text>)

- the procedure for professional attestation of persons who intend to carry out activities on energy efficiency certification and inspection of engineering systems (approved by the CMU Resolution of 26 July 2018 No. 605, entered into force on 31 July 2018);

(<https://zakon.rada.gov.ua/laws/show/605-2018-n#Text>)

- the procedure for exchanging information between Central Executive Bodies, attestation commissions in the process of conducting independent monitoring (approved by the CMU Resolution of 26 July 2018 No. 602, entered into force on 31 July 2018)

(<https://zakon.rada.gov.ua/laws/show/602-2018-n#Text>)

- the procedure for energy efficiency certification (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 11 July 2018 No. 172, entered into force on 20 July 2018);

(<https://zakon.rada.gov.ua/laws/show/z0825-18#Text>)

- the methodology of determining the energy performance of buildings (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 11 July 2018 No. 169, entered into force on 20 July 2018);

(<https://zakon.rada.gov.ua/laws/show/z0822-18#Text>)

- the methodology of determining the economically feasible level of energy performance of buildings (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 11 July 2018 No. 170, entered into force on 20 July 2018);

(<https://zakon.rada.gov.ua/laws/show/z0823-18#Text>)

- the methodology of inspection of building engineering systems (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 11 July 2018 No. 173, entered into force on 20 July 2018);

(<https://zakon.rada.gov.ua/laws/show/z0826-18#Text>)

- the procedure for applying the calculation elements of the software to determine the energy performance of buildings (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 11 July 2018 No. 171, entered into force on 20 July 2018);

(<https://zakon.rada.gov.ua/laws/show/z0824-18#Text>)

- the list of industrial and agricultural buildings, facilities of energy, transport, communication and defense, warehouses, which are not subject to the minimum requirements for energy performance of buildings and which are not subject to certification of the energy performance of buildings (approved by the CMU Resolution of 11 April 2018 No. 265, entered into force on 18 April 2018);

(<https://zakon.rada.gov.ua/laws/show/265-2018-n#Text>)

- the list of buildings that are frequently visited by citizens (approved by the Order of the Ministry of Regional Development, Construction and Housing and Utility Sector of Ukraine of 16 October 2017 No. 267, entered into force on 15 December 2017).

(<https://zakon.rada.gov.ua/laws/show/z1329-17#Text>)

Also, the “Concept of State Policy in the Field of Energy Performance of Buildings in Terms of Increasing the Number of Buildings with Nearly Zero Energy Consumption” and the “National Plan to Increase the Number of Buildings with Nearly Zero Energy Consumption” was adopted (approved by the Order of the Cabinet of Ministers of Ukraine of 29 January 2020 No. 88-p, entered into force on 29 January 2020).

(<https://zakon.rada.gov.ua/laws/show/88-2020-p#Text>)

Planned documents:

In addition, a number of strategic documents *have been prepared* in the framework of the implementation of EU Directives and the development of renewable energy:

- the draft National Action Plan for the Development of Renewable Energy until 2030 (https://saee.gov.ua/sites/default/files/blocks/02_Proekt_NPDVE-10.01.2022.docx)

At the beginning of 2022, the draft National Action Plan for the Development of Renewable Energy until 2030 (hereinafter, the 2030 RENAP) has been prepared. The draft 2030 RENAP sets the target for renewable energy consumption in Ukraine in 2030 at the level of 27 percent, as well as measures to ensure the balanced development of renewable electricity, heat and renewable energy in transport.

The 2030 RENAP will be the strategic document that will determine the sector's development for decades and will be an integral part of the Energy Strategy of Ukraine and the Integrated National Plan for Energy and Climate.

As of April 28, 2022, the draft 2030 RENAP is currently being coordinated with central executive bodies (Ministry of Agrarian Policy and Food of Ukraine, Ministry of Digital Transformation of Ukraine, Ministry of Education and Science of Ukraine, Ministry of Foreign Affairs of Ukraine; State Agency of Water Resources of Ukraine, Ministry of Development of Communities and Territories of Ukraine, Ministry of Finance of Ukraine, Ministry of Infrastructure of Ukraine; National Commission for State Regulation of Energy and Utilities; Ministry of Environmental Protection and Natural Resources of Ukraine; Ministry of Economy of Ukraine) and the public.

- the draft of Hydrogen Strategy
- According to optimistic forecasts, the potential for RES development will allow producing 5.5 billion m³ of hydrogen already in 10 years. Due to this and the existing cross-border infrastructure, the European Union has identified Ukraine as a priority partner for the supply of renewable hydrogen. Work is currently underway to develop a draft Strategy for the Development of Hydrogen Energy in Ukraine until 2030. The draft of Hydrogen Strategy is only prepared.
- Integrated National Plan for Energy and Climate. Document under preparation.

In the framework of planning the development of the energy sector, in accordance with the requirements of Directive 2018/2001 on the promotion of the use of energy from renewable sources (RED II), the Ministry of Energy is preparing an Integrated National Plan for Energy and Climate, which combines goals, policies and measures for the development of energy efficiency, ecology and renewable energy.

• Key legislation on heat supply

The legislation in force on heat supply includes:

- Energy Strategy of Ukraine for the period up to 2035, approved by Resolution the order of the Cabinet of Ministers of Ukraine of 18.08.2017 № 605-r.

(<https://zakon.rada.gov.ua/laws/file/text/58/f469391n10.pdf>)

The Energy Strategy is a document that outlines the strategic for the development of Ukrainian fuel and energy complex, including heat supply for the period up to 2035, and envisages that the reform of the energy sector of Ukraine will largely be completed by 2025, innovative upgrading and integration of the Ukrainian energy sector into the EU energy sector will be ensured.

- Concept of the Realization of the State Policy in the Field of Heat Supply, approved by the Cabinet of Ministers of Ukraine Executive Order of 18.08.2017 № 569-r.

(<https://zakon.rada.gov.ua/laws/show/569-2017-%D1%80#Text>)

The concept forms and determines the ways of realization an effective state policy aimed at reliable providing consumers with heat supply services, ensuring energy independence and security of Ukraine; reducing negative impact on the environment, improving financial and economic condition of enterprises, introducing of a transparent efficient system of settlements between the consumer and the service provider, creating conditions and stimulating of attraction of investments in the field of heat supply.

- The Law of Ukraine “On Heat Supply” dated 02.06.2005 №2633-IV (as amended).

(<https://zakon.rada.gov.ua/laws/show/2633-15#Text>)

The Law regulates relations arising because of the production, transportation, supply and usage of thermal energy, state supervision (control) in the field of heat supply, operation of heat equipment and performance of work on facilities in the field of heat supply by economic entities regardless of the type of ownership.

- The Law of Ukraine “On Housing and Communal Services” dated 09.11.2017 № 2189-VIII (as amended).

(<https://zakon.rada.gov.ua/laws/show/2189-19#Text>)

The Law regulates relations arising in the process of providing consumers with services for apartment building management, heat supply, hot water supply, centralized water supply, centralized sewerage and household waste management, as well as relations arising in the process of providing electricity and natural gas supply and distribution it to consumers in residential, manor, garden, country houses.

- The Law of Ukraine “On commercial accounting of thermal energy and water supplement” of 22.06.2017 № 2119-VIII (as amended).

(<https://zakon.rada.gov.ua/laws/show/2119-19#Text>)

The Law regulates relations regarding commercial accounting of heat supply services, hot water supply, centralized water supply, distribution of utilities consumed among consumers, installation, maintenance, replacement of metering units / devices - heat distributors, formation and provision of utility bills to consumers, providing consumers with accounting information.

Planned documents

The planned strategy document, in particular in the field of heat supply, will be the Strategy for the Development of Housing and Communal Services for 2022-2027, the draft *is currently approval pending*.

The Strategy will be the main planning document for the formation, implementation and coordination of state policy in the field of housing and communal services, achieving efficient usage

of state resources, resources of local communities and regions in the interests of human being, state unity, sustainable development of settlements, environmental protection and sustainable use of energy and natural resources for current and future generations of Ukrainians.

The Strategy will reflect and confirm Ukrainian aspiration for adhering to the principles of efficiency, openness, environmental friendliness and focus on humanitarian needs. The Strategy will correspond to the chosen directions of development of Ukrainian society as an integral part of the European space, as stated in the Association Agreement between Ukraine and the EU, and based on the European Green Deal.

The overall goal of the Strategy will be a sustainable transition to new standards of quality of life and climate neutrality of comfort living processes.

On energy efficiency of Buildings

Ukraine has consistently pursued a policy of improving energy efficiency by implementing the provisions of Directive 2010/31/EU on the energy performance of buildings and Directive 2012/27/EU on energy efficiency in a number of pieces of legislation:

- Law of Ukraine "On Energy Efficiency";
- Law of Ukraine "On Energy Efficiency of Buildings";
- Law of Ukraine "On the Energy Efficiency Fund";
- Law of Ukraine "On introduction of new investment opportunities, guarantee of rights and legitimate interests of business entities for large-scale energy modernization"
- Law of Ukraine "On amendments to the Budget Code of Ukraine on introduction of new investment opportunities, guarantee of rights and legitimate interests of sub- business projects for large-scale energy modernization";

In compliance with the requirements of the Law on Energy Efficiency, the adoption of new regulations on energy efficiency policy is expected.

CMU Resolution "On the implementation of energy management systems" for the implementation of the energy management system in public authorities has been approved dated 23.12.2021.

In accordance with the Law "On Energy Efficiency of Buildings" the minimum requirements for energy efficiency of buildings, energy certification of buildings and inspection of engineering systems in buildings by independent and duly qualified specialists were approved.

According to the Annual Implementation Report of Ukraine (Secretariat of the Energy Community) for 2021, "Ukraine has updated five bylaws on the implementation of the EPBD and in accordance with the EED. At the end of 2020, the Ministry of Regional Development approved two orders, including the approval of minimum requirements for energy efficiency of buildings. Together with which the full package of relevant bylaws is approved.

There are 5 legal acts to the Law of Ukraine on the energy efficiency of buildings, adopted in 2021, and 2 acts at the end of 2020

- **Resolution "On Approval of the Procedure for Professional Certification of Persons Who Intend to Undertake Certification of Energy Efficiency and Inspection of Engineering Systems"** Approved / Order No 605, 26.07.2018, Amended / Order No 600, 09.06.2021

- **Order "On Approval of the Methodology for Inspection of Engineering Systems"** Approved / Order No 173, 11.07.2018, Amended / Order No 64, 17.03.2021

- **Resolution "On Approval of Procedure for information exchange between central executive authorities, attestation commissions in the process of independent monitoring, professional certification and maintaining databases of certificates, specialists and reports"** Approved / Resolution No 602, 26.07.2018, Amended / Resolution No 31, 24.01.2020, Amended / Resolution No 379, 21.04.2021

- **Order "On approval of the Methodology for determining the energy efficiency of building"** Approved / Order No 169, 11.07.2018 Amended with the Order No 261, 27.10.2020

- **Order "On approval of the minimum requirements for the energy efficiency of buildings"** Approved / Order No 260, 27.10.2020

Ukraine has adopted the Law "On Energy Efficiency of Buildings" (EEB Law), which defines the legal, socio-economic and organisational principles of activities in the field of energy efficiency buildings and aims to reduce energy consumption in buildings.

Article 15 of EEB Law also stipulates the National Plan for increasing the number of buildings with close to zero energy consumption.

The Government of Ukraine approved the Concept for the implementation of state policy in the field of energy efficiency of buildings in terms of increasing the number of buildings with close to zero energy consumption and the National Plan to increase the number of buildings with close to zero energy consumption (orders of the Cabinet of Ministers of Ukraine 29.01.2020 № 88-p), which provides for measures to develop requirements for buildings with close to zero energy consumption (paragraph 23 of the National Plan to increase the number of buildings with close to zero energy consumption).

One of the strategic documents adopted by Government is the Concept of the State Heat Supply Policy, adopted by the Resolution of Cabinet of Ministers №569-r (dated 18.09.2017), and Energy Security Strategy, Resolution #907-r (dated 4.08.2021).

The Ministry of Regional Development also is currently developing the State Program of the Heating Sector Modernization and the Strategy of the Buildings' Thermal Modernization.

Energy Strategy until 2035

Ukraine's Energy Strategy until 2035 "Security, Energy Efficiency, Competitiveness" (hereinafter - the Energy Strategy) was approved by the order of the Cabinet of Ministers of Ukraine dated 18.08.2017 № 605-r.

The overall goal of the Energy Strategy is to meet the needs of society and the economy in fuel and energy resources in a technically reliable, safe, cost-effective and environmentally friendly way to ensure improved living conditions of society.

The main objectives of the adopted Energy Strategy are to ensure:

- transition to a modern system of industry management;
- integration of gas and electricity networks into the EU energy space;

- transition to market relations in the fuel and energy sector;
- improving the investment attractiveness of the industry;
- development of a conscious and energy efficient society;
- and as a consequence of achieving energy independence.

Achieving the goals set by the Energy Strategy until 2035 is expected to be carried out in stages by implementing three action plans for three stages, which will create conditions for bringing the energy sector of Ukraine to a fundamentally new, high-quality level of development:

- The first stage of implementation of the Energy Strategy: Reforming the energy sector (by 2020) It's a general description of the main stages of the strategy.
- Second stage: Optimization and innovative development of energy infrastructure (until 2025);
- Third stage: Ensuring sustainable development (until 2035).

To ensure the implementation of the first stage of the Energy Strategy of Ukraine until 2035, from 06.06.2018 № 497-р the Cabinet of Ministers of Ukraine approved the Action Plan for the implementation of the stage "Energy Sector Reform (until 2020)" of the Energy Strategy of Ukraine until 2035 "Security, Energy Efficiency and competitiveness".

The Ministry of Energy of Ukraine has prepared a Report on the implementation of the first stage of reforming the energy sector by first stage until 2020.

Text in Ukrainian -
http://mpe.kmu.gov.ua/minugol/control/uk/publish/article?art_id=245584015&cat_id=245239555

There is a need to update the current Energy Strategy to modernize and further develop Ukraine's energy sector in accordance with the EU energy policies and taking into account the military aggression of the Russian Federation against Ukraine.

New 2050 Energy Strategy until 2050 was prepared before the Russian invasion of Ukraine on 24 February and discussed with the relevant stakeholders. It was planned for public consultations in March 2022. This work will restart after a sustainable cease-fire is in place.

II. SECURITY OF SUPPLY

2. What is the level of oil stock reserves in Ukraine, calculated according to EU methodology, and how are stocks calculated and controlled? What is the level of storage capacity available for those stocks?

Regarding oil products, general stocks (of both private and public undertakings) as of February 1, 2022 were as follows:

1. gasoline - 280, 700 tonnes (-20.5% in comparison to February 2021)
2. diesel - 565, 700 tonnes (-9.1% in comparison to February 2021)
3. LPG - 98,400 tonnes (-31.7% in comparison to February 2021)

These calculations are based on SSSU methodology, which takes into account requirements of Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics.

Data on the total stock of oil is not disclosed and in the relevant datasets of the State Statistics Service of Ukraine (SSSU) it is designated as confidential.

The total nominal capacity of the tank farm is 1,083 thousand cubic meters. As of April 2022 883 thousand cubic meters are utilized.

3. What is the legal framework governing emergency oil stocks?

Oil and oil products stocks mentioned in question 2 are commercial and do not result from any legal obligation to build up strategic or emergency reserves.

Nevertheless, Annex XXVII to the AA provides for harmonization with **Directive 2009/119/EC of 14 September 2009 imposing an obligation on Member States to maintain minimum stocks of crude oil and/or petroleum products**. The implementation of the oil stocks Directive is also an international obligation of Ukraine as a Contracting Party of the Energy Community. The implementation deadline is January 1, 2023.

The deadline will be hard to achieve, given:

1) **Current implementation status.** As of April 2022, draft framework law governing creation and maintenance of oil and petroleum products stocks is not registered in the Parliament. There are two draft laws, one was prepared by the State Agency of Reserve of Ukraine and published in 2018, the other was proposed by the Ministry of Energy in 2021. It is expected to start the creation of stocks in 2023 (pre-war forecast). Consequently, it shall be adopted to specify the financial and ownership model, according to which the stocks will be established.

2) **Infrastructural and financial obstacles to create necessary stocks.** Creating necessary stocks in the territory of Ukraine will require construction of additional infrastructure (tank farms to stock oil and oil products). Due to protracted hostilities and russian bombings resulting in destruction of both tank farms and oil refineries (Kremenchuk oil refinery and Shebelynka gas processing plant), the scope of necessary additional infrastructure remains unclear.

The end of war is an essential condition for the establishment of stocks of oil and petroleum products. Legislative work to this end may be undertaken earlier.

4. In terms of gas supplies, in particular have Ukraine authorities:

a) Planned the roles and responsibilities of various market participants in order to ensure security of supply;

Pursuant to Article 20 of the Law of Ukraine “On the Natural Gas Market”, the gas transmission system operator shall bear sole responsibility for reliable and safe operation, maintenance and development, including new construction and reconstruction of the gas transmission system to meet the expected demand of natural gas market entities for natural gas transmission services, given the progressive development of the natural gas market.

For these purposes, the gas transmission system operator (the “GTSO”) shall be obliged to have financial, technical, material and human resources at its disposal (clause two of part 3 of Article 27 of the Law). Compliance with the requirements of clause 2 of part 3 of Article 27 of the Law on availability of the resources required to perform the functions of the GTSO, shall be one of the certain conditions for the GTSO operation, as well as the certification of the GTSO in line with the ISO model, respectively.

The GTSO performs its activities under a natural gas transmission licence. Relevant licenses were granted to the GTSO in line with the NEURC resolution No.3011 dated 24 December 2019 effective from 01 January 2020. Entity’s compliance with the unbundling requirements and the independence of the gas transmission system operator was confirmed by the final decision on certification of Limited Liability Company "Gas Transmission System Operator of Ukraine" approved by the NEURC resolution No.3010 dated 24 December 2019 effective as of 01 January 2020.

UA GTSO has been licensed in accordance with the rules. It is solely owned by MGU, the company whose 100% of corporate shares belong to the state. Gas TSO of Ukraine manages the state property used for the natural gas transmission and operates under the conditions defined by the domestic laws, including antimonopoly laws, in line with the Code of the Gas Transmission System, NEURC regulations and provisions of the European regulations transposed into Ukrainian laws (European Network Codes.).

The powers of the state on the investment planning of the TSO development are exercised pursuant to Article 30 of the Law, namely by annual approval by the NEURC of the Ten-Year Gas Transmission Network Development Plan, drafted based on the actual and forecast demand and supply figures.

Pursuant to the Law of Ukraine “On the Natural Gas Market” the **Ministry of Energy** has the following functions:

- development and approval of the rules on the security of natural gas supply (Article 5), which shall be binding upon all natural gas market participants and which include, inter alia, measures that shall be binding upon the natural gas market participants (except for the consumers) to ensure the security of natural gas supply to protected consumers, risk assessment of the security of natural gas supply, measures required to mitigate the impact of the risks detected, reporting etc;

- development and approval of the National Action Plan which defines measures to eliminate or reduce the overall adverse effect of a crisis situation, which shall be binding upon all natural gas market participants in coordination with the Regulator (NEURC, Article 6);

- monitoring of natural gas supply security (Article 7), inter alia, the state of implementation of measures on natural gas supply security, balance of natural gas supply and demand in Ukraine; long-term foreign economic agreements on natural gas sales and purchase or supply; the state of resourcing of natural gas market (natural gas market liquidity); sufficiency of interconnection potential between gas transmission systems of Ukraine and gas transmission systems of other states; the level of expected demand, available receipts and, respectively, forecast situation on natural gas market allowing for changes in demand, autonomy of natural gas sources and possible changes in such sources; the volume of new capacities of gas transmission and gas distribution systems, gas storages, LNG facility construction of which is planned or has been already started; technical condition of gas transmission and gas distribution systems; measures aimed at meeting peak demand, as well as covering temporary natural gas deficit within one or several suppliers;

- approval of technical and security standards (Article 8) covering gas transmission and gas distribution systems, gas storages, LNG facility, including health and safety rules, minimum technical requirements for design and operation, requirements for technical inspection, requirements for professional qualifications and experience of individuals and legal entities performing construction work, engineering and technical work and maintenance of gas transmission and gas distribution systems, LNG facility), as well as facilitation in In addition, the provisions of the Law stipulate ensuring automated accounting of natural gas consumers and the volumes of natural gas they have consumed so that provide control of using the resources of imported natural gas and natural gas of own production using the information database on natural gas consumption. Provisions of the information database, as well as the holder and administrator of the database, shall be determined by the Cabinet of Ministers of Ukraine. Creation of the information database of natural gas consumption will allow to make natural gas market more transparent in order to reduce manipulations in matters of production and technological costs and accounting, as well as help ensure accurate forecasting of consumption.

