

Minutes

European Union - Ukraine

Fifth Meeting Sanitary and phytosanitary (SPS) Sub-Committee

By videoconference

19 November 2020

WELCOME

Welcome and Introductory remarks

The representative of the EC (European Commission) opened the meeting and warmly welcomed the participants, the colleagues from the Ukrainian side and those from the EU, within DG SANTE and the DGs TRADE and AGRI as well as from the EU Delegation in Kyiv. He acknowledged that unfortunately due to the Covid-pandemic the meeting had to take place via virtual means but nonetheless he was pleased that the meeting anyhow could take place. He underlined that despite the difficulties the work had been steadily ongoing and that he looked forward to this meeting to take stock of the various items and to take decisions where required. The EU-cochair referred to the launch of the EU Farm-to-Fork Strategy for which the EU is seeking support from its partners and to the successful conclusion of the Cereal seed equivalence file.

The representative from Ukraine (UA) presented herself since it was her first participation to this meeting being appointed as Head of the State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP) recently. Also the UA Deputy Minister for Development of Economy, Trade and Agriculture, responsible for SPS matters amongst others introduced himself. The UA Side expressed gratitude for the mutual communication and underlined the importance of continuing the discussion on SPS issues.

Adoption of the Agenda, Acknowledgement Final Minutes and Final Operational Conclusions SPS SC meeting 2019 and State of Play Operational Conclusions 2019

Both parties adopted the proposed draft agenda, acknowledged the earlier agreement of the Report and Operational conclusions (OCs) of the SPS SC meeting of 2019 and recognised that the most imminent OCs would be returning on today's agenda.

APPROXIMATION

Update on the Implementation, in general and specifically concerning:

- **the Draft Order of MDETA "On Approval of Requirements for the Welfare of Certain Types of Animals", in relation to the transitional dates**
- **and the Draft Order of MDETA "On approval of Hygienic requirements for the production and circulation of food products of animal origin", in relation to imports of poultry MSM from the EU**

UA informed that approximation efforts have maintained a steady pace, however the list of legal acts to be adopted is still ambitious and faces some delays. Up to now 33 food and feed safety EU legal acts in the SPS Strategy, 20 Veterinary medicine and animal health care legal acts and 3 Phytosanitary measures and GMOs regulation have been implemented or been judged not to be relevant (4).

Sides agreed to move forward with necessity to continue with harmonisation of legislation as well as monitoring of this through quarterly meetings (by video etc.)

On the approximation to the EU legislation on animal welfare laid down by annex V of the Association Agreement that was adopted last year, the EU stressed again the importance the EU pays to this item. UA informed that a lot of work had happened over 2020 however that the UA State Regulatory Service ultimately could not give its consent to the proposed Order and that therefore a new Order had to be drafted that currently is subject to public consultations. UA envisaged to have it adopted, published and in force by the end of 2020 or at latest in the first month of 2021. The EC referred to the transition periods that were discussed before and stated in the agreed SPS SC meeting report of 2019. Ukraine however revealed that the transition period for all agricultural animals will last until 2026 – also for calves that originally was set on 2021. Sides agreed that UA would be sending formal letter, reconfirming once again its commitment to adopt animal welfare legislation in line with EU rules, providing the explanations on the deadlines for the animal welfare transition periods and give an overview of the measures being put in place in order to assure that the deadlines indeed will be met.

On the trade of poultry Mechanically Separated Meat (MSM), UA informed that it was still working on the approval of the Ministerial Order on specific hygienic requirements, including provisions of meat concerned, necessary to make the amendments to the applicable certificate that were already agreed last spring. UA informed that the current certificate could continue to be used also after 15th January 2021, for another three months period (until 15th of April 2021) and that negotiations with the EU could pursue on further improving the certificate.

The EU informed that it would require more time for considering the possibility of importing poultry MSM from Ukraine, trade that currently does not take place from any country outside the EU.

Priorities for the coming year

UA Side gave an overview on the priorities and relevant activities for the upcoming year. The adoption of the Veterinary Medicine Law of Ukraine is foreseen in the nearest weeks (40-50 sub-legal acts to be drafted). Also several Instructions on certain terrestrial and aquatic animal diseases are to be developed and adopted in the nearest future.

The Deputy Minister mentioned three considerable Laws of Ukraine that are in the process of being adopted next year, in particular on GMOs, Plant protection and Food contact materials. He also highlighted that these legal acts are of high priority for the Government of Ukraine.

SPS TRADE MATTERS

Health certificates (EU to Ukraine)

- **Harmonised export certificates**
- **UA generic import certificates**

On the harmonised certificates for exports of EU Member States to Ukraine, both sides acknowledged that little progress was made over the last year and regretted that the work on poultry certificates had still not been concluded. Re the draft certificate for table eggs, the EU expressed its doubts over including UA labelling requirements at such a detailed level. Re the proposed certificate for hatching eggs, the EU again asked for the justification to go beyond EU requirements as regards the presence of Salmonella serotypes with a possible public health relevance. Sides agreed to continue the discussions.

