

FINAL REPORT

European Union - Ukraine

Fourth Meeting Sanitary and phytosanitary (SPS) Sub-Committee

Brussels - 18 November 2019

WELCOME

Welcome and Introductory remarks

The representative of the European Commission (EC) and co-chair of this SPS Sub-Committee warmly welcomed the Ukrainian delegation to Brussels and said he hoped for a good and productive meeting. The EC mentioned the frequent videoconference meetings taken place over the last year that helped to make it a productive year. EC also referred to the Eastern Partnership Trade Panel event that, with the focus on SPS trade requirements, took place last summer with the active participation of Ukraine as well. EC further emphasised the conclusion of the harmonised EU export certificates for collagen and gelatin as well as poultry meat and egg products.

The representative of Ukraine (UA) and co-chair of this SPS Sub-Committee, thanked the EC for the welcome and for hosting the meeting and agreed that 2019 had been a productive and fruitful year. She looked forwards to today's meeting. Both sides recognised the forthcoming adoption of Annex V of the Agreement as a real milestone.

Adoption of the Agenda, Acknowledgement Final Minutes and Final Operational Conclusions of Third SPS SC meeting 2018 (by videoconference) and State of Play OCs 2018

Both sides agreed with the agenda and confirmed that the Report and Operational Conclusions of the 2018-meeting had been agreed before. As to its Operational Conclusions, sides confirmed that deadlines had been met and those still pending would return on today's agenda.

APPROXIMATION

Signing ceremony of the SPS Strategy (Annex V of the Association Agreement)

Sides praised the good work done on this file, in a very well-coordinated manner leading to the adoption of this important document making sure that UA's SPS system and rules will further align to those of the EU, with respecting the deadlines set in the table. Sides also recognised that continued alignments will enable parties to strengthen the cooperation and facilitating mutual trade.

EC highlighted that even though the table had not been formalised until now the authorities have already been working accordingly, which showed the sincere commitment at UA side. Sides further acknowledged the importance of the continued support provided by the EU team based in Kyiv.

A mutual clarification regarding recital 4: due to divergence in detail in the preambles of English and Ukrainian versions of the SPS Strategy, and the obligations of Ukraine in terms of Association Agreement (point 4 Article 64), Parties agreed with this Minutes of IV SPS SC to fix the mutual consent on the Preamble wording that should be understood as follows: *"Ukraine submitted the List to the European Commission in June 2016. Both Sides agreed on the final List of the text in October 2018. Based on the List, the Sanitary and Phytosanitary Management Sub-Committee (the "SPS Sub-Committee") is to adopt a decision modifying Annex V to Chapter 4 of the Association Agreement."* Other differences can be considered as not having a high impact on the context.

With respect to the legal acts listed under the title 'animal welfare', UA confirmed that it would be respecting the deadlines, however also would include transition periods within the UA acts, in the sector calves until 2021 and for broilers, pigs and laying hens until 2026, as earlier expressed in writing. Furthermore, UA committed that if it would be considering further extensions of these transition periods

it would be informing EC timely in advance of further embarking on and formalising these.

Update on the Implementation and Priorities for the coming year

Representative of EU Delegation to Ukraine mentioned the constructive meeting that had taken place with UA colleagues before the SPS SC for monitoring the implementation of the harmonization of UA legislation by means of tracking table.

UA Side confirmed implementation of the SPS Strategy, and presented the list of priorities in the SPS area. Those are: finalizing the work on the Draft laws on Food contact material, Veterinary medicine, Plant protection, Package law; Draft Orders on Animal welfare, Specific hygienic rules, Designated BIPs.

SPS TRADE MATTERS

Work on harmonised export Certificates (EU to Ukraine)

Sides confirmed the recent entering into force of the harmonised EU export certificates for poultry meat and egg products (followed the transitional period until January 15, 2020) and earlier in 2019 for gelatin and collagen. Both sides also agreed that important lessons could be drawn from this exercise and deployed for swiftly concluding the other certificates for poultry products. Further amended drafts on table egg and hatching eggs were exchanged recently and the others will be following suit.