Activities of the GTSO, also under the conditions of the martial law status, are regulated by the Law of Ukraine “On the Natural Gas Market”, other regulations adopted in line with the legislation (the Code of the Gas Transmission System, resolutions of the NEURC), and also in compliance with the National Action Plan approved by Order of the Ministry of Energy and Coal Industry of Ukraine No.687 dated 02 November 2015 (the "National Action Plan").

b) Prepared any emergency measures;

In pursuance of the decision of the Crisis Committee in compliance with the abovementioned National Action Plan, on 26 February 2022, the Ministry of Energy of Ukraine adopted Order No. 87 approving a decision to declare the Crisis Situation of a state-of-emergency level.

For each level of a crisis situation the National Action Plan specifies a system of actions, obligations of natural gas market entities, tasks and powers of a central executive authority that ensures formation and implementation of the state policy in the oil and gas sector as well as other authority, agency or public officer authorized to take part in overcoming a crisis situation, bodies, persons or a group of persons responsible for crisis situation management.

The GTSO carries out its activities in line with the obligations and powers provided for the crisis situation of a state-of-emergency level.

In addition, by Order of the Ministry of Energy of Ukraine No. 101 dated 04.03.2022 the TSO is obliged:

- to transport natural gas and to ensure transmission of natural gas to gas distribution networks and networks of direct consumers to further ensure gas supply to consumers of Ukraine regardless of the presence/absence of the possibility to perform instrumental metering of natural gas using commercial gas metering unit at defined exit points of the gas transmission system;
- in the event of temporary malfunction or decommissioning of a commercial gas metering unit at exit points of the gas transmission system, to determine the volume of natural gas withdrawals from the gas transmission system in the manner prescribed by Chapter 4 of Section III of the Gas Transmission System Code approved by Resolution of the National Energy and Utilities Regulatory Commission of Ukraine No. 2394 dated 30.09.2015.

Under the Regulation on Imposing Public Service Obligations on Natural Gas Market Entities to Ensure Public Interests in the Process of Functioning of the Natural Gas Market approved by Resolution of the Cabinet of Ministers of Ukraine No. 222 dated 06.03.2022 (as amended), LLC “Gas Supply Company “Naftogaz of Ukraine” being a supplier of last resort is imposed with the public service obligations in the natural gas market regarding procurement of natural gas from the TSO and sale of natural gas to the GTSO for the purpose of physical balancing of the gas transmission system.

Also, the Ministry of Energy of Ukraine adopted the order No. 99 dated 03.03.2022 regarding the ban on export of natural gas. Participants of the natural gas market are prohibited to export of natural gas from the customs territory of Ukraine, including natural gas from gas storage facilities of Ukraine in regime "customs warehouse". On 03.04.2022, the Ministry of Energy amended this order by its Order №144, whereby re-exports of natural gas imported into Ukraine from 03.04.2022 is allowed. Gas imported into Ukraine before 03.04.2022 is still subject to a re-export ban, however the amount of residual gas from international traders is minimal.

In addition, order of the Ministry of energy of Ukraine dated 07.03.2022 № 110 provides for gas TSO to take precautionary measures.

c) Planned any monitoring and reporting mechanisms in order to mitigate future gas supply disruptions?

By order of the Ministry of Energy and Coal industry of Ukraine (the predecessor of the Ministry of Energy before 2020) of 03.11.2017 № 683 a working group was set up. It is a monitoring mechanism tasked with drafting regulations necessary for the effective functioning of the natural gas market of Ukraine with the participation of experts from the Energy Community Secretariat.

As it was mentioned above the Ministry of Energy of Ukraine adopted several documents:

The Security of Gas Supply Rules approved by Order of the Ministry of Energy of Ukraine No.686 dated 02 November 2015 (with further amendments). The Rules are available at the following link: <https://zakon.rada.gov.ua/laws/show/z1489-15#n16>

The National Action Plan approved by Order of the Ministry of Energy of Ukraine No.687 dated 02 November 2015 (with further amendments). The Action Plan is available at the following link: <https://zakon.rada.gov.ua/laws/show/z1458-15#n16>

The results of natural gas security of supply monitoring are published on the website of the Ministry of Energy: http://mpe.kmu.gov.ua/minugol/control/uk/publish/article?art_id=245562348&cat_id=245070661

5. How has Ukraine taken into account the findings of the 2022 gas sector stress tests?

In 2022, no stress tests was conducted in the gas sector.

At the same time, the USAID and Tetra Tech Inc. within the Energy Security Project (ESP) conducted a study, and the final report based on its results “Future Investment Needs of the Gas Transmission System of Ukraine” dated 02.07.2021. This study simulated the operation of the GTSO, in the part of transit pipelines, to provide an independent assessment of the GTSO infrastructure needed to transmit gas from Russia to Europe (from the East to the West) under three transit scenarios and analyzed additional measures that may be implemented to achieve greater efficiency and more efficient gas transmission.

III. INTERNAL ENERGY MARKET

6. Please explain the rules on the opening up of the internal electricity and gas markets as per Directives 2019/944 and 2009/73, together with Regulation (EU) 2019/943 on the internal market for electricity, Regulation 715/2009 on conditions for access to the natural gas transmission networks and Regulation (EU) 2019/941 on risk-preparedness in the electricity sector.

General overview of the electricity market

On July 1, 2019, a new liberalized model of the wholesale electricity market under the Third Energy Package was launched in Ukraine.³⁵ Retail market opening took place earlier on January 1, 2019, which introduced the unbundling of distribution and supply services in the retail electricity market.

At the same time, today the market is being reformed and improved. Government with market participants and international experts are working to further liberalization, introduction of open, competitive and transparent conditions for its operation according to European rules.

On March 16, 2022, a full-fledged technical synchronization of the unified energy system of Ukraine with the unification of energy systems of the member states of the European Union ENTSO-E took place. Currently, policy and decision makers are working on introduction of joint cross-border capacity allocation to be followed by market coupling in later stages. This will allow the launch of joint explicit auction with Moldova and neighboring EU countries. Completion of the market integration process will ensure the unification of market rules, their transparency and sustainability, will strengthen liquidity and competition.

Public service obligations (PSO)

The Law of Ukraine "On Electricity Market" stipulates that in the process of functioning of the electricity market to ensure the general economic interest in the electricity sector of Ukraine, necessary to meet the interests of citizens, society and the state, and ensure sustainable long-term development of the electricity sector and competitiveness market participants may be subject to special responsibilities (public service obligations or PSO).

The special responsibilities assigned to the participants of the electricity market in accordance with this Law "On Electricity Market" to ensure the general public interests in the process of functioning of the electricity market include, in particular:

- 1) ensuring an increase in the share of electricity production from alternative energy sources;
- 2) performing the functions of a universal service provider;
- 3) performing the functions of the supplier of "last resort";
- 4) provision of services to ensure the development of generating capacity;
- 5) increasing the efficiency of combined heat and power production.

³⁵ Pursuant to the Law of Ukraine 'On Electricity Market of Ukraine', available at: <https://zakon.rada.gov.ua/laws/show/2019-19#Text> (In Ukrainian)

In order to ensure the general public interest in the functioning of the electricity market, the Cabinet of Ministers of Ukraine may impose special responsibilities on market participants. For these purposes the Cabinet Ministers of Ukraine approved the resolution № 483 dated 05.06.2019 “About Approval of the Rules on Assignment of Special Obligations on Participants of the Electricity Market for Maintenance of General Public Interests in the Course of Functioning of the Electricity Market” (PSO mechanism).

As from 01.10.2021 a PSO mechanism³⁶ was amended with a view to social protection of vulnerable household consumers, amending the previous model introduced in 2019.

At the same time, as the economy and the well-being of the population recover, it is planned to develop and approve a procedure for a gradual transition to an economically reasonable price for electricity for household consumers. Thus, cross-subsidization will be gradually eliminated, which will free up the necessary resources for financial stabilization of electricity market. Hence, with introduction of the vulnerable consumer concept and direct support programs that does not distort the liberalized market model, the support will be provided not only to all households but only to those in need while removing the

Industrial consumers of electricity can participate in all market segments on a competitive basis.

Current market is in line with the provisions of Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 on common rules for the internal market in electricity.

From the beginning of 2021 NEURC introduced incentive-based tariff regulation for electricity distribution services based on regulatory asset bases (RAB). This tariff system based on long-term tariff regulation will ensure investment in the construction and modernization of electricity network infrastructure and stimulate the cost efficiency of electricity distribution companies, while improving the quality of service.

Ukraine has a mechanism of state support for the production of electricity from renewable energy sources (Feed-in-tariff).³⁷ The state represented by the state-owned company "Guaranteed Buyer" is obliged to purchase all electricity produced by renewable energy facilities at a fixed price in eurocents per kWh. For existing RES producers, the fixed price is set by the law (Feed-in tariff). For future RES producers, the fixed price will be determined on a competitive basis based on the results of auctions (auction price). The difference between the "green" tariff and market prices is covered by the transmission system operator (Ukrenergo) at the expense of funds included in the tariff for electricity transmission services which are paid by industrial consumers.

At the beginning of work of the new electricity market in 2018, the feed-in tariffs in Ukraine were higher than market prices. However, on 21 July, 2020 the Verkhovna Rada of Ukraine *approved* the Law of Ukraine No 810-IX “On Amendments to Certain Laws of Ukraine on Improving the Conditions for Promoting Electricity Generation from Alternative Energy Sources” (the Law No 810-IX) in line with the Memorandum of Understanding signed with the renewable producers. According to this law, the following reduction of the feed-in tariffs were adopted:

- for facilities commissioned between 1 July 2015 and 31 December 2019:

³⁶ The Government’s Decree on establishing PSO mechanism available at: <https://zakon.rada.gov.ua/laws/show/483-2019-%D0%BF#Text> (in Ukrainian)

³⁷ Pursuant to the Law of Ukraine ‘On Alternative Energy Sources’ available at: <https://zakon.rada.gov.ua/laws/show/555-15#Text> (in Ukrainian) and relevant NEURC’s decisions.

- by 7.5% – for WPPs consisting of wind turbines with the unit capacity equal to or exceeding 2 MW;
- by 15% – for SPPs with the installed capacity equal to or exceeding 1 MW;
- by 7.5% – for SPPs with the installed capacity up to 1 MW;
- for facilities commissioned from 1 January 2020:
- by 2.5% – for WPPs;
- by 2.5% – for SPPs with installed capacity up to 1 MW with no restrictions on dates of their commissioning,
- for SPPs with installed capacity equal to or exceeding 1 MW and being commissioned by 31 October 2020.
- by 30% – for SPPs with installed capacity of 1 MW and up to 75 MW and being commissioned from 1 November 2020 to 31 March 2021;
- by 60% – for SPPs with installed capacity equal to or exceeding 1 MW and being commissioned after the above mentioned dates

In the future, Ukraine plans to switch to more market mechanisms to support renewable energy, namely – power purchase agreements, auctions for support quotas (all legal and organizational prerequisites are created), and feed-in-premium model instead of the feed-in-tariff (*already prepared by the Ministry of energy of Ukraine*). There were plans to support small generation following European best practices. Namely, the transition from feed-in-tariff incentives to the net billing model.

On February 15, 2022, the Law of Ukraine “On Amendments to Certain Laws of Ukraine on the Development of Energy Storage Systems” was adopted.³⁸ This Law introduces a new market participant - energy storage operator. The implementation of this law shall increase the flexibility of the energy system through the construction of energy storage facilities.

General overview of the gas market

The natural gas market is almost completely reformed in line with EU rules and standards.

The “Law on the Natural Gas Market” was adopted in 2015.³⁹ It established the principles of free competition and free pricing in competitive gas market segments, as well as development of a liberalized market that allowed to freely choose suppliers and buy gas at a market price. In this respect, the Ukrainian wholesale gas market was gaining ground with the gradual increase in market participants, including traders, importers, suppliers etc. Since 2015, Ukraine has imported gas exclusively from the European gas market. Diversifying the deliveries of imported gas has contributed to an increase in the number of private suppliers and strengthened competition in the market, which, in turn, makes the domestic market more efficient and helps end users benefit from affordable competitive prices.

Since 2018 Ukraine provides services of temporary storage of gas from EU with subsequent re-export or import. In 2021 the list of storage services was further expanded to allow trading with gas in customs warehouse regime. Together with the short-haul service, the “customs warehouse” service offers convenient and attractive conditions (up to 1095 days without any payments of taxes or customs duties) for gas storage in Ukraine’s underground gas storage facilities.

³⁸ The Law available at: <https://zakon.rada.gov.ua/laws/show/2046-20#Text> (in Ukrainian only)

³⁹ The Law available at: <https://zakon.rada.gov.ua/laws/show/329-19#Text> (in Ukrainian only)

In August 2020, PSO for households was abolished and retail market opened. The foundations for the liberalization of gas prices (including the regulated segments – PSO customers) were laid gradually in 2019, including coupling with market indicators. Starting from 1 August 2020, gas prices for direct household clients were set according to market levels, while the process of changing gas supplier became much easier and more transparent. The procedure to change gas supplier before the cancellation of PSO regime could take up to 100 days, but starting from 1 July 2020 clients were able to change their gas supply company within 4-15 days.

From January 2021, as a reaction to the Covid-19 pandemic, a so called “price cap” was applied to the supply to households. The cap was set at the level of UAH 6.99 including VAT and transportation costs. Later suppliers were required to fix their household prices for 12 months as an “annual product”, which should stay in place till the end of April 2022.⁴⁰ In the meantime, the PSO for district- heating companies (DHCs) ended in late May 2021. Since then, Naftogaz concluded a 3-year supply contract with DHCs to provide for predictable prices. Russian aggression thus as yet did not result in price increases for these consumers.

At the end of 2019, successful unbundling (unbundling of gas transmission function from Naftogaz and creating a transmission system operator (TSO) certifiable under European regulations) was completed and the GTS Operator of Ukraine (Gas TSO) was certified as the operator of gas transmission system under ISO model.

Due to the expiration of the 2009-2019 Gas Transit Contract with Gazprom, in late December 2019, Naftogaz and Gazprom concluded a number of agreements on the transportation of Russian gas, according to the arrangements between representatives of Ukraine, the European Union, and the Russian Federation and in order to settle liabilities determined by the Resolutions of the Arbitration Institute of the Stockholm Chamber of Commerce on the disputes between Naftogaz of Ukraine and Gazprom.

Naftogaz, Gas TSO, and Gazprom signed a set of agreements necessary for the natural gas transportation until 2024. The package includes three major agreements:

- 1) Interconnection Agreement between Gas TSO and Gazprom (as the operator of the Russian GTS), which provides for technical regulations and rules of interaction between the operators of adjacent networks

- 2) Agreement on the Organization of Gas Transmission through the territory of Ukraine between Naftogaz of Ukraine and Gazprom, which provides the terms and annual booking capacity of the GTS of Ukraine for the next five years (2020-2024)

- 3) Agreement on Settlement of Existing Gas Disputes and Basic Terms of Future Relations in respect of transportation of natural gas between Naftogaz of Ukraine and Gazprom. According to this agreement, the parties waive any mutual claims under the 2009 contracts and set their mutual activities and obligations for the future work.

The new Transit Agreement set forth ship-or-pay principle, which guarantees pre-payment for booked capacity, regardless of the actual volume of transportation, and a separate fee for additional capacity booked within a year. These new terms replaced the Transit Contract for 2009-2019 based

⁴⁰ Pursuant to the Rules on Gas Supply adopted by NEURC available at: <https://zakon.rada.gov.ua/laws/show/z1382-15#Text>

exclusively on payment for the actual volume of natural gas transported to Europe through gas transportation system.

The Ukrainian gas transmission system is already governed by European gas market rules, with ownership unbundling, third-party access, and transparent, cost-reflective tariffs. To strengthen energy security of the region it is important to integrate Ukraine GTS and storage facilities in setting up the EU strategic gas reserves.

Implementation of Directives 2019/944 and 2009/73, Regulations 2019/943, 715/2009, 2019/941

In accordance with the AA, Ukraine has implemented Directive 2009/72/EU of the Third Energy Package, the provisions of which are included in the Law of Ukraine “On the Electricity Market” which is into force as of 1 July 2019.

The decision of the Energy Community Council of Ministers to implement in Ukraine the requirements of Directive 2019/944 and EU Regulation 2019/941, as amended by the Contracting Parties to the Energy Community, was adopted on 30 November 2021. Ukraine is working on the relevant amendments to the legislation. They are under preparation. Not available information. The deadline is set for the end of 2023.

Implementation of Regulation 2019/943 is foreseen after the relevant decision is adopted by the Council of Ministers of the Energy Community (awaited in December 2022) and Ukraine also aims at speeding up this process by analyzing necessary legislative amendments in advance.

Implementation of REMIT (Regulations 1227/2011 and 1348/2014)

REMIT, being vital to meeting the EU acquis in terms of both electricity and gas markets integrity and transparency is not yet fully implemented in Ukraine. Drafts law for REMIT implementation were registered in the Committee on Economic Development and the Committee on Energy and Housing and Utility Services.

In the Committee on Economic Development there were registered Draft Law No. 4503, Draft Law No. 4503-1, but for consideration by the Parliament was submitted Draft Law No. 4503-d “Draft Law on Amendments to Certain Legislative Acts of Ukraine Concerning the Implementation of the Provisions of the European Union Legislation on Integrity, Transparency and Prevention of Distortion of Competition in Wholesale Markets”.

In the Committee on Energy and Housing and Utility Services there were registered Drafts Law No. 5322, 5322-1 ‘On Amending Certain Laws of Ukraine to Implement REMIT’⁴¹, but for consideration by the Parliament was submitted the Draft Law No. 5322

According to the Decision of the Ministerial Council of the Energy Community No. 2021/07/MC-EnC dated 30 November 2021, Ukraine failed to implement the REMIT, but shall rectify this breach by 1 July 2022. Russian aggression has put on hold the efforts to the introduction of REMIT. However, a fast-track implementation of REMIT will take place as soon as the active hostilities are over.

⁴¹ The draft law available at: https://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=71711

7. What measures is Ukraine taking to ensure compliance with Regulation (EU) 2019/943, including its application in the context of the Energy Community Treaty?

Regulation 2019/943 is not yet included in the legislation of the Energy Community acquis (planned at the end of 2022). The Ukraine's national legislation however complies with a significant part of the provisions of Regulation 2019/943.

Thus, the model of the electricity market of Ukraine is enshrined in the Law of Ukraine "On the Electricity Market" and corresponds to the basic model of the domestic electricity market provided by Regulation 2019/943. There is trade on the basis of bilateral agreements (including on the stock exchange), the day-ahead market, the intraday market, the balancing market, and the ancillary services market. The principle of liability for imbalances applies in the market. Norms on non-discriminatory and transparent access to networks and congestion management have been introduced.

The electricity TSO, with the support of the Energy Community Secretariat and together with the Regulator, has started work with neighboring TSOs to implement joint capacity allocation procedures according to Regulation 2016/1719, as well as consultations with ENTSO-E on joining the ITC mechanism.

Also in Ukraine, in accordance with the Law and the Transmission System Code, a national assessment of the adequacy of capacity resources has been introduced. The National TSO (Ukrenergo) is guided by the ENTSO-E practice in conducting the relevant assessment and is gradually moving to the application of the European Adequacy Assessment Methodology (ERAA), approved by ACER in 2020. The project on ERAA was launched with international assistance before the war and will continue once conditions allow.

Provisions on certification of TSO have been implemented and TSO (Ukrenergo) has been certified according to the ISO model.

