

LAW OF UKRAINE¹

On the Main Principles and Requirements regarding Organic Production, Circulation and Labelling of Organic Products

The present Law sets out main principles of and requirements regarding organic production, circulation and labelling of organic products, legal basis for regulation of organic production, circulation of organic products and functioning of the organic products market, legal basis for activities of the central executive authorities, actors of the organic products market and the State policies in these spheres.

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Title I - GENERAL PROVISIONS

Article 1. Definitions

1. For the purposes of this Law, the following definitions apply:

‘products withdrawal’ means the measures aimed at prevention of distribution, demonstration or offering to consumers the products labelled as organic but not complying with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘products recall’ means the measures aimed at return by the operator of the products that have been sold or handed over to a consumer or that have been made available to a consumer and labelled as organic while they do not comply with legal requirements regarding organic production, circulation and labelling of organic products;

‘hydroponic production method’ means the method of growing plants without soil, with their roots in a mineral nutrient solution or in an inert medium, like perlite, gravel or rock wool, to which a nutrient solution is added;

‘National register of operators that manufacture products in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products’ (hereinafter referred to as the ‘Register of Operators’) means the official list of the operators involved in organic production and/or circulation of organic products in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products that appears in the official database;

‘National register of certification bodies on organic production and circulation of organic products’ (hereinafter the ‘Register of Certification Bodies’) means the official list of the certification bodies entitled to perform certification of organic production and/or circulation of organic products that appears in the official database;

‘National register of organic seeds and planting material’ (hereinafter the ‘Register of Organic Seeds and Planting Material’) means the official list of organic seeds and planting material suitable to be used in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products that appears in the official database;

‘harvesting of organic wild plant products’ means the organic production connected with collection and partial processing for commercial purposes of natural wild vascular plants (including their parts and metabolic by-products), algae and mushrooms at all stages of their development in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘inspector of organic production and/or circulation of organic products’ means a certification body official that possesses special knowledge in the respective field of organic production and/or circulation of organic products and complies with the requirements established by this Law;

‘labelling’ means an information about organic products, including the State logo for organic products, placed on a label, packaging, tare, container, back label, collar label, tag, cork, package leaflet or any other elements of the packaging that accompanies such products or refers to them in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘non-organic products’ means products resulting from non-organic production;

‘non-organic production’ means the production that does not comply with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘non-organic ingredient’ means a substance resulting from non-organic production, allowed in organic production in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘circulation of organic products’ means any movement or storage of organic products for sale, except the movement or storage of the labelled organic products for sale to a final consumer;

‘simultaneous production’ means the organic and non-organic production of different products by one and the same operator;

‘operator’ means a legal entity or an individual entrepreneur involved in the production and/or circulation of products in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘foreign certification body’ means an enterprise, institution, organization or their separated unit, entitled to carry out certification of organic production and/or circulation of organic products in compliance with requirements of the legislation other than Ukrainian legislation and included into the List of Foreign Certification Bodies;

‘certification body’ means an enterprise, institution, organization or their separated unit, entitled to carry out certification of organic production and/or circulation of organic products and listed in the Register of Certification Bodies;

‘organic aquaculture’ means the organic production involving artificial rearing, keeping and growing aquaculture objects in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘organic products’ means agricultural products, including food and feed, resulting from organic production;

‘organic wine-making’ means the organic production that involves production of wine products using special organisational and processing practices in wine-making;

‘organic production’ means the certified activity that involves production of agricultural products (covering all stages of technological process, namely primary production (including harvesting), preparation, handling, mixing and procedures related to it, filling, packing, processing, recovery and other alterations to the state of the products), performed in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘organic seeds and planting material’ means the seeds and planting material reproduced in compliance with legal requirements on organic production, circulation and labelling of organic products;

‘organic crop production’ means the organic production related to crop growing as well as harvesting of organic wild plant products in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘organic livestock production’ means the organic production related to keeping, breeding (production) of livestock (including poultry and insects) and products for obtaining the products of animal origin;

‘organic ingredient’ means any substance derived from organic production, which is used in the course of production of an organic processed product and remains in the final product even in an altered form;