UA side provided the state of play on the new regulation on import that is entering into force on November 24, 2019 (Order No 553) that had been previously notified to WTO, and foresees that import of foods, feeds, animal by-products will be possible when products are accompanied either by certificates agreed between the Competent authorities of Ukraine and the exporting countries or by generic forms of UA import certificates. Hence as a basic rule all trading partners shall use approved generic samples of certificates unless bilaterally agreed certificates have been established resulting from a favorable risk assessment.

UA side also underlined its commitment to establish harmonised certificates for exports of animal products from the EU Member States to Ukraine and that those related to the poultry sector should be concluded first.

African Swine Fever (ASF)

- **Measures taken by UA and plans for future**

Both sides informed about the state of play with respect to recent outbreaks and measures put in place. EC referred to the frequent updates that it sends via emails and also to meetings held at high as well as technical level for which UA is often invited. UA informed that it has seven ASF affected areas where restrictions have been put in place and control measures are applied in accordance with the EU approach. UA also gave an update on amendments to its compensation and reimbursement schemes. Sides also discussed the current situation with respect to the support programs the EU is providing.

- **Recognition EU regionalisation measures by UA**

UA informed that it had shared the draft report of the ASF audit conducted in Belgium from July 29 to August 2, 2019, recently with the Belgium authorities with the possibility to provide comments. UA also informed that pending the conclusion of the report, it still would not be able to fully recognise the EU regionalisation measures – for the moment regarding products containing pig products only petfood from Belgium is allowed. EC expressed its strong disappointment again by referring to the relevant articles of the Association Agreements that still are not respected by UA. Parties agreed to keep the issue on the agenda and continue the discussion once the BE-report has been concluded. UA confirmed that it uses the similar approach regarding assessment of the regionalisation of ASF among EU MSs. At the time of SC UA Side confirmed that ASF regionalization

had been recognized for Poland and Lithuania, and the audit in Hungary is at the preparatory stage and will be held upon request of the HU-authorities.

Equivalence UA Cereal seed by EU (state of play)

UA reiterated its urgent demand for EC to deliver on this important file that technically has been concluded. UA side also expressed its concern with regards of the adopted similar decisions for other third countries. EC repeated that a new Commission would be required to pursue the file and eventually present it to the Council for endorsement. Sides agreed that UA would send a letter to the new SANTE-Commissioner to highlight the importance of the file.

Recognition EU feed additives authorisation system

Sides discussed the state of play. UA is putting an additives authorisation system in place that resembles with the one of the EU however that also provides for a simplified procedure by which additives authorised by another party may easily be approved by UA as well. After previous discussions, EC had submitted a formal request whereupon UA sent a questionnaire to be able to fully assess the EU system that was recently replied by EC. Sides are now awaiting the outcome of the assessment by UA, which should follow before the end of the year.

Meanwhile UA confirmed that authorisations in place will remain and normally last 5 years whereupon they will be reviewed and may be extended.

Application on UA hatching eggs by EU

EC confirmed that the application had been well received however that a DG SANTE audit would be required in order to proceed with the file. And also that a pre-mission questionnaire would have to be replied first.

Rabies vaccination campaigns in UA (state of play)

UA provided information on the state of play concerning rabies oral vaccination campaigns (ORV) in 2019: A) 2 aerial ORVs (spring and autumn) supported by the EU were carried out in the buffer zone (48 000 km²), B) 1 aerial ORV (autumn), financed by UA own funds, was carried out in the “free-flying” area (337 161 km²) and C) a manual ORV, financed by UA own funds, was carried out in the Eastern part of UA (51 000 km²). UA also informed that currently testing of distributed vaccines is ongoing.