Of the network codes, Regulation 2016/631, Regulation 2016/1388, Regulation 2016/1447, as well as partially other network codes have been implemented in the Transmission System Code.

With the beginning of early synchronization of the IPS of Ukraine with the network of continental Europe, the procedures for preparing the necessary legislative changes were accelerated in order to implement a number of network codes - EU Regulations on the functioning of electricity markets, in particular:

- Regulation 2019/943, as well as Regulation 2016/1719 of 26 September 2016 establishing guidelines for the allocation of long-term capacity,
- Commission Regulation (EC) № 2017/1485 of 08 August 2017 establishing an operation manual for the transmission system (SO GL),
- Commission Regulation (EU) № 2017/2196 of 24 November 2017 establishing a network code for emergencies and resumption of operations networks (ER NC),
- Commission Regulation (EU) № 2017/2195 of 23 November 2017 establishing a guide for balancing electricity (EB GL),
- Regulation 1222/2015 of 24.07.2015 establishing guidelines for capacity allocation and constraint management.

At the same time, the issue of bilateral (regional) application of relevant procedures in accordance with the abovementioned regulations between the market/entities of Ukraine and EU markets, including with a view to unification, should be resolved at both EU and national levels.

8. What are the policy and plans on electricity, gas or oil exchanges and network interconnections with neighbouring countries and/or regions? What projects are being carried out as regards electricity and gas interconnectors?

In accordance with the Decision of the Ministerial Council № 2015/09 / MC-EnC of 16.10.2015 on the implementation of EU Regulation 347/2013 on guidelines for trans-European energy infrastructure, the selection of priority PESI / PMI projects is carried out within the Energy Community. PESI / PMI has been selected three times since this decision was made. The latest lists of such projects were approved by the following decisions of the Council of Ministers: Decision No. 2020/04 / MC-EnC and Recommendation 2020/01 / MC-EnC.

Under the realized the decision, the Council of Ministers shall ensure that this list is approved every two years.

However, the Council of Ministers Decision 21 2021/11 / MC-EnC of 30.11.2021 established that the said lists will be revised after the European Union updates the Infrastructure Regulation, which repeals and replaces Regulation (EU) № 347/2013, and until at that time, the lists approved by Decision No. 2020/04 / MC-EnC and Recommendation 2020/01 / MC-EnC will be valid

The next list will be adopted in the year following the year of the accession to the Energy Community of the EU legal act amending EU Regulation 347/2013.

It is noted that until then, the currently approved lists of priority projects will be in force. The following list will reflect the revision of Regulation (EU) 347/2013 in the European Union, as well as developments in the Energy Community, in particular the adoption of relevant guidelines, objectives and new *acquis communautaire*.

As an Energy Community Contracting Party, Ukraine is already taking steps towards launching infrastructure projects of interest of the Energy Community (PECI and PMI). The projects will allow Ukraine to obtain larger amount of power exchange with EU countries after the synchronisation with the Continental Europe Synchronous Area, operated by the transmission system operators of the European Network of Transmission System Operators for Electricity (ENTSO-E).

At the 56th Ministers Council of the Energy Community meeting (decision 2020/04 / MC-EnC), the following projects in the field of electricity were re-included in the list of PESI / PMI projects as PMI projects:

1) the project of modernization of the 400 kV overhead line Mukacheve-Velke Kapusany (Slovakia) with increasing the interconnector capacity from the available 800 MW to 1000 MW;

2) project for the construction of the 750/400 kV substation "Primorska" with a two-wheeled 400 kV transmission line Primorska-Isacca (Romania),

in the oil sector:

1) transportation of various types of oil via "Southern Druzhba" pipeline (jointly with Georgia, as a Contracting Party to the Treaty establishing the Energy Community, and Azerbaijan)

Oil supply

Ukraine determined to take immediate steps to free themselves from dependence on Russia on hydrocarbon supplies. For decades, Russia has used its monopoly position in oil supply via the Southern Druzhba pipeline to the Czech Republic, Slovakian Republic and Hungary to block access to the pipeline of oil other than Russian oil grades.

Regarding oil transportation system of Ukraine, strategic vectors and key cross-border projects (project of transportation of different grades of oil by the oil "Southern Druzhba" pipeline and the project of construction of oil pipeline Brody (Ukraine) - Adamowo (Poland) for the development of Ukraine oil transportation infrastructure and its further integration into the EU oil transportation networks have been also reflected in intergovernmental and intergovernmental agreements of Ukraine, including Agreement between the Cabinet of Ministers of Ukraine and the Government of Republic of Azerbaijan on measures related to the development of cooperation in the field of oil transportation through the territory of Ukraine dated 21.12.2011 and Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Poland on the use of capacities of the hydrocarbon transportation system "Odesa - Brody" and its integration with Polish facilities dated November 26, 2003 as well as in a number of bi- and multilateral documents of interested market operators.

These projects were mentioned in the Action Plans for the Implementation of the Memorandum of Understanding on the Strategic Energy Partnership between Ukraine and the European Union together with the European Atomic Energy Community, a number of protocols of bilateral intergovernmental commissions on economic cooperation between Ukraine and Central and Eastern Europe countries

The key project in this respect is the project of transporting different grades of oil (instead of Russian oil only being transported now) to the EU markets using oil pipeline systems "Odesa - Brody" and "Southern Druzhba" ("Southern Druzhba» project) enjoying the status of the Project of Mutual Interest (PMI) of the Energy Community. There are feasible economics indicators and readiness of operators to use the route, fully operational facilities with necessary free transit capacities along the whole route.

Another project is the construction of an oil pipeline "Brody (Ukraine) – Adamowo (Poland)" within the framework of international company "Sarmatia" (JSC "Ukrtransnafta" (Ukraine), "PERN" S.A. (Poland), SOCAR (Azerbaijan), GOGC (Georgia) and AB "Klaipėdos Nafta" (Lithuania). The Brody-Adamowo project envisages the construction of a 700 mm and 396.3 km pipeline. The initial capacity is 10 MTA with the possibility of increasing to 20 MTA.

The "Brody – Adamowo" project became especially relevant in view of the unprecedented security challenges of energy supplies to Ukraine and the region, given Russia's ongoing military aggression against Ukraine and blocking of oil supplies from the Black Sea basin.

The Project will create a new reliable and safe pipeline route for oil supply from the Baltic Sea through the port of Gdansk to Ukraine.

The mentioned route will also allow organising the supply of hydrocarbons to the refineries of Slovakia and the Czech Republic, which will be left without sufficient access to crude oil in the event of the cessation of transportation of Russian oil via the Druzhba pipeline.

Given the availability of all the necessary infrastructure, existing spare capacity along the whole route and market interest on the Southern Druzhba Project, it is vital to facilitate an agreement between Ukraine and the Slovak Republic on the adoption/initialing of the project decisions, which could be implemented immediately after the end of the war and after unblocking of Ukrainian ports. Relevant preliminary strategic decisions with the assistance of the EC and international partners should be also taken as soon as possible regarding the Brody-Adamowo project.

Taking into account Ukraine international obligations regarding the system of minimum reserves of oil and oil products provided by Directive 2009/119 / EU, JSC "Ukrtransnafta" plans to implement the project of a construction of 720 000 cub. m tank farm at MOT "Pivdenniy " to store major part the oil segment of the mentioned reserves.

General information regarding oil transportation system

Oil transportation system of Ukraine is developed to provide all necessary infrastructural capacities for crude oil transportation into Ukraine and for its transit to EU countries. The tariff and pricing policies in oil transportation sector are transparent, non-discriminatory, market-based and do meet international standards and best business practices. The organization of collection of oil transportation and related data is satisfactory in order to reply to reporting requirements of the EU in the relevant sector.

The system of main oil pipelines of Ukraine, operated by JSC "Ukrtransnafta", passes through 19 regions of Ukraine and includes 4,767 km of oil pipelines with a diameter of 1,220 mm inclusive, 28 oil pumping stations with 176 pumping units with a unit capacity of 12,500 m³/year and electric drive with a total capacity of 357 thousand kW, 11 tank farms with 79 tanks with a total nominal capacity of 1,083 thousand m³, power supply systems, corrosion protection, automation, telemechanics, technological communication, fire and erosion protection facilities.

At present, 18 oil pumping stations with 98 pumping units, 10 substations with 75 tanks with a total nominal capacity of 883 thousand m³ are involved in oil transportation. 10 oil pumping stations are set in safe stand-by operating mode.

Technical characteristics of the "Pivdenniy" Marine Oil Terminal: 14.5 MTA - capacity of the 1st stage (45 MTA - full design capacity); 200 thousand m³ - nominal capacity of the tank farm; 35 000-150 000 t - deadweight of tankers with a max draught of up to 14.6 m; 7,500 cubic meters m/h - the maximum working capacity of loading tankers, which allows to load a tanker with a deadweight of 80 000 t for 12-14 hours. The total nominal capacity of the oil pipeline system of JSC "Ukrtransnafta" is 114 MTA inlet, 56.3 MTA outlet, actual capacity of Ukrtransnafta's main oil pipeline system is currently 62.1 MTA inlet and 41.2 MTA outlet.

The existing capacities of Ukrtransnafta oil pipeline system allow to supply of both domestically produced and imported crude oil to Ukrainian refineries, including supplies from the Black Sea basin through connections with the ports of Pivdenniy and Odesa to Slovak Republic, Czech Republic, Hungary, Belarus and in the future – to /from Republic of Poland.

	2019	2020	2021
<i>Total, including:</i>	<i>15.5</i>	<i>15.7</i>	<i>15.7</i>
<i>Transit</i>	<i>13.1</i>	<i>13.1</i>	<i>12.7</i>
<i>Domestic refineries</i>	<i>2.4</i>	<i>2.6</i>	<i>3.0</i>

Electricity sector

Implementation of the "Action Plan for Synchronisation of the Integrated Energy System of Ukraine with the Integration of Energy Systems of the Member States of the European Union" is an important component of the ability of effectively ensuring the balance of the domestic energy system in the future.

In 2018, an Operational Agreement *was prepared* and signed between NPC Ukrenergo and Moldelectrica on the establishment of a control unit in the power systems of Ukraine and Moldova.

On August 5, 2019, NPC Ukrenergo and the Transmission System Operator (TSO) Polskie Sieci Elektroenergetyczne (PSE) signed an agreement on the supply of electricity in the framework of emergency mutual assistance. This is the first such document signed by Ukrenergo with TSO, which is a member of ENTSO-E. The conclusion of emergency assistance agreements with border countries is provided by the general rules of ENTSO-E on the establishment of backup mechanisms to ensure the reliability of energy systems. The agreement between Ukrenergo and PSE regulates energy exchange between TSO to prevent or eliminate emergencies in power systems, defines its mechanisms and procedures, conditions for providing services, etc. it provides electricity in emergency situations on the interstate 220 kV OHL "Dobrotvir-Zamost".

On September 4, 2019, NPC Ukrenergo and the Hungarian transmission system operator MAVIR signed a new Operational Agreement on system and network management. The document establishes the rules and requirements for interaction between TSOs during the parallel operation of power systems. The signing of the new agreement was due to the need to reflect these annual changes in the topology of the Hungarian network, as well as new requirements of EU legislation that emerged after the ENTSO-E network code came into force and the ENTSO-E Framework Agreement. These documents have new standards and requirements for the regulation of synchronous operation of areas and processes of interaction between transmission system operators. From November 2019, under an agreement between Ukrenergo and the Slovak operator SEPS, the available capacity of the Net Transfer Capacity (NTC) between Ukraine and Slovakia was increased from 400 MW to 600 MW.

Given the above, the TSO is already working towards the development of interstate lines.

In December 2017, at the meeting of the Energy Community Group on Projects of Common Interest (PECI / PMI projects) in the field of electricity, NPC Ukrenergo presented projects for the status of Project of Mutual Interest. The projects are aimed at increasing the capacity of interstate airlines with European neighbors - Slovakia and Romania.

The status of PMI projects of Ukraine and EU countries has been acquired by:

1. 400 kV overhead line project Mukachevo - Velke Kapushany (Slovakia).

This project has already been identified as a Project of Common Interest (PMI) for the development of European transmission infrastructure in 2016, but in 2017 NPC Ukrenergo re-submitted it at the request of the Energy Community. The project also received support from the Slovak system operator - SEPS. On June 21, 2017, a Memorandum of Understanding between SEPS and NPC Ukrenergo "On the intention to increase the capacity between the power systems of Slovakia and Ukraine" was signed in Kyiv.

After that, SEPS carried out a bilateral study on the renewal of the transboundary 400 kV Mukachevo - Velke Kapushany transmission line, presented on July 27, 2018.

In particular, the study consists of the following calculations:

- summary of the main assumptions of the study;
- analysis of possible approaches to calculations according to the defined methodology;
- analysis of calculation results.

Calculations were performed for 2022 (winter maximum, summer maximum, summer minimum). The conclusions of technical and economic studies show that the best option to increase the bandwidth of the interconnector is to build a new cross-border line in this direction, rather than upgrading the existing one.

On October 2, 2018 in Kyiv, NPC Ukrenergo during a working meeting with SEPS representatives agreed on a technical solution to increase the capacity of the Ukraine-Slovakia interstate interconnector. According to the agreements, taking into account the current state of the existing Mukachevo-Velke Kapushany 400 kV OHL (commissioned in 1963), the parties concluded that for the successful and efficient implementation of the project, taking into account the interests of European partners, it would be appropriate to build a new 400 kV OHL. This line will connect the existing 400 kV Substations "Mukacheve" and "Velke Kapushany" in a single-circuit version with the possibility of further modernisation to a two-circuit in case of increasing interstate flows.

Reconstruction of AIS 400 kV at Mukacheve substation is also planned in order to replace physically and morally worn-out main equipment and provide the possibility of connecting an additional 400 kV OHL in the direction of Velke Kapushany 400 kV OHL. In particular, in 2022 a new autotransformer (AT-3) is planned to be put into operation at the 400 kV Mukacheve substation, which was installed to replace the 400/220 kV AT of 1964 year, as well as to install a 400 kV complex switchgear with SF6 insulation. The operation of the existing 400 kV OHL Mukachevo-Velke Kapushany will be continued until the commissioning of the new 400 kV OHL.

The project envisages increasing the capacity of the Ukraine-Slovakia interconnector to 1,000 MW. Today, only 400 MW of line capacity is used. The implementation of the project will ensure the development of electricity markets, both in Ukraine and between Ukraine and European countries, which in turn will promote competition in the electricity market of Ukraine with a corresponding reduction in electricity prices for the final consumer.

The project was named "Reconstruction of the 400 kV Mukacheve-Velke Kapushany OHL section from the 400 kV Mukachevo Substation to the state border in the Transcarpathian region" with the following main characteristics: construction period 2018-2022, 400 kV OHL - 51 km.

Necessary measures in the transmission system for the proper implementation of the project reconstruction of 400/220/110 kV Substation "Mukachevo":

- installation of a group of single-phase autotransformers 400/220/35 kV AT-4 with the introduction of advanced technological solutions. The construction period is 2016-2022.
- introduction of APCS and replacement of AT-3. Terms of implementation: 2020-2023;

The relevant internal project to ensure reliable electricity supply to consumers in the Zakarpattia region envisages the construction of a 400/110 kV Uzhhorod substation with two 250 MVA ATs and a 400 kV Mukachevo-Kapushany OHL.

Construction volumes: 400/110 kV (2x250) MBA, 400 kV OHL - 2x2 km, which will provide an opportunity for economic development of the region with great potential and access to EU markets. Implementation of the project Reconstruction of the 400 kV Mukacheve-Velke Kapushany section of the 400 kV Mukacheve Substation will provide a reliable "connection" of the new 400/110 kV Uzhhorod Substation to the 400 kV Mukacheve-Kapushany Substation.

2. Project construction of “wings” 400 kV on substation 750/400 kV Prymorska with two-circuit line with voltage class 400 kV Prymorska – Isaccea (Romania) and installation of AT 750/400 kV

Implementation of the project will increase the capacity of the interconnector with Romania to 1000-1200 MW after 2026. The project is also supported by the Romanian system operator Transelectrica. In addition to increasing the capacity of cross-border networks in this direction, the project will also increase the reliability of electricity supply to consumers in the southern regions of Ukraine and Moldova and remove restrictions on the generation of RES capacity in southern Ukraine and eastern Romania. In addition, the implementation of the project will ensure the further development of the main networks, first of all, the construction of the 750 kV OHL Prymorska - Kakhovska to ensure mutual reservation between the 750 kV SS "Prymorska" and "Kakhovska". The process of approving the start of the project is currently underway.

Beginning in March 2022, negotiations are underway between Ukrenergo and PSE to resume the operation of the OHL 750 kV Khmelnytska NPP – Rzeszow. The most probable scenario is the resumption of the transmission line operation on the 400 kV voltage. The commissioning of the OHL will increase the reliability of synchronous operation with ENTSO-E countries and will increase the capacity of cross-border grid.

Implementation of all projects will allow obtaining the maximum capacity of electricity exchange with ENTSO-E operators. According to Ukrenergo's estimates (report on suitability (adequacy) of generating capacities), with favourable, for domestic electricity producers, price conditions on foreign markets, Ukraine's electricity exports may reach 14 billion kWh.

At the same time, the integration of the IPS of Ukraine into the ENTSO-E electricity system and the unification of electricity markets creates new opportunities for electricity exports to Europe, including by increasing the production of cheaper and cleaner energy from Ukrainian NPPs, in particular, during the high water season, when the "excess" of hydropower capacity now requires the implementation of certain regime restrictions on their operation during this period. The European

electricity market can be quite attractive for other electricity producers in Ukraine, in particular, coal-fired power units. Along with this, as noted, the import of electricity is quite probable.

Implementation of the "Action Plan for Synchronisation of the Integrated Energy System of Ukraine with the Integration of Energy Systems of the Member States of the European Union" allowed emergency synchronization of IPS of Ukraine with power system of Continental Europe. Completion of all the measures provided in the document will significantly improve cooperation between TSOs, which will promote reliability of power system and security of supply.

During 2020-2021, Additional Studies on the possibility of the synchronous interconnection of the IPS of Ukraine with ENTSO-E were conducted.

Based on the results of the study, conclusions were formed, which are the basis for the implementation of measures to increase the sustainability of synchronous operation of the IPS of Ukraine with ENTSO-E.

On March 11, 2022, ENTSO-E decided on the urgent synchronization of the IPS of Ukraine with ENTSO-E power system. Physically, the power systems were synchronized on March 16, 2022.

On April 26, 2022, the Agreement on granting the status of ENTSO-E observer member to Ukrenergo (Ukrainian TSO) was signed.

Currently, the power systems are synchronized in the emergency synchronization mode, only technical flows are possible between them. In order to move to full synchronous operation, which includes the commercial exchange of electricity, Ukraine needs to implement a number of technical measures identified by the Additional Studies and approved by the decision of the RGCE from 15.02.2022. These measures include retuning of power system stabilizers at TPPs, HPPs, and PSPPs, excitation systems (AVR) at NPP units, and installation of STATCOM devices.

Also, it is necessary to fulfill the requirements of the Catalog of Measures provided by the Agreement on the conditions of the future interconnection of the power system of Ukraine with the power system of Continental Europe.

The resumption of commercial exports of Ukrainian electricity to Europe is the basis for maintaining market liquidity and electricity generation. At present, Ukraine has a surplus in electricity production, and the potential volume of cross-border transmission of electricity can reach up to 2000 MW. This creates great potential for electricity exports to EU countries and will have a positive impact on the EU's goals of decarbonization, increasing the resilience and stability of the European energy system, enhancing EU energy security, and opening Ukraine's large electricity market to EU suppliers.

Gas sector:

Ukraine fully implemented EU Regulation 459/2017, capacity allocation at gas interconnection points is carried out on European auction platforms: GSA - on the border with Poland, RBP - on the borders with Hungary, Slovakia, Romania, Moldova, Russia and Belarus for different periods yearly, quarterly, monthly, daily and within day.

In connection with the implementation of the EU Regulation 2015/703 of 30.04.2017, the interaction of the gas transmission system operator with the operators of adjacent gas transmission systems is compliant with the principles applied in EU Member States and harmonizes the process of natural gas transportation with interconnections capacity.