On the EU generic import certificates, the EU referred to the letter it had sent in November (Ares(2020)6546400) on the Ukraine's newly adopted import rules (Order 553) and the publication of the generic MDETA-import certificates following. By the letter the EU argued that for those UA import requirements that originate from new UA rules stemming from the approximation process,

compliance with EU requirements should suffice. To that end the EU will be publishing comparison tables making it manifest for EU certifying officers for which requirements, listed in the generic import certificates, this mechanism would apply. The EU also raised awareness for the fact that possibly a number of UA have no relations with EU rules and/or contain conditions that go beyond those enforced by the EU. The EU requested these UA rules to become available in the English language and asked for scientific justification would UA rules go beyond those set by the EU.

Finally, UA confirmed that certificates that had been previously agreed bilaterally between the competent authorities in UA and in the EU, either at EU level or by individual EU Member States, would remain in force.

Recognition of animal diseases regionalisation measures

- **Highly pathogenic avian influenza (HPAI)**
- **African swine fever (ASF)**

UA asked the EU to recognise that UA has regained HPAI freedom. The required period after the outbreak in January had been elapsed and the necessary control measures, in accordance with EU regulations, effectively taken. It expressed regret that the EU had postponed the vote and requested to recognise zoning of Ukraine on HPAI showing the positive example of the Association Agreement in place, as a first step of achieved mutual commitments. UA also recalled on active application of zoning principle towards EU Member States since 2017. The EU admitted that indeed from a technical viewpoint the file presented by Ukraine had been judged sound and adequate, however that the frustration at EU side for UA not recognising EU measures for ASF, and hence not respecting article 65 of the Association Agreement, had been escalated. The EU explained that the issue is being raised at every SPS-meeting with UA however without significant progress. It stressed that at the moment Ukraine has banned ten out of thirteen ASF-affected EU Member States for their entire territories of imports of fresh pig products.

UA stated that the two situations were incomparable, for HPAI the procedures have been well set and for ASF it remained necessary to evaluate Member States individually. UA emphasized the positive example of ASF zoning recognition in Lithuania after an evaluation of the system in place. It was also mentioned that documentary checks have been done for several EU MSs, however due to Covid pandemic situation, on the spot audits will take place further. The EU questioned this view, it admitted that the animals and virus concerned are indeed different, however the applicable measures and the veterinary authorities implementing these, the same. And also evidence shows that in both cases the virus spreads via wild animals, not via trade. Sides agreed to organise another technical meeting, for UA to explain its concerns and for the EU to convince that the EU control system on ASF is as safe and robust as the one of HPAI – preferably before the meeting of the EU-Ukraine Association Committee in Trade configuration scheduled for 8 and 9 December 2020.

The EU representative thanked his EU-colleagues in Kyiv for providing an overview of restrictions put in place by UA following animal disease outbreaks in the EU. The document had been seen by SSUFSCP and would now be shared with the EU MSs for their information.

Equivalence UA Cereal seed by EU

The EU confirmed that Decision (EU) 2020/1544 as regards the equivalence of field inspections carried out in Ukraine on cereal seed-producing crops had been published. It thanked UA for the patience it had executed over the last years. UA confirmed that the country was really satisfied with this outcome, the authorities as well as the relevant stakeholders. Such successes helped to build trust and belief in mutual cooperation, it was much appreciated.

Application on UA hatching eggs by EU

UA asked why the EU had not implemented the OC since last SPS SC and not submitted the Questionnaire on hatching eggs that would mark the start of the authorisation procedure for exports of hatching eggs from UA to the EU. The EU confirmed that due to the pandemic hardly any audit had taken place in 2020 and that the questionnaire had been subject to a revision lately. It confirmed however that it would be sending the questionnaire on hatching eggs once ready without further delay.

Recognition EU feed additives authorisation system by UA

The EU recalled that the UA questionnaire was replied in November last year and that in April on request from Kyiv additional information had been sent. Since then however no further information was received while since January this year UA does no longer accept newly released additives in the EU, on its market nor petfood containing such additives. The EU regarded this situation as very worrying, especially given all the work done to prepare this file, and difficult to explain to its stakeholders.

UA confirmed that the harmonisation of the control over feed additives system is still ongoing, and relevant by-laws are still to be developed and adopted. UA stressed that that additives marketed before 2020 with valid registration may still be imported into Ukraine. UA recalled on necessity to sign the MoU between SSUFSCP and EFSA in order to build the clear basis for both sides.