A further discussion as to whether the entire buffer zone was covered (i.e. along all borders with EU) was not conclusive and UA committed to provide additional explanation/clarification by e-mail. With regard to plans for ORV in the buffer zone in 2020, the UA side about its ongoing discussions with HU, PL and RO for developing multiannual agreements. EC emphasised the need to carry out regular (annual) ORV in the buffer zone without interruptions in order to ensure an effective prevention of rabies spread.

UA Order 533 regarding amendments to Ukraine’s veterinary import requirements and possible consequences for imports of MSM from EU (state of play)

UA informed that Order 533 on new import rules for live animals, its genetic material, food, feeds, animal by-products would enter into force soon and that further information in writing was to follow. At this point UA could confirm:

- that further import requirements will be published, aligned to EU rules and procedures and also in the English language, including generic import certificates;
- that certificates issued before 24th November will be accepted;
- that certificates previously agreed between authorities of UA and the exporting party would remain applicable, at least for a year whereafter procedures for reviewing these certificates may start;
- that this also applies to UA-EU harmonised certificates;
- that it would be ready to continuing agreeing harmonised export certificates and
- that the procedure of automatically authorising EU food business operators approved by EU Member States, for exports to UA remains in place.

As regards Mechanically Separated Meat (MSM) of poultry EC expressed that this issue is very important and sensitive, as well it has a lot of concerns from MSs.

UA reiterated that is open for the dialogue and there is no ban on the MSM of poultry import into Ukraine. As regards those MSs who had history of MSM trade with Ukraine, relevant CAs should contact SSUFSCP.

Sides agreed to proceed with discussion on the harmonized certificate on MSM.

UA also committed to reply the EC 3DG letter on MSM before the end of the year.

COOPERATION

EU ongoing and future financial-technical assistance in the SPS area

Over the past five years the European Union has been supporting the Government of Ukraine in the implementation of the Association Agreement in the SPS area through the project aimed at "Improvement of food safety control system in Ukraine (IFSSU)" (EUR 6,591,330.00) and which did run from March 2014 to September 2019. It notably focused on aligning Ukrainian legislation, institutional infrastructure, and system of state controls with the regulatory and administrative policies and practices of the EU. A new Technical Assistance project (EUR 4,267,150.00) was launched on 1 September 2019 for 42 months, thereby running until February 2023. It is a continuation of the previous IFSSU Project, expanding the scope of activities to animal health and welfare. Assigned experts will continue supporting the harmonization of the Ukrainian legal framework (primary and secondary) in force in the area of food safety and animal health and welfare has been with EU requirements as well as the improvement of standards of related services. The project will also contribute to an increased public and stakeholders' awareness on the new responsibilities of SSUFSCP and other state organisations related to food safety and animal health and welfare, and the establishment of an appropriate and functional continuous training system for SSUFSCP officials working in the sanitary, veterinary and phytosanitary sectors.

Upon request of the SSUFSCP and in order to foster the implementation of the phytosanitary part of the SPS Strategy, the EU has agreed to launch a Call for Proposal in view of the implementation of a Twinning with EU Member States Institutions for which a total of EUR 1.1 million have been provisioned. The project will focus on state supervision (control) in GMOs in open systems, protection of plant variety rights and seed and seedling production. Expertise will be provided to align Ukrainian legislation in the sector to EU requirements, modernisation and optimization of control and supervision functions, including phytosanitary laboratories.

The EU is also providing support for the supply of IT hardware and software for Laboratory Information Management System (LIMS) and for phytosanitary inspection and control.

ADJOURN

Next meeting

Sides agreed to have the next annual SPS SC meeting in autumn 2020 in Kyiv and to have further meetings in person whenever required. Sides also agreed to continue the regular videoconferences, once every 6-8 weeks, and to have the next one in the week of 9 or 16th January

Closing

Sides welcomed the productive meeting and shared the wish to continue the work in the same productive and friendly manner from the viewpoint of ensuring safe food and safeguarding consumers and animals as well as facilitating bilateral trade.