It should also be noted that as a result of the implementation of the provisions of Commission Decision (EU) № 2012/490 of 24.08.2012 the settlement of contractual congestion of transmission networks in the gas transmission system is carried out according to EU rules, which increases the efficiency of Ukraine transmission system utilization.

Regarding interconnection agreements

Ukraine–Poland interconnection points – on November 29, 2019, TSO of Ukraine, together with Ukrtransgaz, signed an addendum to the Interconnection agreement with the Polish Operator GAZ-SYSTEM S.A. On June 5, 2020, TSO of Ukraine and GAZ-SYSTEM S.A. concluded a new Interconnection agreement, which regulated the merger of two interconnection points — Drozdovychi and Germanovychi — into a single virtual interconnection point of the two VIP Ukraine–Poland systems as of July 1, 2020.

Ukraine–Hungary interconnection points – on December 20, 2019, TSO of Ukraine and the Hungarian FGSZ operator signed an inter-operator technical agreement on cooperation in accordance with European rules, which entered into force on January 1, 2020. And on April 29, 2020, the operators signed a new Interconnection agreement, which regulated the merger of two interconnection points — Beregovo and Beregdarots — into a single virtual connection point of two VIP Bereg systems as of May 1, 2020.

Ukraine–Slovakia interconnection points – on December 31, 2019, TSO of Ukraine and the Slovak operator EUSTREAM signed an inter-operator technical agreement on cooperation in accordance with European rules, which entered into force on January 1, 2020. A virtual reverse has been launched through the Velky Kapushany/Uzhhorod interconnection point since March 1, 2020.

Also, Gas TSO of Ukraine and the Slovak operator Eustream a.s. in February 2022 agreed to increase the firm capacity for natural gas imports from Slovakia by 15 million cubic meters per day at the Budince point. Thus, the total volume of firm capacity will amount to 42 million cubic meters per day.

New firm capacities will be distributed through auctions on the platform. Booking of new capacities will be made at the current tariffs.

Ukraine–Romania interconnection points – on December 18, 2019, TSO of Ukraine and the Romanian operator TRANSGAZ signed an inter-operator technical agreement on cooperation in accordance with European rules, which entered into force on January 1, 2020. The concluded agreement on cooperation in the transportation of natural gas applies to the interconnection point of Isaccea–Orlivka-1.

Ukraine–Moldova interconnection points – on December 27, 2019, TSO Operator of Ukraine and Moldovatrangaz and Moldovagaz signed an inter-operator technical agreement on cooperation in accordance with European rules, which entered into force on January 1, 2020.

Ukraine–Russia interconnection points – on December 30, 2019, TSO Operator of Ukraine and GAZPROM signed an inter-operator technical agreement on cooperation in accordance with European rules, which entered into force on January 1, 2020.

9. What is the structure of electricity and gas markets (ownership, concentration, separation of activities)?

Electricity:

Structure-wise, the electricity market model of Ukraine is similar to the structure of European electricity markets. Just like in the EU countries, Ukraine's electricity market consists of organized segments (a day-ahead market (DAM), an intraday market (IDM) and a balancing market (BM)), and a bilateral contracts market (BCM). There is also an ancillary services market.

Electricity market participants

The following market participants may participate in the electricity market: consumers, producers, electricity suppliers (including universal service providers and last resort suppliers), traders, transmission system operator, distribution system operators, guaranteed buyer, and market operator.

Market segments

The structure of the electricity market has the following market segments in which market participants participate: bilateral agreements (purchase / sale of electricity on arbitrary terms and in organized electronic auctions), day-ahead market, intraday market, balancing market, ancillary services market, retail electricity market.

The owner of the transmission system

On July 28, 2021, the CMU approved an order to transfer to the Ministry of Energy the authority to manage corporate rights owned by the state in the authorized capital of PJSC NEC Ukrenergo. NPC Ukrenergo is certified in accordance with the ISO separation model (independent transmission system operator). In accordance with the provisions of the first part of Article 36³ of the Law of Ukraine “On the Electricity Market”, the owner of the transmission system, in case of separation of the transmission system operator according to the ISO separation model should not have the right to manage (including corporate rights management) or direct control over economic entities engaged in production) and / or supply of electricity (natural gas) and / or trading activities. Moreover, the owner of the transmission system has no right to interfere in the economic activities and economic relations of NPC Ukrenergo, except in cases specified by the legislation of Ukraine on the exercise of its property rights, the exercise of corporate rights management, certain constituent documents, as well as due to violation by the user of the order of use of property.

Concentration

A high level of concentration of the electricity generation market exists. Thus, according to the data of 2017, the share of SE NNPC Energoatom is over 55% of the electricity generation market, the share of the DTEK Group is over 25%. The share of other market participants is relatively small. Barriers to entry for new businesses, including importers, remain high.

Unbundling

According to the provisions of the Law of Ukraine “On the Electricity Market”, the transmission system operator conducts economic activities only for the transmission of electricity and has no right to distribute electricity, generate electricity, trade and supply electricity.

In accordance with the provisions of the first part of Article 32 of the Law of Ukraine "On Electricity Market", the transmission system operator is a legal entity that is not part of a vertically integrated entity and carries out economic activities independent of production, distribution, electricity supply and trading activities.

According to the provisions of part one of Article 47 of the Law of Ukraine "On Electricity Market", the distribution system operator is prohibited from producing and / or transmitting and / or supplying electricity, except as provided for in part eleven of Article 47 of this Law.

The ratio of sales/purchases of electricity in different market segments during 2021 year:

BCM – 81,97%; DAM – 12,88%; IDM – 1,82%; BM – 3,33%;

Ownership

The transmission system operator, market operator and guaranteed buyer are state-owned. Distribution system operators (hereinafter - DSO):

3 DSO - state property;

21 DSO - private property;

8 DSO - mixed ownership (public-private).

Electricity producers:

38% of production capacity is state property;

44% of production capacity is private property;

2% of production capacity - collective ownership;

6% of production capacity is mixed ownership (mostly public-private).

The vast majority of electricity suppliers are privately owned. It should be noted that the state has a share in the authorized capital of 5 suppliers that perform the function of universal service providers and were formed in the process of unbundling distribution system operators.

Electricity production in 2021:

NPPs – 60,6 % ; TPPs/CHPs – 30,6 %; Renewables – 4,6 %; Hydro – 4,2 %.

Competition and concentration in the electricity market

Regarding the electricity supply

In 2021, a high concentration of generating companies was observed in the structure of electricity supply. Thus, the Herfindahl-Hirschman index based on the volume of electricity supply in terms of generating companies amounted to 3,354 units.

The largest share in terms of electricity supply was occupied by: SE NNEGC EnergoAtom - 56.32%, JSC DTEK Zakhidenergo - 8.2%, PJSC Ukrhydroenergo - 6.68%, JSC DTEK Dniproenergo - 4.85% and PJSC Centerenergo - 4.83%.

Regarding the market of bilateral agreements (BCM)

In terms of sales, HHI amounted to 1,409 units.

In terms of purchases, HHI amounted to 431.5 units.

The largest share of BCM in terms of electricity sales belonged to: SE NNEGC "Energoatom" - 30.86%, SE "Guaranteed Buyer" - 14.99%, LLC "United Energy" - 10.87%, LLC D. Trading - 8.16% and PJSC Centerenergo - 2.91%.

The largest share of BCM in terms of electricity purchases belonged to: SE Guaranteed Buyer - 13.1%, D. Trading LLC - 10.7% and United Energy LLC - 8.5%.

Regarding the day-ahead market (DAM)

In terms of sales, HHI amounted to 886.2

In terms of purchases HHI amounted to 1651

The largest share of DAM in terms of electricity sales belonged to: SE NNEGC Energoatom - 18.31%, SE Guaranteed Buyer - 17.56%, JSC DTEK Zahidenergo - 10.73%, PJSC Ukrhydroenergo - 8.11% and Energics LLC - 3.47%.

The largest share of DAM in terms of electricity purchase belonged to: D. Trading LLC - 33.15%, United Energy LLC - 21.95%, "Ukrenergo - 4.71% and" Guaranteed buyer "- 3.5%.

Regarding the intraday market (IDM)

In terms of sales HHI 2 273

In terms of purchases HHI amounted to 348.9

The largest share in the IDM in terms of electricity sales in terms of market participants was occupied by: PJSC "Ukrhydroenergo" - 42.04%, SE "NNEGC "Energoatom"- 20.67%, SE "Guaranteed Buyer "- 4.36%, JSC" DTEK Zakhidenergo "- 4.17% and PJSC" Kharkiv CHP-5 "- 3.35%.

The largest share of IDM in terms of electricity purchases in terms of market participants was occupied by: NEK LLC - 8.32%, D.Trading LLC - 7.92%, United Energy LLC - 7.28% and LLC De Trading "- 5.46%.

The general ownership structure of electricity market of Ukraine

Company	Segment of value chain	Ownership	Managing entity
PJSC NEC 'Ukrenergo'	Transmission (TSO)	State-owned	Ministry of Energy
NNEGC 'Energoatom'	Upstream (nuclear power generation)	State-owned	Cabinet of Ministers of Ukraine

PJSC 'Ukrhydroenergo'	Upstream (hydropower generation)	State-owned	Cabinet of Ministers of Ukraine
Public Joints Stock Company 'Centerenergo'	Upstream (TPP)	State-owned (78% of shares) with minor of private companies	State Property Fund of Ukraine; minor private stakeholders
'Guaranteed Buyer' state-owned company	Trading & guaranteed procurement	State-owned	Cabinet of Ministers of Ukraine
JSC 'Market Operator'	Trading platform	State-owned	Cabinet of Ministers of Ukraine
LLC 'DTEK Energo'	Power generation	Private	DTEK Energy B.V.
Public JSC 'Donbasenergo'	Power generation	Private with minor shares of the state (25% + 1 share)	PJSC 'Energoinvest Holding'; State Property Fund of Ukraine; minor private stakeholders

Gas sector:

Natural gas market participants in Ukraine include:

- the gas transmission system operator (hereinafter referred to as TSO),
- gas distribution system operator (hereinafter referred to as DSO),
- gas storage operator (Ukrtransgaz),
- LNG installation operator (currently provided only in legislation),
- customers of transportation services,
- customers of storage services,
- wholesalers,
- wholesale buyers,
- suppliers, and
- customers.

Natural gas transportation through the territory of Ukraine is carried out by the GTSO, and the activity of natural gas storage in underground gas storages is carried out by the gas storage operator.

In 2021 there were 475 customers of transportation services on the natural gas market and 477 customers of storage services.

Natural gas distribution is carried out by DSOs. As of today, 45 DSOs operators have licenses for natural gas distribution.

Natural gas purchase and sale, as well as imports, are carried out by wholesale buyers and wholesalers of natural gas. 347 wholesale traders operated in the natural gas market in 2021.

The sale of natural gas to consumers for their own needs, but not for resale or usage as a raw material, is carried out by the supplier in accordance with the obtained license for natural gas supply on the basis of agreements concluded with consumers. In 2021, 262 suppliers actually supplied natural gas to end users.

Ownership

Gas transmission system operator – TSO of Ukraine - the Joint-Stock Company ‘Main Gas Pipelines of Ukraine’ owns 100% of the share capital of Gas Transmission System Operator of Ukraine. The Government of Ukraine (represented by the Ministry of energy Ukraine) owns 100% of the Company’s shares. It should be noted that the Regulator approved decision to certify the TSO. Thus, from 01.01.2020 on the market of natural gas of Ukraine there is an independent operator LLC "TSO of Ukraine" according to the ISO model.

Storage System Operator – Ukrtransgaz. The founder and sole shareholder of Ukrtransgaz is National Joint Stock Company Naftogaz of Ukraine (hereinafter referred to as Naftogaz).

Gas distribution system operators –At the end of 2021, part of the stake (shares, common shares) of 16 DSOs owned by the state, one of the operators is 100% owned and another one with a stake of more than 50%. Only one DSO — Kyivgaz — has 28.46% stake (shares, common shares) communally owned. The remaining shares and shares of other DSOs are owned by other legal entities and individuals

Gas distribution systems - at the end of 2021, 65 % of gas distribution systems were state-owned, 18 % were communally-owned, 8% were owned by DSOs, and 9 % were owned by other economic entities.

Competition and concentration

The Herfindahl-Hirschman index for the wholesale market of natural gas in Ukraine in terms of the volume of natural gas purchased by wholesale buyers abroad in 2021 was 485 out of a maximum of 10,000, which means the low level of concentration of wholesale buyers of natural gas abroad in this market.

The Herfindahl-Hirschman index on the wholesale market of natural gas in Ukraine in terms of sources of natural gas purchased abroad in 2021 was 840 out of a maximum of 10,000, which indicates a fairly low level of concentration of the sources of natural gas coming from abroad when entering the wholesale market of Ukraine.

The Herfindahl-Hirschman index on the wholesale natural gas market in terms of Ukraine's own natural gas production in 2021 was 7 408 out of a maximum of 10,000, which means a high concentration of wholesalers-producers in the wholesale market.

The general ownership structure of gas market of Ukraine

Company	Segment of value chain	Ownership	Managing entity
LLC 'Gas Transmission System Operator of Ukraine'	Transmission (TSO)	State-owned	JSC "MAHISTRALNI GAZOPROVODY UKRAINY"
JSC "MAHISTRALNI GAZOPROVODY UKRAINY"	Transmission (governing of TSO)	State-owned	Ministry of Energy of Ukraine
JSC 'Ukrtransgaz'	Gas storage (Storage system operator)	State-owned	JSC 'NAK 'Naftogaz Ukrainy'
Public JSC 'Ukrgezbydobuvannia' ('UGV')	Upstream (gas production)	State-owned	JSC 'NAK 'Naftogaz Ukrainy'
JSC 'NAK 'Naftogaz Ukrainy'	Vertically-integrated	State-owned	Cabinet of Ministers of Ukraine
Public JSC 'Ukrnafta'	Upstream (gas production)	State-owned	JSC 'NAK 'Naftogaz Ukrainy' (50% + 1 share) and private investors

10. What are the competencies of the energy regulator, what is the level of staffing and budget? Please give an indication as to how the independence of this regulatory authority is guaranteed (appointment procedure, budget of the regulatory body, etc.).

The National Energy and Utilities Regulatory Commission (NEURC or the Regulator) is a permanent central executive body with a special status established by the Cabinet of Ministers of Ukraine.

The special status of the Regulator is determined by its tasks and powers and defined by the Law of Ukraine "On National Energy and Utilities Regulatory Commission" (hereinafter referred to as the Law on NEURC) and other laws; this status includes, in particular, the organization and procedure of the Regulator's activity, the procedure for appointing commissioners and terminating their powers, the special procedural principles of the Regulator's activity and guarantees of its

independence in decision-making within its powers as defined by law and establishing the terms of remuneration for members and employees of the Regulator.

The provisions of the Law on NEURC also regulate the procedure for appointing members of the board, for selection of candidates for positions of members of the Regulator and commissioners themselves based on the results of an open competition without relevant bodies and officials exceeding their powers. The provisions of the Law on NEURC prohibit the dismissal of commissioners in case of resignation of the Cabinet of Ministers of Ukraine before the newly elected Verkhovna Rada of Ukraine, resignation of the Cabinet of Ministers of Ukraine being accepted by the Verkhovna Rada of Ukraine, or formation of a new Cabinet of Ministers of Ukraine.

Regulators independence

According to the Article 5 of the Law on the NEURC, when performing its functions and exercising its powers in accordance with the law, the Regulator shall act at its own discretion and independently of any other public authority, other governmental agency, local self-governing authorities, their officials and officers, economic entities, as well as political parties, civic associations, trade unions or their bodies, as well as other persons who limit the powers of members of the Regulator and officials of the Regulator, are illegal influence. Persons exerting illegal influence on the process of performing functions and exercising powers by the Regulator's members and officials shall bear administrative and criminal responsibility under the law. The Regulator's decisions shall not be subject to approval of any public authorities, except for cases provided for by the law. The Regulator's decisions may be challenged only in court. Such challenge shall not suspend the execution thereof.

Scope of the Regulator's Activities

The Regulator shall be responsible for State regulation, monitoring, and control of activities of economic entities in the sectors of energy and public utilities, in particular:

1) in the energy sector:

1. generation, transmission, distribution, supply of electricity;
2. activities to organize of purchase and sale of electricity on the market "day ahead" and the intraday market, ensuring the purchase of electricity at a "green" tariff, trading activities;
3. transmission, distribution, storage (injection, withdrawal), LNG facility services, supply of natural gas;
4. activities on transportation of oil, oil products and other substances by pipeline transport;

2) in public utilities sector:

- generation of thermal energy by heat generating facilities, including combined heat and power generating facilities, transmission thereof through main and local (distribution) heating networks, supply of thermal energy in volumes exceeding the thresholds set by the terms and conditions of carrying out the economic activity (licensing conditions);

- activity in the sector of district water supply and sewage in volumes exceeding the thresholds set by the terms and conditions of carrying out the economic activity (licensing conditions).

Principal tasks of the Regulator:

- 1) ensure an effective functioning and development of energy and utilities markets;
- 2) promote an effective opening of energy and utilities markets to all customers and suppliers and ensure non-discriminatory access of users to networks/pipelines;
- 3) promote integration of Ukraine's electricity and natural gas markets with their counterparts in other countries, in particular within the Energy Community, cooperation with the Energy Community's Regulatory Board, the Energy Community Secretariat and national energy regulators of other countries;
- 4) ensure protection of the rights of consumers for goods and services in the areas of energy and utilities sectors to obtain these goods and services of appropriate quality in sufficient quantities at reasonable prices;
- 5) promote cross-border trade of electricity and natural gas, ensuring investment attractiveness of infrastructure development;
- 6) implement pricing and tariff policy in the sectors of energy and utilities;
- 7) promote implementation of energy efficiency measures, expansion the share of energy generation from renewable energy sources and enhance environmental protection;
- 8) create favorable conditions for attracting investments in the development of energy and utilities markets;
- 9) promote development of competition in the energy and utilities markets, etc.

The main principles of the Regulator's activity shall be legality, autonomy and independence within the limits set by law; competence, efficiency, fairness, predictability and timeliness of decision-making, targeted character of regulation, impartiality and objectivity in decision-making, openness, transparency and publicity of the government regulation process, non-discrimination and taking responsibility for decisions made.

Composition and the structure of the Regulator

The Regulator shall consist of 7 members, including the Chairperson. The term of office of the commissioners shall be 6 years. Appointment to the position of a commissioner shall be based on the results of open competitive selection, except for the cases provided by the Law on the NEURC. The Chairperson of the Regulator shall be elected by commissioners of the Regulator by secret ballot for a two year term.

The Chairperson and members of the NEURC shall have equal rights in resolving issues within their competence in accordance with the Division of Functional Responsibilities between the Chairperson of the NEURC, NEURC commissioners and the Chief of Staff, which shall be approved by a NEURC order.

NEURC's activity is supported by the central and regional offices having 600 full-time staff members. The Regulator's staff is led by the Chief of Staff. There are 477 full-time positions in the NEURC's central office. The NEURC's local bodies are 24 units with 116 full-time staff members.

Budgeting

The Regulator, its central and regional offices, is financed from the revenues of the special fund of the State Budget of Ukraine from the regulation charges to be paid by economic entities operating in the energy and public utilities sectors. These regulation charges shall be credited as revenues of the special fund of the State Budget of Ukraine, may not be seized, and shall be used for the intended purposes to finance the activities of the Regulator, its central and regional offices.

During 2021, receipts to the special fund of the State Budget of Ukraine of regulatory charges paid by economic entities operating in the energy and utilities sectors amounted to UAH 766662.4 thousand with the planned revenues of UAH 713583.1 thousand (107.4%).

In 2021, funds (cash expenditures) in the amount of UAH 601,822.2 thousand were spent, which amounts to 84.3 percent of the planned expenditures.

11. Is there an independent Transmission System Operator for electricity in place organized in line with Third package/Clean Energy Package? Is it integrated vertically and what are its competencies?

PJSC NPC Ukrenergo, an independent Transmission System Operator for electricity, is organized in line with Third Energy Package.