‘organic feed’ means any substance or product, including additives (processed, partially processed or unprocessed), derived from organic production and intended to be used for feeding livestock;

‘organic food product’ means a food product derived from organic production;

‘organic livestock’ means animals (including poultry and insects) grown as a result of organic livestock production;

‘parallel production’ means organic and non-organic production of one and the same product by one and the same operator;

‘conversion period’ means the transition from non-organic to organic production, during which the operator complies with legal requirements on organic production, circulation and labelling of organic products;

‘facilities’ means the structures or their complex, accommodation, buildings, equipment and other units, including vehicles, as well as territory used in production and/or circulation of organic products;

‘certificate’ means the documentary proof of compliance of the organic production and/or circulation of organic products with legal requirements in the sphere of organic production, circulation and labelling of organic products that is issued by the certification body;

‘certification of organic production and/or circulation of organic products’ means checking and verifying compliance of the production and/or circulation of the products with legal requirements in the sphere of organic production, circulation and labelling of organic products;

‘agricultural products’ means the products (goods) of plant or animal origin that fall within the sphere of the definition of [groups 1-24](#) of Ukrainian Commodity Coding System;

‘actors of the organic products market’ means operators and certification bodies.

2. Other terms are used in this Law in the meanings set out in the laws of Ukraine [“On Basic Principles and Requirements for Safety and Quality of Food Products”](#), [“On Aquaculture”](#), [“On Veterinary Medicine”](#), [“On the State Control of Compliance with the Legislation on Food, Feed, By-products of Animal Origin, Animal Health and Well-being”](#) and other legal acts of Ukraine.

Article 2. Scope of this Law

1. The present Law governs relations in the sphere of organic production, circulation and labelling of organic products that are produced, circulate, are imported into the customs territory of Ukraine or exported from it.

2. The present Law does not cover production and circulation of the products meant for one’s own consumption, perfume and beauty products and medicinal products as well as products originating from hunting and fishing, taken from the natural environment.

Article 3. Legislation on organic production, circulation and labelling of organic products

1. Relations in the sphere of organic production, circulation and labelling of organic products in Ukraine are governed by this Law and by legal regulations issued on its basis, legislation on safety and certain quality parameters of food products, on the state control of compliance with the legislation related to food products, feedingstuffs, by-products of animal origin, on health and well-being of animals, on plant quarantine, on plant protection, on production of seeds and planting material, on veterinary medicine, on beekeeping, on aquaculture, on viticulture and wine-making, on protection and use of flora and fauna as well as by land, forest, environmental and other special regulations that govern relations in this sphere.

Title II - RIGHTS AND OBLIGATIONS OF THE ACTORS OF THE ORGANIC PRODUCTS MARKET

Article 4. Rights and obligations of the operators

1. The operators have the right to do the following, on their own accord, subject to availability of the certificate:

produce and trade organic products under the commercial name and/or trademark (product and service mark);

commission the provision of certain services (jobs), including contracted ones, necessary for organic production and/or circulation of organic products, to a third person, subject to checking the facilities of this third person by a certification body and getting the latter's consent.

2. The operators are responsible for complying with legal requirements in the sphere of organic production, circulation and labelling of organic products within the scope of their activity.

3. The operators are obliged to:

comply with legal requirements in the sphere of organic production, circulation and labelling of organic products;

recall and/or withdraw the products produced by them that do not comply with legal requirements in the sphere of production, circulation and labelling of organic products, such products are labelled with the State logo for organic products or have marks and words 'organic', 'biodynamic', 'biological', 'ecological', and any stem words and/or words derived from them with prefixes 'bio-', 'eco-', etc. in any languages;

every year to undergo certification of organic production and/or circulation of organic products to confirm compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products;

interact with the certification bodies with which they have signed an agreement on performing certification, and ensure free access for the inspectors on organic production and/or circulation of organic products to their facilities, as well as for sampling, and to provide the certification bodies upon their request with documents required for certification of organic production, including access to financial documents;

ensure free access of the officials performing State control (surveillance) in the sphere of organic production, circulation and labelling of organic products according to the law, for carrying out measures for the state control, including sampling;

declare the amounts of organic products being put into circulation;

agree labelling of organic products with a certification body.