Export of certain meat products (Ukraine to EU) Commission Decision 2007/777/EC

Ukraine expressed its wish to be listed in Commission Decision 2007/777/EC for red meat products which would allow the country to start exporting processed meat products (beef and pork) to the EU. The EU said that it was aware of this request and referred to earlier letters, the last sent on 9th October (Ares(2020)5388291 on regionalisation, and the sequence of events proposed in these letters, i.e. solve the ASF regionalisation issue and then embark on the authorisation process for Ukraine and red meat. UA committed to reply to the recent letter from the EU on regionalisation.

Rabies vaccination campaigns in UA (state of play)

UA gave an overview of the current situation on rabies and the measures to eliminate it put in place. Since the beginning of the year there were 680 cases of rabies detected in Ukraine (221 among wild animals, 459 among domestic animals). The strategy of combating rabies includes: parenteral immunisation of pets (near 5 mln of pets were vaccinated this year), oral vaccination of wild carnivores (including air drop vaccination) and epizootic monitoring.

Vaccination in 2020 has been implemented: across Hungarian border there were two vaccination campaigns (510 thsd doses) on vaccination of wild carnivores; free for flights zone has undergone autumn campaign (8 mln, 429 thsd doses); NOTAM zone has undergone autumn campaign (1 mln, 246 thsd doses).

The EC representative queried about the buffer zones with the bordering EU Member States and asked whether the necessary arrangements had been put in place to carry out vaccination there. The EU also requested UA to notify rabies cases via the Commissions ADNS-system, like it does with outbreaks of ASF. UA welcomed that proposal and said that it would take it into consideration.

Implementation of Commission Implementing Regulation (EU) 2019/2072 by Ukraine (A. planipennis)

UA gave an overview of the current situation and the measures put in place in order to prevent the introduction of A. planipennis to the EU by implementing EU Regulation 2019/2072. All the territory of Ukraine has undergone the survey, in total 15 thsd ha., whereas outbreaks of A. planipennis have

been detected at the territory of Luhansk region. Measures were taken to eliminate and burn down such trees. The Regional Programme for the elimination and prevention of *A. planipennis* has been developed. The ISPM 4 standard has been applied resulting in the establishment of Pest Free Areas (PFA). The UA Side assured that the EU will be informed on the results of surveillance on a permanent basis.

Both the UA and the EU representative referred to the exchange of letters ongoing regarding the implementation by UA of measures laid down by Regulation 2019/2072. The EU clarified that it needed further assurances that PFA are located at least 100 km from areas infested with the Emerald ash borer. She also informed that the way UA applies the clear cut-strategy was still raising questions at EU side.

COOPERATION

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

Over the past six years, the European Union has been supporting the Government of Ukraine in the implementation of the Association Agreement in the SPS area. This support has been extended in September 2019 for another 3 years and a half through the Technical Assistance project aimed at an "Improvement of legislation, control and awareness in food safety, animal health and welfare in Ukraine (ILCA)" (EU4Food Safety). Assigned experts continue to support the harmonisation of the Ukrainian legal framework (primary and secondary) with EU legislation in the areas of food safety and animal health and welfare as well as the improvement of standards of related services. Through several communication campaigns implemented in 2020, the project contributed to an increased public and stakeholders' awareness on the new responsibilities of the SSUFSCP related to food safety and animal health and the HACCP measures adopted. Eventually, the project also agreed in the course of 2020 with the SSUFSCP the establishment of a Continuous Training Centre and is currently preparing practical modalities of its functioning.

Upon request of the Ministry for the Development of the Economy, Trade and Agriculture, the EU has agreed that additional resources would be channeled through ILCA Project to cover some of the identified gaps in the implementation of the phytosanitary part of the SPS Strategy. Furthermore, a Twinning project implemented by a consortium led by the State Plant Protection Service of the Republic of Latvia will be launched on 1 February 2021. 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 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 to equip the SSUFSCP Data centre and software for Laboratory Information Management System (LIMS) and for phytosanitary inspection and control. Additional supplies are expected to equip the envisaged Continuous Training Centre at SSUFSCP.

Facilitation of certification systems' integration

UA introduced the item and expressed interest for a S2S connection of its certification system under development with the EU's certification system: TRACES NT. The EU confirmed that such connections should be possible and the EU representative referred to earlier discussions on which occasion it had provided UA with technical documentation concerning possible S2S connections. The EU recommended UA to scrutinise this information whereupon further meetings between experts at both sides could take place.

INFORMATION

Introduction to the EU Farm-to-Fork Strategy

The EU representative gave a short introduction to the EU Farm-to-Fork Strategy and, given the limited time available, both sides decided to organise another meeting shortly to discuss the issue more in-depth. UA expressed to be interested in the subject and that it would like to further cooperate with the EU on establishing sustainable food systems.

ADJOURN

Sides expressed the wish to have the next annual meeting in person again and then possibly in Kyiv given last year's meeting was held in Brussels. However both parties also voiced the usefulness of maintaining regular meetings, to keep stock of the several issues, maybe still one this year and also a more formal mid-term meeting before the summer break of 2021.