In accordance with Resolution of National Energy and Utilities Regulatory Commission (NEURC) dated on December 17, 2021 #2589 the final decision on certification of Private Joint Stock Company “National Power Company “Ukrenergo” as an independent Transmission System Operator for electricity was approved.

Energy Community (Opinion 4/21 pursuant to Article 3(1) of Regulation (EC) No 714/2009 and Article 10(6) of Directive 2009/72 /EC – Ukraine – Certification of Ukrenergo) confirmed the Certification decision is in line with Third Energy Package.

NPC “Ukrenergo” was certificated under the Law of Ukraine “On the Electricity Market” (hereinafter – Law). By Article 32 of the Law, according to which the transmission system operator is a legal entity that is not part of a vertically integrated business entity and carries out economic activities independent of generation, distribution, supply of electricity and trading activities. The transmission system operator has no rights to conduct electricity generation, distribution, supply and trading activities. A transmission system operator may be exclusively the owner of the transmission system or a business entity with 100 percent of the corporate rights in the share capital belonging to the state or to a business entity with 100 percent of the corporate rights in the share capital belonging to the state, to which, on the basis of a decision of the business entity and the relevant agreement, the state property used for carrying out the activity of electricity transmission was transferred under the right of economic management, except as provided in part 1 of Article 361 of this Law.

Ministry of Energy is representative of the State for 100% of the shares in NPC “Ukrenergo”.

Resolution of NEURC dated on December 17, 2021 #2589 confirmed that the Ministry of Energy shall not manage any business entity that carries out economic activities of generation and supply of electricity and trading activities.

Ukrenergo ensures:

- the balance of production and consumption of electricity and capacity in the power system in real time;
- the operation and development transmission and interstate power grids;
- the parallel operation of the power system of Ukraine with the power systems of neighbouring countries;
- the technical possibility of export / import of electricity to European Union countries and neighbouring countries.

NPC “Ukrenergo” does not provide electricity generation, distribution, supply and trading activities.

Therefore, NPC “Ukrenergo” is not a vertically integrated company. It is a legal entity incorporated as a joint-stock company with 100% of the shares owned by the state represented by the Ministry of Energy of Ukraine.

NPC “Ukrenergo” holds a license for transmission of electricity issued by NEURC, and operates the electricity transmission network in Ukraine, performs dispatching, balancing and allocation of the interconnection capacities at the borders.

The compliance program of NPC Ukrenergo, which defines measures to ensure non-discriminatory actions and monitor the implementation of such measures, as well as clear responsibilities of employees of the transmission system operator to achieve these goals, approved by the NEURC on August 6, 2021 № 1281.

IV. RENEWABLE ENERGY

12. Please provide information on current and planned measures promoting renewable energies in electricity, heating & cooling and the transport sector (nature of measures, budget available etc.). Please indicate accordingly which support measures are already in place and which are planned.

Existing incentive structures

In Ukraine, due to the introduction of the model of fixed "green" tariff - Feed-in-tariff (Law of Ukraine "On Alternative Energy Sources") at the beginning of 2022, the installed capacity of RES facilities in the controlled area at that time reached 9.5 GW (6, 4 GW - industrial SES, 1.2 GW - SES of private households (prosumers), 1.5 GW - wind farms, 0.3 GW - bioenergy facilities, 0.1 GW - small hydropower), and the amount of investment in the industry over \$ 12 billion.

Electricity

The main tools to stimulate the development of renewable energy in Ukraine are the following:

1. establishment of a feed-in tariff for electricity produced from alternative sources;
2. auction system to support renewable electricity;
3. establishment of an incentive tariff for heat energy from alternative sources.

The feed - in tariff mechanism

The Law of Ukraine "On Alternative Energy Sources" provides for the establishment of a feed - in tariff to stimulate electricity production from alternative energy sources (except blast furnace and coke oven gases, and with the use of hydropower produced only by micro, mini and small hydropower plants).

The feed - in tariff is established until January 1, 2030, for electricity produced from renewable sources:

- for industrial power plants (under license):
- for solar power plants (SPPs) with a capacity of up to 1 MW
- for wind power plants (WPPs) with a capacity of up to 5 MW
- for biomass / biogas power plants (regardless of capacity)
- for small hydropower plants (up to 10 MW)
- for consumers of electricity, including energy cooperatives, (minus own consumption) installation of power plants up to 150 kW is allowed (wind farms, rooftop SPPs, combined SPPs and wind farms, biomass, biogas, small hydropower plants, geothermal stations) (without license);
- for private households (minus own consumption) (without license):
- for SPPs up to 30 kW (on the ground / on the roof);
- for wind farms up to 50 kW;
- for combined SPP and WPP up to 50 kW

Facilities commissioned in 2018 will receive a feed - in tariff until 2030. For industrial power plants commissioned till 2024, a surcharge is set for compliance with the level of use of Ukrainian-made equipment and is applied until 2030.

Surcharge to the feed - in tariff

The size of the surcharge to the feed - in tariff, %	Compliance with the level of use of Ukrainian equipment, %
5	30-50
10	50-70
20	70 and more

The auction system.

On April 25, 2019, the Ukrainian Parliament approved the Law of Ukraine № 2712-VIII, which provides for the transition to the auction system of incentives for renewable electricity from 2020.

The CMU of Ukraine approved Resolution No. 1175 dated 27.12. 2019 “On Introduction of Competitive Conditions for Stimulating Electricity Production from Alternative Energy Sources”.
<https://zakon.rada.gov.ua/laws/show/1175-2019-%D0%BF#Text>

The mentioned Resolution has approved the Procedure for Auctions for Support Quota Allocation, designated SE "Prozorro.Sales" administrator of the electronic trading system.

At the same time, today Ukraine plans to introduce a more effective model of support for electricity producers from alternative energy sources, namely - "contracts for difference" (Feed-in-premium), instead of the current fixed tariff model (Feed-in-tariff). . In particular, it is expected that future winners of support quota auctions will receive state support exclusively under the new Feed-in-premium model, which will integrate larger amounts of renewable electricity into the grid and increase the share of "green" electricity in the state energy balance.

The key provisions of the Law are the following:

- obligatory participation in the auction from 2020 for SPP ≥ 1 MW and WPP ≥ 5 MW;
- receipt by the auction winners of the state support for the sale of feed - in energy for 20 years (PPA agreement);
- holding auctions twice a year (no later than April 1 and October 1);
- providing the opportunity to participate in auctions for all types of RES generation;
- the possibility of obtaining a surcharge of up to 10% to the auction price for the use of Ukrainian equipment.

Basic requirements for auction participants are the following:

1. confirmation of the right of ownership / use of the land plot;
2. concluded agreement on connection of the facility to the grids.
3. bank guarantee, as a guarantee of obligations fulfillment regarding the construction of the facility.

Bylaws on the introduction of auctions are currently being updated.

Heat energy

The stimulating heat tariff

To stimulate heat production from renewable energy sources, the Ukrainian Parliament approved the Law of Ukraine №1959-VIII of 21.03.2017 "On Amendments to the Law of Ukraine" On Heat Supply "to stimulate heat production from alternative energy sources". It provides for the establishment of an incentive tariff for heat energy from alternative sources. The tariff for heat energy from alternative sources is set at the level of 90% of the current tariff for heat energy from gas (and in its absence - at the level of the weighted average tariff for heat energy from gas by region).

Transport sector

The National Transport Strategy for the period up to 2030 was approved by the order of the Cabinet of Ministers of Ukraine dated 30.05.2018 № 430 <https://zakon.rada.gov.ua/laws/show/430-2018-%D1%80#Text>. This Strategy is designed to comprehensively address existing problems in the transport sector and contains priorities for its development, in particular in the context of implementing the AA. Also, the order of the Cabinet of Ministers of Ukraine dated 07.04.2021 № 321-p approved a plan of measures for the implementation of the National Transport Strategy of Ukraine for the period up to 2030, which provides in particular:

- ensuring comprehensive innovative development of electric transport;
- introduction of the mechanism of economic stimulation of transition of freight and passenger transportations to more environmentally friendly railway and water modes of transport;
- introduction of a mechanism of economic incentives for carriers to reduce emissions of pollutants and greenhouse gases, reduce noise from vehicles;
- stimulating the use of alternative energy sources, as well as environmental modes of transport and special equipment;
- ensuring, with the participation of local state administrations, the gradual replacement of road transport by electric transport, in particular by attracting loans on favorable terms, improving legislation, etc.

Further development of renewable energy in Ukraine is planned on a competitive and market basis by creating conditions for the state to attract private investment.

The first is the sale of renewable energy facilities under Direct Electricity Purchase Agreements (Corporate PPA's), according to which the direct buyer of electricity is a private consumer interested in buying "green" electricity.

It is also in plan to introduce a system of issuing guarantees of origin of electricity from renewable energy sources, which will promote the development of RES on a market basis.

Secondly, holding auctions for the distribution of quotas to support the production of electricity from RES. Today, Ukraine has created almost all the conditions for their implementation (approved the legal framework, prepared an electronic trading system based on the state enterprise "Prozorro.Sales"), and the need for new capacity by 2030 is estimated at 7 GW (mostly wind and bioenergy).

Also in plan to introduce the Feed-in-premium model instead of the fixed feed-in-tariff model, both for existing manufacturers and for future auction winners. The Ministry of Energy *has prepared a bill.*

To stimulate the development of electricity generation by consumers (prosumers), primarily solar, it is planned to introduce a market model Net Billing, which provides for the use of offsetting for electricity supplied and consumed between suppliers and consumers in monetary units.

Hence, development on market terms will take place through the conclusion of direct (corporate agreements), in combination with guarantees of origin. If this is not enough, then the state will already provide support through auctions. Contract for difference / nutritional premium is a mechanism that is planned to be introduced both for existing facilities at the "green" tariff and for the winners of auctions. Within the framework of corporate agreements, the parties will be free to choose the calculation mechanism.

According to the draft National Action Plan for the Development of Renewable Energy for the period up to 2030 (https://sae.gov.ua/sites/default/files/blocks/02_Proekt_NPDVE-10.01.2022.docx) and the National Economic Strategy of Ukraine until 2030, approved by the resolution of the Cabinet of Ministers of Ukraine dated 03.03.2021 № 179 (<https://zakon.rada.gov.ua/laws/file/text/58/f469391n10.pdf>), the share of electricity production from RES in 2030 should be no less than 27%, which is twice as much as in 2021. These plans require about \$ 10 billion in private investment.

Several initiatives have been envisaged in view of the implementation of relevant EU Directives and ensuring renewable energy development:

1. The action plan for the draft NAP RE 2030 provides, in particular:

- 1) improving the conditions for supporting the production of electricity from alternative energy sources by generating installations of consumers, including energy cooperatives and private households;
- 2) introduction of guarantees of energy origin from renewable sources;
- 3) introduction of mechanisms for the development of electricity production from renewable sources on a market basis (Corporate PPA's);
- 4) development of draft laws on the development of offshore wind energy, bioenergy, removal of barriers for the development of geothermal energy; increasing the use of biofuels in transport;
- 5) introduction of competition in district heating systems;
- 6) development of infrastructure for electric charging stations;
- 7) determination of the principles for utilization of RES equipment after the expiration date;
- 8) creation of conditions for the construction of facilities to produce equipment for generating energy from renewable sources, storage systems and balancing facilities.

Draft of NPRES 2030 has been prepared by SAEE and the text of this draft is agreed upon with the Ministry of Energy and now is in the process of final discussion with the central executive authorities and the public.

2. In order to develop bioenergy, a number of draft laws have been prepared; they are at various stages of approval, in particular:

- 1) The draft law on the development of the market of liquid biofuels (draft law № 7233 of 30.03.2022; on 01.04.2022 this draft law passed first reading in the Ukrainian Parliament). The approval of the draft law will promote the use of sustainable biofuels in the transport sector and the decarbonization of the industry, more specifically it provides for:

- establishment of a zero rate for excise tax and reduction of the VAT rate up to 7% for alternative motor fuel during the war and the state of emergency;

- establishment started from May 1, 2022 of the normatively determined obligatory share of liquid biofuels, at the level of not less than 10% by amount, in the total annual volume of the released gasolines;

- accounting and control of the share of liquid biofuels in the total volume of gasoline;

- establishment of liability (fines) for non-compliance with the requirements for the share of liquid biofuels in the total annual volume of gasoline sold by economic entities engaged in retail trade in fuel, fuel production and / or wholesale trade in fuel;

establishment of liability (fines) for late submission or non-submission by business entities engaged in fuel production and / or wholesale of fuels, information on the share of liquid biofuels in the total annual volume of gasoline sold introduction from January 1, 2023 of requirements for compliance with sustainability criteria for biofuels.

2) The draft law “On Amendments to Certain Legislative Acts of Ukraine on the Development of Trade of Solid Biofuels” <https://sae.gov.ua/uk/documents/3599>) is being finalized by the Ministry of Energy and the State Agency for Energy Efficiency according to the observations of the Government Committee)/ This draft law will contribute to the creation of a transparent, competitive market for biofuels in Ukraine, lower prices for biofuels, and the assurance of generating capacity for biofuels, more specifically it provides for:

- creation of a market mechanism for biofuel trade - a single system of electronic biofuel trade;

- the obligation to gradually trade biofuels from 20% (in 2022) up to 100% (in 2026) through the platform for certain economic entities (state and municipal enterprises engaged in the production of solid biofuels, economic entities that receive feed - in tariff or auction price for electricity from biomass and who receive an incentive tariff for heat from biomass at the level of 90% of heat from gas);

- introduction of administrative liability for violation of the requirements for solid biofuel trading;

- approval of requirements for the quality of biofuels sold through the platform.

3) Draft laws on exemption of biofuels from the CO₂ tax (<https://sae.gov.ua/sites/default/files/audio/zakonoprojekt.docx>) (to be submitted to the Government) will reduce the tax burden on bioenergy enterprises and promote the development of this field and provide for:

- amendments to the Tax Code of Ukraine to set a zero tax rate on carbon dioxide emissions for biofuel combustion plants;

- creation of the Register of installations using solid biofuels as the only type of fuel to ensure the administration of a zero rate for CO₂ tax.

4) Draft laws on stimulating the cultivation of energy crops (registers № 5227 (<http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=71384&pf35401=544335>), № 5228

(<http://w1.c1.rada.gov.ua/pls/zweb2/webproc34?id=&pf3511=71385&pf35401=544338>) of 12.03.2021) provide for:

- reduction of the maximum amount of rent for land plots on which energy crops are grown to 5 percent of the normative monetary value during the entire term of the lease agreement.
- providing a definition of the "energy plants" and providing state support for their cultivation;
- introduction of a minimum lease term for land plots for the cultivation of energy crops - 20 years;
- leasing of unproductive and degraded land plots for growing energy plants without holding land auctions.
- The approval of draft laws will help eliminate legislative and administrative barriers with regard to the energy crops; use of unproductive and degraded lands for energy purposes (up to 1 million hectares).
- The Ministry of Energy is working on the introduction of feed - in auctions, determining the number of annual quotas to support green energy, schedules for auctions, preparation of relevant changes that improve the procedure for their conduct. The first auctions for renewable electricity facilities are expected to take place.

In order to improve the support model for renewable electricity, the Ministry of Energy prepared and on August 26, 2021, published on the Ministry's website (http://mpe.kmu.gov.ua/minugol/control/uk/publish/article?art_id=245570020&cat_id=167475) and now under discussion. =A draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Stimulating Electricity Production from Alternative Energy Sources on Market Basis". The draft law provides for the introduction of the Feed-in-Premium model - "Contracts for difference for producers from alternative sources." Under this model, producers of electricity from alternative sources will be able to leave the balancing group of the guaranteed buyer and freely sell electricity on the market with the possibility of receiving a markup between the incentive tariff (feed - in tariff / auction price) and the market price.

5) On 21.10.2021 the law № 1820-IX introducing biomethane has been approved (<https://zakon.rada.gov.ua/laws/show/1820-20#Text>). CMU is to develop the regulation on biomethane register, issuance of guarantees of origin compatible with those introduced at EU market.

In pursuance of the Action Plan for the implementation of the National Transport Strategy of Ukraine for the period up to 2030, the frame of the Ministry of Energy's competence is working on the preparation of regulations, in particular, on the development of charging station infrastructure for electric vehicles:

- Concepts of state policy in the field of infrastructure development of charging stations for electric vehicles;
- Action Plan for the implementation of the Concept of state policy in the field of infrastructure development of charging stations for electric vehicles;
- Defining at the legislative level the rights and obligations of charging station operators, the procedure and conditions of their participation in the electricity market, the rights and obligations of distribution system operators, suppliers and consumers when using charging stations, improving the procedure for connecting charging stations to the grid electricity;

- Defining at the legislative level technical requirements for software solutions for regulating the location, construction and operation of charging stations and installation, in particular, at gas stations of equipment for charging electric vehicles.

In addition, the implementation of this Action Plan provides for:

- Creating an interactive map of favorable locations for charging stations for electric vehicles;
- Establishment of monitoring and collecting data system for electricity consumption by charging stations for electric vehicles in order to ensure demand management and balancing the energy system.

On heating & cooling

Current and planned measures that contribute to the development of the heat supply sector are heat supply schemes for settlements, which are prepared by local governments with a population of more than 20 thousand people. The development of the heat supply schemes mentioned is provided by the Law of Ukraine “On Heat Supply” of 02.06.2005 № 2633-IV (as amended).

Heat supply schemes for settlements with a population of more than 20 thousand people will be prepared for up to 10 years and contain technical and economic justification for construction, reconstruction (expansion, technical re-equipment) and modernization of heat supply facilities taking into account the development of the settlement, as well as measures to ensure energy efficient, high-quality, safe, ecological and reliable operation of the heating system of the settlement, which is agreed upon by the central executive body that implements state policy in the field of housing and communal services and approved by the relevant local government. Heat supply schemes provide various energy sources, including renewable ones.

The purpose of developing heat supply schemes is to plan the most economic effective heat supply for the settlement, which compared to the basic scenario reduces the use of energy resources needed for production, transportation and supply of heat to consumers and allows to achieve target (perspective) indicators of heat supply of the settlement.

13. Is there framework legislation in place (Renewable Energy Law) in line with Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources? If not, what is the calendar for its adoption?

At the Ministers Council’s meeting of the Energy Community dated 30 of November 2021 it was decided to extend the provisions of the 4th European Energy Package of the European Union (4th European EU Energy Package) to the members of the Energy Community, including Ukraine.

4th European EU Energy Package includes, inter alia, EU Directive 2018/2001 of 11.12.2018 on the promotion of the use of energy from renewable sources. The Directive shall be implemented by the end of 2022.

The provisions of this Directive, inter alia, provide for the promotion of small distributed generation and the creation of new participants in the electricity market: self-consumers, energy communities, group self-consumers, aggregators, etc.

In order to implement these provisions to stimulate the development of small distributed generation with RES consumers, the Ministry of energy of Ukraine is working on a draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Improving Conditions for Supporting Electricity Production from Alternative Energy Sources by Consumer Generating Plants". The partial implementation will be in case implementation guarantee of origin scheme under Art. 19 Directive. The State Agency of Energy Efficiency is working on this topic.

Also, the Renewable Energy Directive (EU 2018/2001) identifies market mechanisms to stimulate the development of RES, such as Feed-in-Premium, as standard support schemes in Europe for electricity plants producing electricity from renewable sources with an installed capacity of more than 500 kW.

In order to implement the Feed-in-Premium model in Ukraine, Ministry of Energy of Ukraine *has prepared* a draft Law of Ukraine "On Amendments to Certain Laws of Ukraine on Stimulating Electricity Production from Alternative Energy Sources on a Market Basis", which is currently being considered by the Government.

Basic legislation in the field of renewable energy:

Law of Ukraine "On the Electricity Market"(<https://zakon.rada.gov.ua/laws/show/2019-19#Text>);

Law of Ukraine "On Alternative Energy Sources" (<https://zakon.rada.gov.ua/laws/show/555-15#Text>);

Law of Ukraine "On Alternative Fuels"(<https://zakon.rada.gov.ua/laws/show/1391-14#Text>);

Law of Ukraine "On Heat Supply"(<https://zakon.rada.gov.ua/laws/show/2633-15#Text>).