4. This Law can establish other rights and obligations of the operators.

Article 5. Rights and obligations of the certification bodies

1. The certification bodies have the right to do the following:

request from the operator documents necessary for certification of organic production and/or circulation of organic products;

take decisions regarding certification of organic production and/or circulation of organic products or rejection of such certification in case of non-compliance by the operator with legal requirements in the sphere of organic production, circulation and labelling of organic products;

issue and withdraw certificates, temporarily suspend certificates in accordance with this Law;

take samples of soil or materials, seeds and planting material, feed, products, water to perform laboratory research.

2. The certification bodies are obliged to:

comply with legal requirements in the sphere of organic production, circulation and labelling of organic products;

provide information about the operators with whom they have signed a contract to perform certification and who have undergone certification of organic production and/or circulation of organic products, as well as about the certificates that have been issued, suspended and withdrawn, to the central executive body responsible for the development and implementation of the State agricultural policy, for this information to be entered into the Register of Operators;

interact with the central executive body implementing the State policy on safety and certain quality parameters of food products, on the issues of State control (surveillance) of the operator activities and circulation of organic products on the market;

upon request of the central executive body implementing the State policy on safety and certain quality parameters of food products, to provide the documents necessary for performing State control (surveillance) of the certification body's activities on certification of organic production and/or circulation of organic products;

carry out annual certification according to the agreement on carrying out certification signed with an operator.

3. Information (documents) received by a certification body from operators should not be made public or taken away without the operators' consent, except cases, where it might be legally required.

4. This Law can establish other rights and obligations of the certification bodies.

Title III - GENERAL PRINCIPLES OF THE STATE CONTROL IN THE SPHERE OF ORGANIC PRODUCTION, CIRCULATION AND LABELLING OF ORGANIC PRODUCTS

Article 6. Main principles and directions of the State policies in the sphere of organic production, circulation and labelling of organic products

1. State policy in the sphere of organic production, circulation and labelling of organic products is based on the principles as follows:

rule of law - compliance with [the Constitution](#) and laws of Ukraine, and Ukraine's international obligations;

parity and equality - ensuring equal opportunities of the operators;

openness - ensuring free access to information on development of organic production and circulation of organic products in Ukraine;

coordination - complementarity and consistency of long-term strategies, plans and programs of development of organic production and the market of organic products in Ukraine;

sustainable development - development of organic production and the market of organic products to satisfy the needs of the current generation, while taking into account the interests of the future generations;

impartiality - development of all documents that shape public policy in the sphere of organic production, circulation and labelling of organic products on the basis of actual, achievable and assessable data;

mutual reconciliation of economic interests of the operators, society and state;

complying with the environmental safety requirements in the sphere of organic production and/or circulation of organic products;

recognizing freedom of business activity in the sphere of organic production and/or circulation of organic products;

freedom to spread information on organic production and circulation of organic products.

2. The State policies in the sphere of organic production, circulation and labelling of organic products shall be as follows:

implementation of innovations, energy- and resource-saving technologies;

development of competition and increasing competitiveness of Ukrainian producers on the internal and external markets;

increasing the amount of exported organic agricultural products;

development of the internal market of organic products;

ensuring genetic safety, biodiversity and sustainable use of natural resources and their reproduction;

control of compliance with the legislation on organic production, circulation and labelling of organic products;

humane treatment of animals through ensuring them living conditions that comply with their biological, species-related and individual nature;

ensuring environmental safety in the course of organic production;

establishing a single system of certification of organic production and/or circulation, as well as the State control of organic production, circulation and labelling of organic products;

promotion of organic products;

scientific backing of organic production;

establishing responsibility for the violation of legislation on organic production, circulation and labelling of organic products.

Article 7. Public control in the sphere of organic production, circulation and labelling of organic products

1. Public control in the sphere of organic production, circulation and labelling of organic products is effected through:

determining the general principles of performing organic production, circulation and labelling of organic products;

establishing the respective legal environment;

improving the State policy in the sphere of organic production, circulation and labelling of organic products;

performing the State control (surveillance) in the sphere of organic production, circulation and labelling of organic products;

coordination of training and retraining of specialists in the sphere of organic production;

fostering development of organic production;

fostering development of the internal market of organic products and satisfying consumers' requirements regarding the availability of organic products.