These laws are periodically updated, including in order to bring them into line with European legislation. In recent years adopted:

- Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Development of Biomethane Production"(<https://zakon.rada.gov.ua/laws/show/1820-20#Text>);;

- Law of Ukraine № 514-VIII of 04.06.2015 "On Amendments to Certain Laws of Ukraine on Ensuring Competitive Conditions for Production of Electricity from Alternative Energy Sources"(<https://zakon.rada.gov.ua/laws/show/1820-20#Text>);

- Law of Ukraine № 1713-VIII of November 1, 2016 "On Amendments to Article 8 of the Law of Ukraine "On Alternative Fuels" " (<https://zakon.rada.gov.ua/laws/show/1713-19#Text>);

- Law of Ukraine №1959-VIII of 21.03.2017 "On Amendments to the Law of Ukraine "On Heat Supply" to stimulate the production of heat energy from alternative energy sources"" (<https://zakon.rada.gov.ua/laws/show/1713-19#Text>);

In order to implement the Decision of the Energy Community Council of Ministers of 18.10.2012 №D/2012/04/MC-EnC according to which Ukraine has undertaken to implement Directive 2009/28/EC "On the promotion of the use of energy produced from renewable energy sources" (RED I) and achieving the share of energy from renewable sources in energy consumption in 2020 at 11%, this has been prepared:

- Action plan for the implementation of Directive 2009/28/EC of the European Parliament and of the Council (approved by the order of the Cabinet of Ministers of Ukraine of 03.09.2014 №791-r) " (<https://zakon.rada.gov.ua/laws/show/1713-19#Text>);

- National Renewable Energy Action Plan until 2020 and the action plan for its implementation (approved by the order of the Cabinet of Ministers of Ukraine dated 01.10.2014 №902-r) (<https://zakon.rada.gov.ua/laws/show/902-2014-%D1%80#Text>)..

The implementation of the provisions of the RED I Directive took place through the introduction of appropriate changes in the basic legislation with the further development of relevant bylaws. During the implementation of the RED I Directive, measures were taken to improve permitting procedures, accession conditions and other aspects related to the implementation of renewable energy projects.

In order to implement the provisions of the RED II Directive, fulfill international obligations undertaken by Ukraine upon accession to the Energy Community, there was prepared a draft order of the Cabinet of Ministers of Ukraine "On the National Action Plan for Renewable Energy for 2030" (hereinafter - NAP RE 2030

(https://saee.gov.ua/sites/default/files/blocks/02_Proekt_NPDVE-10.01.2022.docx).

The NAP RE 2030 draft defines the goals of renewable energy development, as well as the necessary tasks and measures, the implementation of which will ensure the removal of barriers and create favorable conditions for further increasing the share of energy from renewable sources in the country's energy balance.

The draft NAP RE 2030 sets an indicative target for renewable energy consumption in 2030 of 27%, including in the following sectors:

- electric power industry - 25%;
- heating and cooling - 35%;
- transport - 14%.

Currently, the draft NAP RE 2030 is sent for approval to the relevant executive authorities and published on the website of the State Agency on Energy Efficiency and Energy Saving of Ukraine for discussion. A strategic environmental assessment of this project will also be conducted.

Also, as part of planning the development of the energy sector in line with EU approaches, an Integrated National Plan for Energy and Climate 2021-2030 *is being prepared*, which will combine goals, policies and measures for the development of energy efficiency, ecology and renewable energy.

In addition, ongoing work is underway to gradually adopt EU rules in the field of renewable energy. To date, the concept of guarantees of origin for electricity from renewable sources (Law of Ukraine (On Alternative Energy Sources), guarantees of origin for biomethane and maintaining a register of such guarantees of origin (Law of Ukraine "On Alternative Fuels") has been introduced in the legislative field of Ukraine.

Work is currently underway to update the original legislation on guarantees of origin (alignment with Directive (EU) 2018/2001). It is also cooperation with the Secretariat of the Energy Community on the introduction of a regional hub to guarantee the origin of electricity from renewable sources.

In pursuance of the Law of Ukraine "On Amendments to Certain Laws of Ukraine on the Development of Biomethane Production", a resolution of the Cabinet of Ministers "On approval of the procedure for the operation of the biomethane register" is being prepared. There are plans to create a single system to guarantee the origin of energy from renewable sources (including renewable hydrogen and, over time, heat energy from renewable sources, as provided for in the RED II directive.

Also, the draft law "On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine on Single Contribution and Accounting for Denatured Ethyl Alcohol and Chemical and Technical Products" (Reg. № 7233 of 30.03.2022) (<https://itd.rada.gov.ua/billInfo/Bills/pubFile/1251233>) provides for the development of the Procedure for confirming compliance with liquid biofuels (biocomponents) and biogas intended for use in the field of transport and the Procedure for administration of accounting for the content of liquid biofuels (biocomponents) in motor fuel and alternative motor fuel and its compliance with sustainability criteria.

14. Where does Ukraine stand as regards the share of sustainable biofuels used in the transport sector? What measures has Ukraine taken to increase this share?

In order to implement the provisions of Directive 2009/28/EC of 23 April 2009 on the promotion of the use of energy from renewable sources, in terms of ensuring Ukraine's compliance with its international obligations regarding the share of energy from renewable sources in gross final consumption of energy in transport and In 2017-2020, the Members of Ukrainian Parliament registered bills №7348 of 29.11.2017, № 2471 of 19.11.2019, №3356 of 17.04.2020, № 3356-d from 05.11.2020, aimed at developing the production and consumption of sustainable liquid biofuels. However, these bills were not adopted.

On March 30, 2022, the Ukrainian Parliament registered the draft law № 7233 "On Amendments to the Tax Code of Ukraine and Other Legislative Acts of Ukraine Concerning the Single Contribution and Accounting of Denatured Ethyl Alcohol and Chemical and Technical Products" (<https://itd.rada.gov.ua/billInfo/Bills/pubFile/1251233>), which provides:

- establishment of a zero rate of excise tax and reduction of the VAT rate to 7% on alternative motor fuel during martial law and state of emergency.
- establishment from May 1, 2022 of the normatively determined obligatory share of liquid biofuels, at the level of not less than 10% by volume, in the total annual volume of the released gasolines;
- introduction of accounting and control of the share of liquid biofuels in the total volume of gasoline released;
- establishment of liability (fines) for non-compliance with the requirements for the share of liquid biofuels in the total annual volume of gasoline sold by economic entities engaged in retail trade in fuel, fuel production and / or wholesale trade in fuel;
- establishment of liability (fines) for late submission or non-submission by business entities engaged in fuel production and / or wholesale of fuels, information on the share of liquid biofuels in the total annual volume of gasoline sold;
- introduction from January 1, 2023 of requirements for compliance with sustainability criteria for biofuels.

The mentioned bill was adopted by the Parliament in the first reading as a basis on April 1, 2022.

The adoption of the bill will promote the use of sustainable biofuels in the transport sector and the decarbonisation of the industry.

According to the Energy Balance of Ukraine in 2020, the share of renewable energy sources in energy consumption in the transport sector was 2.5%, while the total share of bioethanol in total gasoline consumption in 2020 was about 3.0% (energy).

V. ENERGY EFFICIENCY

15. Does Ukraine have or intend to elaborate a National Energy Efficiency Action Plan according to the methodology mentioned in Directive (EU) 2018/2002 on energy efficiency? Please provide information on its time framework, sectors addressed and expected/achieved savings. If energy efficiency/savings targets exist, please provide information on how they are defined and measured.

In December 2021, Ukraine's government adopted the National Action Plan for Energy Efficiency until 2030 (NAPEE 2030), setting a new national energy efficiency target and a concrete plan of measures to achieve it. By 2030 the primary energy consumption should not exceed 91.5 million tonnes of oil equivalent (Mtoe) while the target for the final energy consumption is set at 50.5 Mtoe. Therefore, the primary energy consumption is going to be reduced by 22.3 % and the final energy consumption - by 17.1 %.

That is, the reduction in energy consumption relative to the baseline is:

- by 22.3% (primary energy consumption);
- by 17.1% (final energy consumption)

The 2030 energy efficiency targets were assessed on the basis of the following steps:

- development of the baseline scenario (BAU, inertia scenario);
- setting the energy efficiency target on the basis of target indicators on energy intensity of the economy specified in the Energy Strategy of Ukraine for the period up to 2035 "Security, Energy Efficiency, Competitiveness", approved by the Cabinet of Ministers of Ukraine of 18 August 2017 No. 605 and the forecast of socio-economic development;
- analysis and consideration of certain measures and policies that may contribute to the achievement of energy efficiency targets assessed on the basis of the TIMES Ukraine model;

Primary and Final Energy Consumption

Year	2019		2021		2025		2030	
Category	Primary energy (thousand TOE)	Final energy (thousand TOE)	Primary energy (thousand TOE)	Final energy (thousand TOE)	Primary energy (thousand TOE)	Final energy (thousand TOE)	Primary energy (thousand TOE)	Final energy (thousand TOE)
Energy consumption under the Baseline Scenario	86 275	46 563	102 658	53 411	110 456	57 099	117 775	60 887

(BAU)								
Reduction of consumption as a result of the measures implemented	-	-	-13 675	-4 158	-19 636	-6 581	-26 307	-10 441
Energy consumption considering the measures implemented	86 275	46 563	88 983	49 253	90 820	50 518	91 468	50 446
% reduction of energy consumption compared to BAU	0%	0%	13,3%	7,8%	17,8%	11,5%	22,3%	17,1%

Hence in 2030, the energy efficiency scenario envisages a reduction in energy consumption compared to the Baseline Scenario by 22.3% (primary energy) and 17.1% (final energy).

The National Plan identifies a number of sectoral and horizontal measures and tools to achieve the national energy efficiency targets. Thus, the implementation of measures is envisaged to improve energy efficiency in the following key sectors of final consumption: buildings, budget sector, industry, transport.

The key measures of the National Plan in these sectors are to promote energy efficiency in single-family houses, increase of the energy performance of buildings under Directive 2010/31/EU, including the introduction of energy certification in buildings, full commercial metering of heat and water supply, energy labeling and eco-design, inclusion of energy efficiency criteria in public procurement, implementation of energy management and energy monitoring, implementation of measures under the energy service mechanism, increasing the level of electric mobility and renewal of urban electric transport with a predominant transition to electric transport, etc.

A specific feature of the National Plan is the need to improve energy efficiency not only in the context of final energy consumption, but also at the stages of energy production and transportation. In this regard, the National Plan envisages the implementation of a number of measures in the energy sector (including improving the efficiency of heating systems, supporting high-efficiency cogeneration, reducing losses in electricity transmission and distribution networks, natural gas distribution, etc.)

To achieve this national energy-saving target, the NAPEE 2030 includes several measures to improve energy efficiency in sectors such as housing, transport, industry and energy.

Measures include promoting the energy efficiency of industrial enterprises and residential buildings, energy labeling and eco-design, full commercial accounting of utilities, reduction of losses in electricity transmission and distribution networks, natural gas distribution etc. Thus, energy efficiency under the NAPEE 2030 covers all stages: from energy generation to transportation and consumption.

The national energy efficiency target by 2030 was set according to the requirements of the EED Directive 2012/27/EU and following the approaches of the European Union and the Energy Community. It was calculated within the EU4Energy Governance project by using the methodology specified in the EU4Energy Governance Study on 2030 overall targets (energy efficiency, RES, GHG emissions reduction) for the Energy Community. In addition to the target for 2030, intermediate indicative targets are indicated: for 2021, 2025 and 2030. It will ensure short-term (2021), medium-term (2025) and long-term (2030) trajectories for achieving energy efficiency goals and is designed to monitor the adequacy or inadequacy of policies implemented to achieve international goals. Ukraine's commitments on energy efficiency intermediate targets have been separately agreed upon with the Energy Community Secretariat, considering the timing of Ukraine's implementation of the EED Directive).

The responsible government body executors are identified to implement and monitor each of the measures specified in the NAPEE 2030. The general monitoring of the NAPEE 2030's implementation is entrusted to the State Agency for Energy Efficiency and Energy Conservation of Ukraine. It is assumed that the procedure for collecting primary information for monitoring and evaluation of the implementation of the National Plan is expected to be legally determined.

The 2030 energy efficiency targets were assessed on the basis of the following steps:

- development of baseline (BAU, inertial) scenario;
- determination of the energy efficiency target on the basis of target indicators on energy intensity of the economy specified in the Energy Strategy of Ukraine for the period up to 2035 "Security, energy efficiency, competitiveness", approved by the Cabinet of Ministers of Ukraine from August 18, 2017 № 605 and socio-economic development forecast;
- analysis and consideration of certain measures and policies that may contribute to the achievement of energy efficiency goals, assessed on the basis of the TIMES Ukraine model.

Ukraine's energy efficiency goals in NAPEE 2030 are determined on the basis of target indicators on energy intensity of the economy, specified in the Energy Strategy of Ukraine until 2035 and the forecast of socio-economic development in the country. It is planned to achieve the set goals in NPDEE-2030 by implementing sectoral and inter-sectoral energy efficiency measures, as well as regulatory and legal support for energy efficiency in the sectors of building, industry, utilities, energy, transport.

The National Plan for Increasing the Number of Buildings with Near-Zero Energy Consumption sets the following goals: achieving a 20 percent reduction in final energy consumption in the residential sector by 20 percent and a 16 percent reduction in final energy consumption in public buildings; reduction by 2025 of final energy consumption in specific indicators and in absolute values in the housing sector by 1 percent and in public buildings by 1 percent annually.

However, it should be noted that according to paragraph 4 of the order of the Cabinet of Ministers of Ukraine dated 29.12.2021 № 1803-r "On the National Action Plan on Energy Efficiency until 2030" (<https://zakon.rada.gov.ua/laws/show/1803-2021-r#Text>) provides for the revision of the NAPEE 2030, as well as the development and submission to the Cabinet of Ministers of Ukraine of draft three-year action plans for the implementation of the NAPEE 2030. During this revision, the provisions of the Law of Ukraine "On Energy Efficiency" will be applied, which currently implement the previous version of Directive 2012/27 / EU without taking into account the amendments to it, which were introduced by Directive 2018/2002.

Program of the Energy Efficiency Fund "Energodim".

The program "Energodim" allows **housing co-op** (Association of co-owners of an apartment building) to receive partial reimbursement of costs for energy efficiency measures implemented for the building. There are 2 packages of energy efficiency measures - "Light" and "Complex", the implementation of which will bring savings for utility bills by reducing heat loss of the building from 20% to 70%. The grant part at the expense of the Energy Efficiency Fund ranges from 40 to 70% of the total project cost.

National plan to increase the number of buildings with close to zero energy consumption. The national plan to increase the number of buildings with Near-Zero Energy consumption has set the following goals: to reduce final energy consumption in the residential sector by 24 percent in 2025 and reduce final energy consumption in public buildings by 16 percent; reduction by 2025 of final energy consumption in specific indicators and in absolute values in the housing sector by 1 percent and in public buildings by 1 percent annually. The energy savings from the implementation of the measures provided for in the state plan in the relevant buildings will be approximately 60 percent of the previous level.

The concept of implementing state policy in the field of energy efficiency of buildings in terms of increasing the number of buildings with close to zero energy consumption [<https://zakon.rada.gov.ua/laws/show/88-2020-%D1%80#Text>]

The concept envisages the introduction of the energy efficiency class of all buildings put into operation no later than December 31, 2027, should be not lower than the requirements for non-energy buildings in force on the date of construction and no later than December 31, 2025 and communal form of ownership, which are put into operation, must be not lower than the requirements for energy-independent buildings in force on the date of commencement of construction works.

National Action Plan on Energy Efficiency until 2030

The National Action Plan on Energy Efficiency for the period up to 2030 is aimed at achieving the national goal of energy efficiency - primary and final energy consumption in Ukraine in 2030 should not exceed 91468 thousand and 50446 thousand tons of oil equivalent, respectively.

In order to achieve energy efficiency targets Ukraine implements measures to improve energy efficiency in the public sector and use its exemplary role.

CMU Resolution of 23.12.2021 № 1460 "On the implementation of energy management systems" approved the Procedure for the implementation of energy management systems and set deadlines for improving energy efficiency in government, namely:

1) within nine months from the date of entry into force of this resolution:

- bring the organisational structures of central offices and territorial bodies of ministries, other central executive bodies, other state bodies whose jurisdiction extends to the entire territory of Ukraine, the staff of the Council of Ministers of the Autonomous Republic of Crimea, central executive bodies of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city, district, district in Kyiv state administrations, enterprises, institutions and organisations belonging to the sphere of management of public authorities, in accordance with the requirements of the Procedure approved by this resolution;

- approve and publish on their official websites the plans of energy management systems;

2) *within 24 months from the date of entry into force of this resolution to provide for buildings that are owned and / or used (economic management, operational management):*

- to make technical passports of such buildings;

to carry out certification of energy efficiency of buildings in accordance with Article 7 of the Law of Ukraine "On Energy Efficiency of Buildings".

Reference:

The State Agency for Energy Efficiency is working on forming, filling and updating a database of operational and energy performance of buildings on the balance of CEBs and monitoring the implementation of energy management and energy monitoring in these buildings for further test placement on the official website of the State Agency.

The database includes information on 3373 buildings of 42 CEBs that own buildings. 32 CEBs rent or own a share of the building, 1 CEB is in the process of liquidation, 3 - at the stage of creation, 2 CEBs information on this issue is a secret, 1 CEB has not provided information. To date, 7 CEBs have started work on the introduction of energy management systems.

In addition, local authorities are recommended to implement energy management systems in accordance with the requirements of the Procedure approved by this resolution, and to determine the heads (deputy heads) of relevant bodies responsible for the implementation and operation of energy management systems in such bodies.

Reference:

Together with the regions, the State Agency for Energy Efficiency promotes the widespread introduction of energy monitoring systems in the budget sphere. The Agency signed 42 Memorandum of Partnership with the authorities on the implementation of energy management systems in budgetary institutions, prepared and provided to local authorities, including methodological recommendations on:

- *creation of energy management systems in budgetary institutions;*

- *energy monitoring of consumption of fuel and energy resources by budgetary institutions;*

- *financial incentives for energy managers;*

- *setting limits on energy consumption by budgetary institutions.*

In order to facilitate the introduction of energy management and energy monitoring systems, the Agency held 5 regional seminars in 2021 on "Improving the energy efficiency of local

communities", during which the issues of establishing and operating such systems in communities were discussed.

Over the last 4 years, thanks to the measures taken by the State Agency for Energy Efficiency, the number of local authorities where energy management / energy monitoring in the budget sphere has been introduced has increased almost 4 times (from 60 in 2017 to 225 in 2021).

The State Agency for Energy Efficiency is responsible for submitting information on the implementation of this resolution to the Cabinet of Ministers of Ukraine and informing the Secretariat of the Energy Community on the status of implementation of Ukraine's international obligations to ensure the role of central executive bodies in improving energy efficiency.

In order to increase energy efficiency in the public sector, the mechanism of energy services is used.

Energy service is a set of technical and organisational energy saving (energy efficient) and other measures aimed at reducing the customer's energy service consumption and / or costs of fuel and energy resources and / or housing and communal services compared to consumption (costs) in the absence of such measures.

The essence of the concept of energy service is that energy efficiency measures in the buildings of public institutions (schools, kindergartens, hospitals, universities, etc.) are implemented by private investors - energy service companies (ESCOs), and payment is made solely by savings (reduction of utility costs and energy), achieved as a result of energy efficiency measures.

The introduced energy service mechanism allows private businesses to attract investment in energy efficiency of budgetary institutions. During 2015, the relevant legal framework for concluding energy service agreements was created.

In total, 560 ESCO contracts worth about UAH 1.27 billion have been signed so far.

Of these, 55 are ESCO agreements on the facilities of the State Water Agency, the Ministry of Education, the Ministry of Internal Affairs, the Ministry of Defense, the State Statistics Service and the National Financial Services Commission.

Activities in this area are regulated by the following regulations:

Law of Ukraine "On Energy Efficiency";

Law of Ukraine of April 9, 2015 № 327-VIII "On the introduction of new investment opportunities, guaranteeing the rights and legitimate interests of business entities for large-scale energy modernisation."