Article 8. State support of organic production and circulation of organic products

1. State support can be granted to operators within the framework of the National and regional programmes on account of and within the scope of expenditures under the budget programmes aimed at supporting development of agricultural producers.

Title IV - POWERS OF THE EXECUTIVE BODIES IN CHARGE OF PUBLIC ADMINISTRATION AND CONTROL IN THE SPHERE OF ORGANIC PRODUCTION, CIRCULATION AND LABELLING OF ORGANIC PRODUCTS

Article 9. The executive bodies in charge of public administration and control in the sphere of organic production, circulation and labelling of organic products

1. Public administration and control in the sphere of organic production, circulation and labelling of organic products is performed by the Cabinet of Ministers of Ukraine, the central executive body responsible for the development and implementation of the State agricultural policy, and the central executive body implementing the State policy in the sphere of safety and certain quality parameters of food products.

Article 10. Powers of the Cabinet of Ministers of Ukraine in the sphere of organic production, circulation and labelling of organic products

1. Powers of the Cabinet of Ministers of Ukraine in the sphere of organic production, circulation and labelling of organic products include:

ensuring implementation of the State policy in the sphere of organic production, circulation and labelling of organic products;

determining main lines of development in the sphere of organic production, circulation and labelling of organic products;

directing and coordinating work of the respective central executive authorities in the sphere of organic production, circulation and labelling of organic products;

adoption, within the scope of its powers, of legal acts in the sphere of organic production, circulation and labelling of organic products;

arranging international cooperation in the sphere of organic production, circulation and labelling of organic products;

exercising other powers in accordance with the [Constitution of Ukraine](#) and the present Law.

Article 11. Powers of the central executive body responsible for the development and implementation of the State agricultural policy

1. Powers of the central executive body responsible for the development and implementation of the State agricultural policy in the sphere of organic production, circulation and labelling of organic products include:

ensuring development and implementation of the State policy in the sphere of organic production, circulation and labelling of organic products;

executing public administration and control in the sphere of organic production, circulation and labelling of organic products;

developing and adopting legal acts in accordance with this Law;

developing and approving the State logo for organic products;

fostering development of the organic products market;

providing for maintenance of the Register of Operators, Register of Organic Seeds and Planting Material and Register of Certification Bodies as well as ensuring openness and public accessibility of the above mentioned registers;

resorting to the National Accreditation Body of Ukraine regarding established facts of violations on the part of the certification body with the view for the Accreditation Body to take the respective measures stipulated by the Ukrainian legislation on accreditation;

participation in the international cooperation on organic production and circulation of organic products, as well as fulfilling Ukraine's international agreements in this sphere;

ensuring training and advanced training of inspectors on organic production and/or circulation of organic products in accordance with the law;

exercising other powers determined by this Law.

Article 12. Powers of the central executive body implementing the State policy in the sphere of safety and certain quality parameters of food products, in the sphere of organic production, circulation and labelling of organic products

1. Powers of the central executive body implementing the State policy in the sphere of safety and certain quality parameters of food products, in the sphere of organic production, circulation and labelling of organic products, include:

performing State control (surveillance) of compliance of the actors of the organic products market with legislation on organic production, circulation and labelling of organic products;

resorting to the central executive body responsible for the development and implementation of the State agricultural policy with a written grounded appeal to consider removal of the certification body from the Register of Certification Bodies or removal of the operator from the Register of Operators;

participation in development of legal acts on organic production, circulation and labelling of organic products;

other powers provided by this Law.

Title V - ORGANIC PRODUCTION

Article 13. Organic production sectors

1. Sectors of organic production include:

organic crop production (including production of seeds and planting material);

organic livestock production (including poultry and beekeeping);

organic mushroom production (including organic yeast production);

organic aquaculture;

organic seaweed production;

organic processing (including organic wine-making);

organic feed production;

harvesting of organic wild plant products.

2. Procedure (detailed rules) of organic production and circulation of organic products to be approved by the Cabinet of Ministers of Ukraine.