The principles of the ESCO mechanism can also be implemented to increase the energy efficiency of residential buildings.

The ESCO mechanism is an additional tool for financing energy efficiency projects in condominiums, where energy efficiency measures are implemented by energy service companies (ESCOs), both Ukrainian and foreign, for their own or borrowed funds under the terms of the energy service agreement.

The main feature of ESCOs is insulation, which is paid for by condominiums / housing and communal services due to energy savings guaranteed by ESCOs.

The ESCO company implements energy efficiency measures, assumes all risks and guarantees energy savings. ACMHs, in turn, make all payments to the ESCO company only if such savings are achieved.

ESCO chooses condominiums and receives the following benefits:

1. Savings on payment for heating (from 50%).
2. Turnkey insulation (from design to operation).
3. Lack of financial and technical risks.
4. Improving the comfort of living conditions.
5. Increase in the commercial value of housing (approximately 25%).

Framework for energy management in CEBs, energy efficiency in public procurement (taking into account the result of full implementation in by laws). It is planned to introduce a policy of exemplary role in energy efficiency in the public buildings sector by amending the Law of Ukraine "On Energy Efficiency of Buildings" with the adoption of the draft Law "On Amendments to Some Laws of Ukraine on Creating Conditions for Integrated Thermal Modernization of Buildings".

The CMU Resolution "On the implementation of energy management systems" already regulates the implementation of the energy management system in public authorities.

In accordance with the provisions of Article 7 of the Law of Ukraine "On Energy Efficiency" is expected to implement energy efficiency requirements for the purchase of energy products (goods) and services related to energy consumption, as well as the purchase or lease (rent) of buildings.

16. Please provide information on the main current and planned legislative and non-legislative measures promoting energy efficiency (nature of measures, budget available, etc.). Is there a law on energy efficiency?

Law of Ukraine "On Energy Efficiency of Buildings" dated 22.06.2017 112118-VIII was approved. This Law prepared regarding with 2010/31/EU Directive on energy efficiency of buildings. <https://zakon.rada.gov.ua/laws/show/2118-19#Text>

This Law defines the legal, socio-economic and organizational principles of activities in the field of energy efficiency of buildings and is aimed at reducing energy consumption in buildings.

The Law of Ukraine "On Energy Efficiency of Buildings" establishes the certification of energy efficiency of buildings, based on the results of which an energy certificate is drawn up. The energy certificate indicates the indicators and class of energy efficiency of the building, provides recommendations in the manner prescribed by law to improve it, as well as other information about the building, its separate parts, energy efficiency which is certified.

The energy efficiency class of a building in the energy certificate is determined based on the estimated annual specific energy consumption of the building.

In pursuance of the provisions of the Law of Ukraine "On Energy Efficiency of Buildings" in accordance with the Procedure for certification of energy efficiency and the form of energy certificate for the building is issued an energy certificate. Extract from the energy certificate of the building contains information about the energy efficiency class of the building and other indicators determined

in accordance with the Methodology for determining the energy efficiency of buildings.

Drawing up an energy certificate for a building is mandatory in the following cases:

- new building (CC2, CC3);
- buildings with a heating area of over 250 sq.m. public and frequently visited by citizens;
- buildings in which public authorities are located;
- buildings in which thermal modernization is carried out with state support.

Access to energy certificates is open and free through the portal of the Unified State Electronic System in the field of construction. Link to this portal: <https://e-construction.gov.ua/>

By the Order of the Ministry of Regional Development of 27.10.2020 № 260 approved the Minimum requirements for energy efficiency of different types of buildings.

The energy efficiency class of a building in the energy certificate is determined on the basis of the estimated annual specific energy consumption of the building.

State building norms of Ukraine contain requirements for the design of high-rise buildings with energy efficiency class not lower than "B" taking into account DBN B.2.6-31-2016 "Thermal insulation of buildings" and requirements for the design of residential buildings and built-in premises with energy efficiency class not lower than "C".

Energy efficiency requirements are also set in building codes and national standards. The requirement for energy efficiency is one of the main requirements for buildings and structures.

The system of technical regulation in Ukraine is represented by state building norms (DBN) and national standards (DSTU). DBN sets mandatory requirements for construction projects (buildings and structures, their components). National standards are applied together with DBN and contain calculation methods, rules, process descriptions, etc. Today, a significant number of energy efficiency standards are national standards harmonized with European ones (with an identical degree of compliance). In 2021, the Ministry of Regional Development launched work on the development of harmonized national standards with the degree of compliance with the following international and European standards in the field of energy efficiency:

ISO 52000-1:2017; ISO 52000-2:2017; ISO 52016-1:2017; ISO/TR 52016-2:2017; ISO 52017-1: 2017;

ISO /TR 52003-2:2017; ISO 13788: 2012; ISO 9972: 2015;

EN 15316-4-5:2017; EN 15316-4-4:2017; EN 16798-1: 2019; EN 15378-3:2017; EN 15378-1:2017;

EN CEN/TR 15378-2:2017; EN CEN/TR 15378-4:2017;

EN 15459-1:2017; EN CEN/TR 15459-2:2017;

EN / TR 15232-2: 2016

Ukraine has implemented requirements for efficiency and / or monitoring for heating, ventilation and / or air conditioning (HVAC) and lighting.

In Ukraine, the state building codes DBN B.2.5-67: 2013 "Heating, ventilation and air conditioning".

The Law of Ukraine "On Commercial Accounting for Heat and Water Supply" entered into force on June 22, 2017. Equipping with commercial metering units of buildings should be done by the operator of external engineering networks until August 1, 2022. (<https://zakon.rada.gov.ua/laws/show/2119-19#Text>)

From 2015 to 2021, the State Targeted Economic Program for Energy Efficiency and Development of Energy Production from Renewable Energy Sources and Alternative Fuels for 2010-2020 was implemented by co-financing households in implementing energy efficiency measures and replacing heating equipment with renewable energy sources.

The State Energy Efficiency Agency *has prepared* a draft Government Resolution proposing to continue the State Target Economic Program for Energy Efficiency and Development of Energy Production from Renewable Energy Sources and Alternative Fuels, so-called "warm loans" until 2027 in the areas of energy efficiency in housing and social before submission to the Government.

In 2017, the Government of Ukraine, with the assistance of the European Union and the Government of Germany, established the Energy Efficiency Fund [<https://eefund.org.ua>]. By the beginning of 2022, the Energy Efficiency Fund has paid co-owners of apartment buildings for the implementation of thermal modernization about 5.5 million euros, while the total cost of all projects is about 225 million euros. It is expected that by the end of 2022, funding of around 170 million euros will be provided. Currently, the total budget of the Fund's programs is 300 million euros for 5 years, negotiations are underway to continue and expand the Fund's programs, as well as to continue and increase their funding.

The Energy Efficiency Fund provides support to apartment building co-owners' associations (ACMHs) to implement energy efficiency measures through grants and the implementation of comprehensive technical solutions, taking into account the best European practices in thermal modernisation of buildings. The Fund's activities are financed from the State Budget of Ukraine, financial support from the EU and the German government. Fund managed to gather 887 applications for a total amount of 7.4 bln UAH.

SAEE *has prepared* a draft Law "On Amendments to the Law of Ukraine" On Combined Heat and Electricity Production (Cogeneration) and Use of Waste Energy Potential "for the Development of Highly Efficient Cogeneration" dated 21.12.2021 № 4527. The purpose of the draft law is to harmonize the provisions of current legislation of Ukraine with the principles and provisions of EU legislation in the field of high-efficiency cogeneration, in particular, Directives 2004/8 / EU and 2012/27 / EU. On October 21, 2021, the bill was adopted by the Parliament in the first reading as a basis. http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=70722.

B. non-legislative, including budgetary

The Government of Ukraine is supported by international financial organizations (EIB, KfW, World Bank) in the implementation of measures in the field of energy efficiency of public buildings:

- Energy Efficiency of Public Buildings in Ukraine project with EIB support totaling € 300 million for thermal modernization of educational institutions, hospitals and other public buildings
- E5P Fund "Eastern European Partnership for Energy Efficiency and Environment", amounting to 100 million euros.

- Project “Energy Efficiency in Communities II” with the support of KfW Bank, totaling EUR 25.5 million for the implementation of energy efficiency measures in Zhytomyr and Zaporizhia
- A \$ 300 million project is being launched with the support of the World Bank to implement energy efficiency measures in public buildings.

To stimulate and eliminate barriers to the introduction of thermal modernization, new changes in legislation are planned, which include:

- creation of a system of development of professional competencies of specialists and specialists in the field of energy efficiency;
- introduction of energy management;
- implementation of the exemplary role of public buildings in terms of energy efficiency;
- development and maintenance of databases of energy and operational characteristics of residential and public buildings;
- approval of the Strategy of thermal modernization.

International Agreements of Ukraine on energy efficiency of buildings:

Treaty of establishing Energy Community

Financing agreement "Energy Efficiency Support Program in Ukraine - EE4U" and Financing Agreement "Energy Efficiency Support Program in Ukraine - EE4U-II"

Financing Agreement "Energy Efficiency of Public Buildings in Ukraine" between Ukraine and the European Investment Bank

E5P Grant Agreement (Ukraine Energy Efficiency in Public Buildings Project) between Ukraine and the European Investment Bank

Investment Grant Agreement (Energy Efficiency of Public Buildings in Ukraine Project) between Ukraine and the European Investment Bank

Agreement between the Cabinet of Ministers, the German State Bank "Credit Institution for Reconstruction" (KfW), Zhytomyr and Zaporizhia City Councils on the implementation of the project "Energy Efficiency in Communities".

The main planned measures promote energy efficiency

A. legislative, including budgetary

To stimulate and eliminate obstacles to the implementation of thermal modernization, new changes in legislation are planned, which include:

- creation of a system for the development of professional competencies of specialists and specialists in the field of energy efficiency;
- introduction of energy management;
- realization of the exemplary role of public buildings in terms of energy efficiency;
- development and maintenance of databases of energy and operational characteristics of residential and public buildings;
- approval of the Thermal Modernization Strategy.

Order of the Cabinet of Ministers of Ukraine dated 29.01.2020 № 88-r approved "Concept of state policy in the field of energy efficiency of buildings in terms of increasing the number of buildings with close to zero energy consumption" and approved "National plan to increase the number of buildings with close to zero consumption energy »<https://zakon.rada.gov.ua/laws/show/88-2020-%D1%80#Text>.

Implementation of the national plan is expected during 2020-2030. The national plan is expected to be implemented in two stages.

The first stage (2020-2025) envisages the implementation of measures aimed at overcoming technical, organizational and financial problems by increasing the number of non-energy buildings, taking into account the existing measures to increase the number of non-energy buildings, followed by a review of their implementation.

The second stage (2025-2030) envisages the implementation of measures aimed at implementing the transition to mandatory compliance with the standards of non-energy buildings for all construction sites and buildings under reconstruction, which is formed by revising the national plan taking into account:

- the state of implementation of the measures of the first stage of the national plan and determining the need to adjust public policy;
- Ukraine's commitments under AA, including that will arise during the implementation of the first stage of the national plan;
- economic feasibility of implementing measures to improve the energy efficiency of buildings, identified at the time of the development of measures of the second stage of the national plan.

In accordance with the Law of Ukraine "On Energy Efficiency of Buildings", the Ministry of Communities and Territories of Ukraine, with the participation of the State Agency for Energy Efficiency, prepared a draft order "Requirements for energy efficiency of buildings with close to zero energy consumption." According to this project, for buildings with close to zero energy consumption, the share of energy produced from renewable sources (near the building) should be at least 50% of the total specific energy consumption of the building.

B. non-legislative, including budgetary

The implementation of the following projects on the implementation of energy efficiency measures has started:

Implementation of energy efficiency projects in residential buildings within the programs of the Energy Efficiency Fund in accordance with the "Energy Efficiency Support Program in Ukraine - EE4U" and "Energy Efficiency Support Program in Ukraine - EE4U-II" and subsequent agreements;

Implementation of the project "Energy efficiency of public buildings in Ukraine" between Ukraine and the European Investment Bank together with the E5P Grant Agreement (Energy Efficiency Project in Public Buildings in Ukraine) between Ukraine and the European Investment Bank;

Implementation of energy efficiency projects in public buildings together with the German State Bank "Reconstruction Credit Institution" (KfW), Zhytomyr and Zaporizhia City Councils of the project "Energy Efficiency in Communities";

Prepared together with the World Bank "Energy Efficiency Improvement Project in the Municipal Sector of Ukraine".

Ukraine adopted the Law "On Energy Efficiency" dated 21.10.2021 № 1818-IX

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/1818-20#Text>.

The main goal of the adopted Law of Ukraine "On Energy Efficiency" is to create new framework conditions for promoting energy efficiency in all sectors of the economy.

The law defines the main directions of state policy on the implementation of energy audit and energy management.

The Law on Energy Efficiency stipulates that the procedure and requirements for energy audits of buildings, processes and transport must take into account national standards harmonized with international and regional ones.

According to the Law on Energy Efficiency:

1. Large business entities are obliged to conduct an energy audit every four years, starting from the date of the first energy audit. In case of attracting state support (aid) for energy efficiency measures, the provider of such support (aid) may determine one of the conditions of state support (aid) for energy audit.

2. The first energy audit of large business entities must be conducted within three years from the date of entry into force of the Law of Ukraine "On Energy Efficiency", and in case of receiving state support (aid) - before receiving state support (aid). In case of non-mandatory energy audit, large business entities, as well as other business entities in case of receiving state support (assistance) for the implementation of energy efficiency measures (if the mandatory condition of such support (assistance) is energy audit) are liability under the law.

3. Entities of large business, as well as other economic entities in the case of attracting state support (assistance) for energy efficiency measures are released from the obligation to conduct energy audits in the implementation of energy and / or environmental management system, which is certified in accordance with harmonized international and regional standards and provides for energy audits in accordance with the requirements established by law.

4. In order to support initiatives to conduct energy audits and support the implementation of energy efficiency measures, micro, small and medium-sized enterprises may implement state targeted economic programs of energy efficiency.

Also, the Law "On Energy Efficiency" establishes specific requirements for the procedure for confirming the qualifications of persons who intend to conduct energy audit activities in the relevant area (buildings, processes, transport), qualification requirements for energy auditors, establishes the rights and responsibilities of energy auditors during its activities.

A special place in the Law "On Energy Efficiency" is given to the implementation of energy audit systems in organizations, institutions and enterprises.

The provisions of the Law of Ukraine "On Energy Efficiency" (Article 12) define the main areas of activity, conditions for implementation and continuous improvement of policy in the field of energy management.

It is envisaged that energy management systems are implemented in accordance with the requirements of national standards of Ukraine, harmonized with international standards and that a prerequisite for receiving state support for energy efficiency measures by local governments is the decision to introduce energy management systems in such bodies.

The procedure for implementing energy management systems was approved by the Cabinet of Ministers of Ukraine dated 23.12.2021 № 1460 "On implementation of energy management systems" <https://zakon.rada.gov.ua/laws/show/1460-2021-%D0%BF#Text>.

The abovementioned decree defines the steps that need to be taken by the authorities to implement energy management systems and sets deadlines for the implementation of these measures, in particular:

1) within nine months from the date of entry into force of this resolution:

- bringing the organizational structure of central offices and territorial bodies of ministries, other central executive bodies, other state bodies whose jurisdiction extends to the entire territory of Ukraine, the staff of the Council of Ministers of the Autonomous Republic of Crimea, central executive bodies of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city, district, district in Kyiv state administrations, enterprises, institutions and organizations belonging to the sphere of management of public authorities, in accordance with the requirements of the Procedure approved by this resolution;

- approval and publication on its official websites of energy management system activity plans;

2) within 24 months from the date of entry into force of this resolution to provide for buildings that are owned and / or used (economic management, operational management):

- initiating the state registration of real rights to relevant buildings and the right of permanent use of land on which such buildings are located, in accordance with the Law of Ukraine "On State Registration of Real Rights to Immovable Property and their Encumbrances" [https://zakon.rada.gov.ua / laws / show / 1952-15 # Text](https://zakon.rada.gov.ua/laws/show/1952-15#Text);

- production of technical passports of such buildings;

- certification of energy efficiency of buildings in accordance with Article 7 of the Law of Ukraine "On Energy Efficiency of Buildings"

VI. NUCLEAR ISSUES (INCLUDING RADIATION PROTECTION)

A. Nuclear safety, radioactive waste management and decommissioning

17. Does Ukraine have a national waste management programme covering all types of radioactive waste and all management stages including final disposal?

Yes, Ukraine has the national waste management program that covers all types of radioactive waste and all stages of management, including final disposal - the National Targeted Environmental Program for Radioactive Waste Management, approved by the Law of Ukraine of September 17, 2008 No. 516-VI. Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/516-17#Text>.

The list of activities under this Program was intended for the period from 2008 to 2017. The planned activities under this program continue to be implemented.

At the same time, in order to update the Program and to implement the Decree of the President of Ukraine dated 29.01.2021 № 35/2021 "On the decision of the National Security and Defense Council of Ukraine dated January 29, 2021" On measures to neutralize threats in the field of nuclear energy and industry" (text in Ukrainian - <https://www.president.gov.ua/documents/352021-36421>) the development of an updated National Targeted Environmental Program for Radioactive Waste Management is envisaged. Text in Ukrainian -

The State Agency for Exclusion Zone Management (SAEZM) is in charge of developing the updated Program.

In accordance with the current legislation of Ukraine SAEZM *has prepared* the Concept of the updated Program. In parallel, SAEZM is under preparation of the updated Program itself and a list of activities for the period of 2022 - 2030, which should be approved shortly after the approval of the Concept. Financing of the activities will be provided at the expense of the RW Management Fund.

In addition, Ukraine has approved a Radioactive Waste Management Strategy (approved by the Cabinet of Ministers of Ukraine dated 19.08.2009 № 990-r), prepared on the basis of analysis of radwaste management in Ukraine, taking into account best international practice, safety standards of the IAEA and the European Union.

The purpose of this founding document is to create and ensure the effective functioning of Ukraine's integrated radwaste management system, which will allow to achieve safe management (including disposal) of radwaste of all types and categories accumulated in previous periods, arising from current nuclear energy use and will be formed in the future, with the rational use of financial, technical and human resources and taking into account international best practices.

The Strategy for Radioactive Waste Management in Ukraine defines the main directions and tasks for the development of the radwaste management system in Ukraine for a period of 50 years.

The chosen strategic option for the development of the radwaste management system in Ukraine envisages:

1. processing of NPP radwaste at NPP sites to a state acceptable for disposal or long-term storage;

2. collection, conditioning, temporary storage, transportation of radwaste generated in medicine, science, industry at interregional specialized enterprises for radwaste management, which are part of SC "UkrDO" Radon";

3. centralized disposal of low- and intermediate-level short-lived radwaste and long-term storage of long-lived and high-level radwaste of all Ukrainian producers in storage facilities on the site of the Vector complex;

4. disposal of long-lived and highly active radioactive waste in a geological repository;

5. creation of a national organization for radwaste management, including long-term storage and disposal of radwaste;

6. ensuring sustainable and sufficient funding for radwaste management measures;

7. development of legal framework and international cooperation.

The “Comprehensive program for radioactive waste management in SE NNEGC “Energoatom” (hereinafter referred to as the Comprehensive Program) has been prepared and is being implemented, taking into account the requirements of such laws as:

1. Of the Law of Ukraine "On Radioactive Waste Management" of 30.06.1995 № 256/95-VR. Text in Ukrainian - <http://zakon.rada.gov.ua/laws/show/255/95-%D0%B2%D1%80#Text>;

2. Of the Law of Ukraine "On the Use of Nuclear Energy and Radiation Safety" of March 21, 1995 № 40/95-VR. Text in Ukrainian - <http://zakon.rada.gov.ua/laws/main/39/95-%D0%B2%D1%80#Text>. The law came into force on the day of its publication - March 21, 1995 (according to the Resolution of the Verkhovna Rada of Ukraine of February 8, 1995 № 40/95-VR. Text in Ukrainian - <http://zakon.rada.gov.ua/laws/show/40/95-%D0%B2%D1%80#Text>);

3. Strategy for radioactive waste management in Ukraine, approved by the order of the Cabinet of Ministers of Ukraine dated 19.08.2009 № 990-r. Text in Ukrainian - <http://zakon.rada.gov.ua/laws/show/990-2009-%D1%80#Text>

The comprehensive program defines the main activities, technical and organizational measures for radwaste management, in particular: minimization of radwaste generation, improvement of existing radwaste management systems at NPP sites, improvement of transport and technological scheme of radwaste packaging management, etc.