Article 14. General requirements regarding organic production

1. General requirements regarding organic production shall be as follows:

separating production and storage of organic products in time or space, including keeping records of such products, from production and storage of non-organic and in-conversion products;

using technologies that meet legal requirements on organic production, circulation and labelling of organic products;

using mainly renewable resources and own resources, including products from waste processing and by-products of plant and animal origin, provided they meet the requirements on organic production;

using technologies that do not harm human health, plants and animal welfare, prevent or minimize pollution of the environment;

using the minimum necessary amount of food additives, trace elements and processing aids as determined by the legislation on organic production, circulation and labelling of organic products;

using water as an ingredient of organic products that meets the requirements of the legislation regarding drinking water;

prohibition of mixing the same organic and non-organic ingredients in one organic product.

2. In the process of organic production it is prohibited to use:

any unnatural or uncontrolled impact on the genome of agricultural plants and livestock (including poultry and insects), industrial microorganisms, by way of using for production of genetically modified organisms and products that contain GMO, consist of GMO or are made of GMO, except using medicinal products for veterinary use, included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, in the cases set by this Law;

synthetic substances, including agrochemicals, pesticides, antimicrobial substances for prevention purposes, hormonal drugs, growth-promoting agents and extra feed for livestock (including poultry and insects);

methods of electric or other stimulation for forcing that are painful for animals, as well as using tranquilizers;

ionizing radiation;

hydroponic methods;

using artificially bred polyploid animals and plants;

substances and processing methods that might be misleading for a consumer regarding the nature (origin) of the product;

growth stimulators, hormones or similar substances, except using substances included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, in cases set by this Law.

3. The List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, is worked out and approved by the central executive body responsible for the development and implementation of the State agricultural policy.

Article 15. Requirements regarding organic processing

1. The following requirements shall apply to the organic processing:

using mainly biological, mechanical and physical production methods;

using organic ingredients during production (added water and cooking salt is not included into the calculation of percentage of organic ingredients);

taking appropriate measures to avoid contamination with unauthorized substances or products, taking measures for cleaning and disinfection of production equipment and facilities and, if necessary, taking measures to clean the processed products. All cleaning measures should be recorded by the operator;

keeping records and documenting all the operations on organic processing

identification of every lot of organic food products;

the end food product cannot contain more than one ingredient of agricultural origin produced during the conversion period.

2. Organic processed products do not include hunting and fishing products from wild fauna.

Article 16. Requirements regarding organic wine-making

1. Organic wine-making is covered by the requirements set for organic processing.

2. An additional requirement regarding organic wine-making is prohibition to use processing methods as follows:

partial concentration through cooling;

reducing contents of sulphur dioxide by physical processes;

electrodialysis treatment to ensure tartaric stabilization;

partial dealcoholization;

treatment with cation exchangers to ensure tartaric stabilization.

Article 17. Requirements regarding organic feed production

1. The following requirements shall apply to the production of organic feed:

production of feed from organic feed materials, except where organic feed materials are not available on the market. Besides, feed materials used in production of organic feed should not contain the same organic and non-organic ingredients at the same time;

feed materials used in organic production should not be treated with synthetic solvents;

minimizing use of feed additives and processing aids, except cases when this is necessary to satisfy processing or zootechnical needs or for particular nutritional purposes;

using mainly biological, mechanical and physical production methods;

feed cannot contain more than one ingredient of agricultural origin produced during the conversion period;

keeping records and documenting all operations on production of feed;

identification of every lot of feed.

Article 18. Requirements regarding organic crop production

1. Requirements regarding organic crop production shall be as follows:

using for plant protection mainly agrotechnical, biological and physical methods, taking into account the respective crop rotations, as well as through choosing the appropriate pest- and disease-resilient crops and varieties;

practice the methods for crop cultivation and treatment that optimize biological activity of soils, ensure balanced supply of nutrients to plants, including the use of living microorganisms;

using soil protecting technologies at crop cultivation, that prevent soil erosion or other degradation processes;

using fertilisers, ameliorants, materials of microbial, plant, or animal origin, and other substances that are applied for increasing soil fertility and crop yields, for improving quality of plant products, which are biodegradable, provided that they are included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amounts;

using non-organic plant protection inputs, ameliorants, growth regulators only in the amount and as set by the legislation in the sphere of organic production, circulation and labelling of organic products, provided that they are included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amounts;

prohibition of use of mineral nitrogen fertilisers;

regular cleaning and disinfection of facilities and buildings used for organic crop production by substances authorized for use in organic production, and which are allowed to be used in the maximum permissible amounts;

using organic seeds for sowing and organic plant material for planting, except cases set by this Law;

biological control of pests and plant diseases.