Implementation of the Comprehensive Program is a condition of licenses for the operation of power units. Reports on the implementation of these measures are submitted to the SNRIU and the Ministry of Energy every six months.

18. How does the legal framework for waste management take into account Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste?

The requirements of Council Directive 2011/70 / Euratom have been implemented in the national legislation of Ukraine.

Law of Ukraine “On Nuclear Energy Use and Radiation Safety” No. 39/95-VR of 8 February 1995.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/39/95-%D0%B2%D1%80#Text>

Law of Ukraine “On Radioactive Waste Management” No. 255/95-VR of 30 June 1995.

Text in Ukrainian- <https://zakon.rada.gov.ua/laws/show/255/95-%D0%B2%D1%80#Text>

Law of Ukraine “Authorizing Activity in Nuclear Energy” No. 1370-XIV of 11 January 2000.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/1370-14#Text>

Law of Ukraine “National Target Environmental Program for Radioactive Waste Management” No. 516-VI of 17 September 2008.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/516-17#Text>

Law of Ukraine “National Program for Chornobyl NPP Decommissioning and Shelter Transformation into an Environmentally Safe System” No. 886-VI of 15 January 2009.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/886-17#Text>

Law of Ukraine “Management of Spent Nuclear Fuel Related to Siting, Design and Construction of the Centralized Storage Facility for VVER Spent Nuclear Fuel of National Nuclear Power Plants” No. 4384-VI of 9 February 2012.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/4384-17#Text>

Cabinet Resolution “Approval of the Strategy for Radioactive Waste Management in Ukraine” No. 990-r of 19 August 2009.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/990-2009-%D1%80#Text>

Cabinet Resolution “On Approval of the Concept for State Economic Program for Management of Spent Nuclear Fuel from National Nuclear Power Plants until 2024” No. 385-r of 5 June 2019.

Text in Ukrainian - <https://zakon.rada.gov.ua/laws/show/385-2019-%D1%80#Text>

Ukraine periodically reports about development and functioning of legal and regulatory framework for radioactive waste management in the National Reports On Compliance with Obligations under the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management.

National Reports are prepared and presented by Ukraine at Review Meetings in the framework of the implementation of obligations under the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, which Ukraine ratified by the Law of Ukraine on April 20, 2000 ⁴².

Law of Ukraine “On Ratification of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management” No. 1688-III of 20 April 2000

Text in Ukrainian - https://zakon.rada.gov.ua/laws/show/995_335#Text

19. Does Ukraine have any agreements in force with any other country providing for the transfer of radioactive waste generated in Ukraine?

In accordance with the Agreement between the Government of Ukraine and the Government of the Russian Federation on Scientific and Technical Cooperation in the Field of Atomic Energy of January 14, 1993, spent nuclear fuel from Rivne, Khmelnytskyi and South-Ukraine nuclear power plants was exported to Russia for storage and further processing.

According to the obligations under this agreement, the Ukrainian side must accept for storage high-level radioactive waste returned from the Russian Federation after the reprocessing of spent nuclear fuel of these Ukrainian nuclear power plants.

Nuclear material supply, safeguards and physical protection

20. Please provide the texts of the international agreements and conventions that have been concluded with third countries or international organizations in the field of nuclear material supply, accountancy and safeguards.

Ukraine has concluded a number of international agreements on the supply of nuclear materials:

1. Agreement between the Cabinet of Ministers of Ukraine and the Government of the Kingdom of Norway on early notification of nuclear accidents and exchange of information on nuclear installations of 28 September 1994

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/578_004#Text)

2. Agreement between the State Nuclear Regulatory Inspectorate of Ukraine and the Norwegian Radiation and Nuclear Safety Authority on cooperation in the field of nuclear and radiation safety of 18 November 2014

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/578_025#Text)

3. Protocol on amendments to the Agreement between the State Nuclear Regulatory Inspectorate of Ukraine and the Norwegian Radiation and Nuclear Safety Authority on cooperation in the field of nuclear and radiation safety of 23 October 2018

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/578_001-18#Text)

4. Protocol on practical arrangements for Early Notification of Nuclear Accidents and for the Exchange of Information on Nuclear Facilities between the State Nuclear Regulatory Inspectorate of Ukraine and the Norwegian Radiation and Nuclear Safety Authority of 3 December 2020

(text in English <https://xn--80aagahqwyibe8an.com/laws/file/text/87/f502658n68.pdf>)

5. Agreement between the Cabinet of Ministers of Ukraine, the Government of the Russian Federation, the Government of the Slovak Republic, the Government of the Czech Republic on cooperation in the field of transportation of nuclear materials between the Russian Federation and the Czech Republic through Ukraine and the Slovak Republic of 14 March 1998 (pursuant to Article 10, the Agreement shall enter into force upon signature)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/998_028#Text)

6. Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Turkey on early notification on nuclear accidents and on exchange of information on nuclear facilities of 23 November 2000

(text in Ukrainian <http://consultant.parus.ua/?doc=03H1T1F1B1&abz=5KX75>)

7. The Convention on Supplementary Compensation for Nuclear Damage (signed by Ukraine on 29 September 1997)

(text in English <https://www.iaea.org/sites/default/files/infocirc567.pdf>)

8. Agreement on Cooperation in the Field of Nuclear Safety and Radiation Protection of 27 August 1992 (pursuant to Article 10, the Agreement shall enter into force upon signature)

(text in English https://www.icnl.org/wp-content/uploads/Ukraine_agreement.pdf)

9. Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on scientific, technical and economic cooperation in the field of nuclear energy of 14 January 1993 (pursuant to Article 10, the Agreement shall enter into force upon signature)

(text in Ukrainian https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=643_033#Text)

10. Agreement between the Cabinet of Ministers of Ukraine, the Government of the Republic of Bulgaria, the Government of the Republic of Moldova and the Government of the Russian Federation on cooperation in the field of transportation of nuclear materials between the Republic of Bulgaria and the Russian Federation through Ukraine and the Republic of Moldova of 28 November 1997 (pursuant to Article 10, the Agreement shall enter into force upon signature)

(text in Ukrainian https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=998_027#Text)

11. The Convention on Nuclear Safety (ratified with declaration and reservation by the Law of Ukraine No. 736/97-BP of 17 December 1997)

(text in English <https://www.iaea.org/sites/default/files/infocirc449.pdf>)

12. The Convention on the Physical Protection of Nuclear Material (Resolution of the Verkhovna Rada of Ukraine on Participation of Ukraine No. 3182-XII of 5 May 1993)

(text in English <https://www.iaea.org/sites/default/files/infocirc274r1.pdf>)

13. The Amendment to the Convention on the Physical Protection of Nuclear Material (ratified by the Law of Ukraine No. 356-IV of 3 September 2008)

(text in English <https://www.iaea.org/sites/default/files/publications/documents/infocircs/1979/infocirc274r1m1c.pdf>)

14. Joint Protocol Relating to the Application of the Vienna Convention and the Paris Convention (acceded by the Law of Ukraine No. 1232-XIV of 17 November 1999)

(text in English <https://www.iaea.org/sites/default/files/infocirc402.pdf>)

15. Agreement between Ukraine and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (ratified by the Law of Ukraine No. 737/97-BP of 17 December 1997)

(text in English <https://www.iaea.org/sites/default/files/publications/documents/infocircs/1998/infocirc550.pdf>)

16. Protocol Additional to the Agreement between Ukraine and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (ratified by the Law of Ukraine No. 3092-IV (3092-15) of 16 November 2005)

(text in English in English <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1998/infcirc550a1.pdf>)

17. The Convention on Early Notification of a Nuclear Accident (ratified with reservation by the Order of the Presidency of the Verkhovna Rada of the Ukrainian SSR No. 3339-XI (3339-11) of 30 December 1986)

(text in English <https://www.iaea.org/sites/default/files/infcirc335.pdf>)

18. The Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency (ratified with reservation by the Order of the Presidency of the Verkhovna Rada of the Ukrainian SSR No. 3339-XI (3339-11) of 30 December 1986)

(text in English <https://www.iaea.org/sites/default/files/infcirc336.pdf>)

19. Vienna Convention on Civil Liability for Nuclear Damage (acceded by the Law of Ukraine No. 334/96-BP of 12 July 1996)

(text in English <https://www.iaea.org/sites/default/files/infcirc500.pdf>)

20. Agreement between the Cabinet of Ministers of Ukraine, the Government of the Russian Federation and the Government of the Slovak Republic on the transportation of nuclear materials between the Russian Federation and the Slovak Republic through the territory of Ukraine (ratified by the Law of Ukraine No. 3255-VI (3255-17) of 20 April 2011)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/998_443#Text)

21. Agreement between the Cabinet of Ministers of Ukraine and the Government of the Russian Federation on cooperation in the field of transportation of nuclear materials Ukraine (approved by the CMU Resolution No. 980 (980-96-п) of 19 August 1996)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/643_092#Text)

22. Agreement between the Cabinet of Ministers of Ukraine and the Government of Japan on cooperation in the field of improving the post-emergency response to emergencies at nuclear power plants (ratified by the Law of Ukraine No. 4669-VI of 27 April 2012)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/392_035#Text)

23. Agreement between the Cabinet of Ministers of Ukraine, the Government of the Russian Federation and the Government of the Republic of Hungary on the transportation of nuclear materials between the Russian Federation and the Republic of Hungary through the territory of Ukraine (ratified by the Law of Ukraine No. 654-VII of 23 October 2013)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/998_546#Text)

24. Agreement for Cooperation between the United States of America and Ukraine Concerning Peaceful Uses of Nuclear Energy (ratified by the Law of Ukraine No. 523-XIV (523-14) of 19 March 1999)

(text in English https://www.energy.gov/sites/default/files/pi_iec/098b7ef980038ffc.pdf)

25. Grant Agreement (Chornobyl Nuclear Security Project) between the European Bank for Reconstruction and Development as the Grant Manager of the Nuclear Safety Account, the Cabinet of Ministers of Ukraine and the Chornobyl Nuclear Power Plant (Grant Number: 006) (ratified by the Law of Ukraine No. 147/97-BP of 18 March 1997)

(text in Ukrainian https://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=996_729#Text)

26. Agreement on Amendments No. 11 to Grant Agreement No. 006 (Chornobyl Nuclear Security Project) between the European Bank for Reconstruction and Development as Administrator of Grant Funds provided by the Nuclear Safety Account, the Cabinet of Ministers of Ukraine and the Chornobyl Nuclear Power Plant (ratified by the Law of Ukraine No. № 5442-VI of 16 October 2012)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/985_030#Text)

27. Grant Agreement (Chernobyl Nuclear Security Project) between the European Bank for Reconstruction and Development as Administrator of Grant Funds provided by the Nuclear Safety Account, the Cabinet of Ministers of Ukraine and the State Nuclear Regulatory Committee of Ukraine as Recipient (Grant Number: 007) (ratified by the Law of Ukraine No. № 1813-VI (1813-17) of 20 January 2010)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/985_018#Text)

28. Agreement between the European Bank for Reconstruction and Development as Administrator of Grant Funds provided by the Nuclear Safety Account and the Cabinet of Ministers of Ukraine and the State Nuclear Regulatory Committee of Ukraine as Recipient on amendments to the Grant Agreement No 007 (Chernobyl Nuclear Security Project) (signed by Ukraine on 28 October 2015, entered into force for Ukraine on 28 October 2015)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/985_034#Text)

29. Third Agreement to the Grant Agreement No 007 (Chernobyl Nuclear Security Project) between the European Bank for Reconstruction and Development as Administrator of Grant Funds provided by the Nuclear Safety Account and the Cabinet of Ministers of Ukraine and the State Nuclear Regulatory Committee of Ukraine as Recipient (signed by Ukraine on 28 January 2021, entered into force for Ukraine on 28 January 2021)

(text in English https://zakon.rada.gov.ua/laws/show/985_001-21#Text)

30. International Convention for the Suppression of Acts of Nuclear Terrorism (ratified by the Law of Ukraine No. 3533-IV (3533-15) of 15 March 2006)

(text in English https://treaties.un.org/doc/Treaties/2005/04/20050413%2004-02%20PM/Ch_XVIII_15p.pdf)

31. The Treaty Between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes and Related Instruments (ratified by the Union of Soviet Socialist Republics on 9 October 1990)

(text in English <https://www.iaea.org/sites/default/files/publications/documents/infcircs/1976/infcirc240.pdf>)

32. Agreement between the Government of the Republic of Bulgaria, the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on the transportation of nuclear materials

between the Russian Federation and the Republic of Bulgaria through the territory of Ukraine (ratified by the Law of Ukraine No. 47-V (47-16) of 27 July 2006)

(text in Ukrainian https://zakon.rada.gov.ua/laws/show/998_254#Text)

33. Agreement between the European Atomic Energy Community and the Cabinet of Ministers of Ukraine for Co-operation in the Peaceful Uses of Nuclear Energy of 28 April 2005 (approved by the CMU Resolution No. 59 (59-2006-П) of 25 January 2006)

(text in English <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A22006A0922%2801%29>)

34. Agreement between the Government of the Republic of Korea and the Cabinet of Ministers of Ukraine for cooperation in the peaceful uses of nuclear energy (approved by the CMU Resolution No. 786 of 30 May 2007)

(text in English <https://treaties.un.org/doc/Publication/UNTS/No%20Volume/54020/Part/I-54020-0800000280493216.pdf>)

35. Agreement between the Cabinet of Ministers of Ukraine and the Government of the Great Socialist People's Libyan Arab Jamahiriya in the field of peaceful uses of nuclear energy (approved by the CMU Resolution No. 1036 of 10 November 2010)

(text in Ukrainian <https://zakon.rada.gov.ua/laws/show/1036-2010-%D0%BF#Text>)

36. Agreement Between the Government of Canada and the Government of Ukraine for Co-operation in the Peaceful Uses of Nuclear Energy (approved by the CMU Resolution No. 1760 of 9 November 1998)

(text in English <https://www.treaty-accord.gc.ca/text-texte.aspx?id=101779>)

37. Agreement between the Government of Australia and the Government of Ukraine on Cooperation in the Peaceful uses of Nuclear Energy (approved by the CMU Resolution No. 64 of 8 February 2017)

(text in English <http://www.austlii.edu.au/au/other/dfat/treaties/ATS/2017/8.pdf>)

38. Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management (ratified by the Law of Ukraine No. 1688-III (1688-14) of 20 April 2000)

(text in English <https://www.iaea.org/sites/default/files/infcirc546.pdf>)

21. Does Ukraine envisage any regulatory problems in adapting its legislation to ensure that it conforms to the provisions of chapter VII of Euratom as regards the implementation of Euratom safeguards in all nuclear installations on its territory?

No.

22. Are any problems envisaged in suspending the existing Safeguards Agreement between Ukraine and the IAEA and adhering to the Agreement INFCIRC/193 between the EU, the IAEA and the non-nuclear weapon Member States of the European Union? Please answer

the same question concerning the Protocol Additional to the Safeguards Agreement between Ukraine and the IAEA.

No.

Radiation Protection

23. What is the status of compliance with the Euratom Treaty and Euratom acquis provisions concerning radiation protection?

Draft Legal documents on radiation protection before approval are verified for compliance against Ukraine's obligations in the field of European integration and European Union law (EU acquis). This examination is performed by the Government Office for Coordination of European and Euro-Atlantic Integration of the Secretariat of the Cabinet of Ministers of Ukraine.

To date, the provisions of the Euratom Treaty and Euratom acquis provisions concerning radiation protection that correspond to the competence of the State Inspectorate for Nuclear Regulation of Ukraine have been fulfilled.

24. What is the timetable for compliance with Euratom Treaty and derived legislation provisions on radiation protection?

The plan for the implementation of the Euratom Treaty was approved by the Cabinet of Ministers of Ukraine dated October 25, 2017 № 1106 «On the implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and their Member States, on the other».

The deadline for the implementation of Council Directive 2013/59/Euratom was set to 1 September 2021.

State Nuclear Regulatory Inspectorate of Ukraine has implemented all tasks of plan.

On July 16, 2020 draft Law of Ukraine "On Amendments to the Law of Ukraine Nuclear Energy and Radiation Safety (introducing a concept of expert on radiation protection") was registered under No. 3869 in Supreme Council of Ukraine.

Currently, the draft law is being drafted by committees of the Supreme Council of Ukraine.

25. Does Ukraine implement the latest Basic Safety Standards Directive (Council Directive 2013/59/Euratom laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation) and the Euratom Drinking Water Directive (Council Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption)?

Ukraine has already partially implemented Council Directive 2013/59 / Euratom, which sets basic safety standards for protection against the dangers arising from the effects of ionizing radiation. In particular, in order to harmonize Ukrainian legislation with EU legislation, relevant amendments were made to the Laws of Ukraine "On Human Protection from Ionizing Radiation", "On the Use of

Nuclear Energy and Radiation Safety", "On Permitting Activities in the Field of Nuclear Energy". Thus, the Law of Ukraine "On Protection of Humans from Ionizing Radiation" contains the basic principles of radiation protection: justification, limitation and optimization, which is fully consistent with international practice and the provisions of Council Directive 2013/59 / Euratom.

In addition, to implement the Directive 2013/59 / Euratom the following regulations were adopted:

- Radiation safety rules for electron accelerators, approved by the order of the SNRIU dated 05.08.2013 № 83, registered in the Ministry of Justice of Ukraine on August 21, 2013 for № 1442/23974.

- General rules of safety of medical radiation sources, approved by the Joint Order of the SNRIU and the Ministry of Health № 51/151 of February 16, 2017 and registered with the Ministry of Justice of Ukraine on May 18, 2017 at № 636/30504;

- Radiation safety rules for the use of radiation sources in brachytherapy, approved by a joint order of the SNRIU and the Ministry of Health of Ukraine № 316/998 of 31.08.2017 and registered with the Ministry of Justice of Ukraine on 08.11.2017 on № 1362/31230.

These documents define the values of diagnostic reference levels of radiation, requirements and mechanisms for controlling patient radiation doses, methods and means of optimizing radiation protection, requirements for substantiation of diagnostic procedures of medical exposure, modern IRS safety criteria, including for new radiation devices, medical technology in Ukraine, which complies with the provisions of the Directive.

The main recommendations of the SNRIU in the implementation of rule-making activities are the implementation of the main recommendations of Directive 2013/59/ EURATOM, which establishes basic safety standards for protection against radiation hazards, which are already partially implemented in national legislation.

One of the main tasks in the field of state regulation of nuclear and radiation safety, determined on the basis of preliminary threat assessments, was and remains the replacement of obsolete basic documents in the field of radiation protection and safety: Radiation Safety Standards of Ukraine (RSSU-97) and Basic Sanitary Rules

Radiation safety of Ukraine (BSRRU-2005). These documents do not fully take into account the provisions of Council Directive 2013/59 / Euratom on exposure situations (planned, existing and emergency).

Therefore, today it is necessary to revise the main documents in the field of radiation safety of Ukraine RDSU-97 and BDRRU-2005 in order to bring them in line with the provisions of Council Directive 2013/59 / Euratom and IAEA GSR (Part 3 Radiation Protection and Safety of Radiation Sources: International Basic Standards security). The main executor of this task in Ukraine is the Ministry of Health of Ukraine.

Euratom Drinking Water Directive (Council Directive 2013/51/ Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption) was implemented by Order of the Ministry of Health of Ukraine "On approval of State sanitary norms and rules. Hygienic requirements for drinking water intended for human consumption" dated May 12, 2010 № 400 established indicators of radiation safety of drinking water for radionuclides of natural and artificial origin.

Today this order is valid with the changes introduced by the Orders of the Ministry of Health of Ukraine dated 15.08.2011 № 505 and from 24.12.2019 № 2675 regarding sanitary and chemical indicators of safety and quality of drinking water.