2. Biodynamic preparations are allowed in organic crop production.

Article 19. Requirements regarding organic livestock production

1. Requirements regarding organic livestock production shall be as follows:

1) regarding origin of animals:

animals should simultaneously comply with the following requirements:

they have been born from the animals bred according to the requirements regarding organic livestock production;

they have been raised by an operator after completion of the conversion period;

they have been kept from the moment of their birth according to the requirements regarding organic livestock production;

non-organic animals are allowed to be brought on to a holding exclusively for breeding purposes (such animals and livestock products can be deemed organic only after completion of the conversion period);

animals that have been on the holding at the beginning of the conversion period and livestock products can be deemed organic after completion of the conversion period;

2) regarding housing and husbandry practices:

humane treatment of animals, including minimizing their sufferings, and keeping animals taking into consideration their developmental, physiological and behavioural needs;

personnel working with animals shall possess the necessary basic knowledge and skills regarding animal's health and livestock management practices;

ensuring permanent access to open air areas and exercise for animals in the order and amount determined by the legislation;

the number of livestock shall be limited as appropriate, with a view to minimize overgrazing, soil erosion and pollution caused by animals;

tethering or isolation of livestock shall be prohibited, unless this is necessary for a limited period of time, and in so far as this is justified for safety of others, animal well-being or for veterinary reasons;

duration of livestock transportation shall be minimized;

3) regarding breeding:

reproduction shall use natural methods, artificial insemination is however allowed;

use of hormones for reproduction purposes is prohibited;

cloning and embryo transfer is prohibited;

choosing appropriate breeds adapted to local conditions, vital and disease-resistant, to prevent animal suffering and need of surgery;

4) regarding feeding:

feeding livestock (including poultry and insects) with organic feed that meets the animal's nutritional requirements at the various stages of its development. A part of the ration may contain feed from the conversion period;

permanent access of livestock to pastures or green fodder and roughage (except insects);

force-feeding is prohibited;

non-organic feed materials of plant origin, feed materials of animal and mineral origin, feed additives and certain products for feeding livestock used as technological aid may be used, provided that they are included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amounts;

feeding young mammals with natural milk, preferably maternal milk.

The Operator has the right to use feedingstuffs from the conversion period with the consent of the certification body. In this case it is allowed to use for feeding livestock only those feedingstuffs from the conversion period that have been produced by the operator him-/herself or in cooperation with other operators;

5) regarding disease prevention and veterinary treatment:

disease prevention shall be based on selection of the appropriate breed and strain adapted to local conditions, viable and disease-resistant; use of husbandry management practices that enhance immune system and improve natural protection against diseases;

use of high quality feed and ensuring exercise, due stocking density per unit area and keeping livestock in due sanitary conditions that ensure animal welfare and well-being;

immediate treatment of an illness to prevent suffering of animals;

prohibition of use of chemically-synthesised allopathic veterinary medicinal products and antibiotics, except the cases determined by this Law, to prevent suffering of animals;

prohibition to keep livestock in such a way that may encourage anaemia;

the use of immunological veterinary medicines is allowed;

means or measures as provided for by the legislation in the sphere of organic production, circulation and labelling of organic products, related to protection of human and animal health in cases defined by this Law shall be allowed;

6) regarding cleaning and disinfection:

regular cleaning and disinfection of buildings and facilities using the products included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount.

2. The livestock on the farm shall be identified. Large mammals are assigned individual identification numbers, poultry and small mammals are assigned either individual or batch identification numbers.

3. Additional requirements regarding organic poultry husbandry shall be as follows:

prohibition to keep poultry in cages;

for the waterfowls - ensuring access to a stream, pond, lake or a pool in the order and amount determined by the legislation;

keeping poultry in the specially equipped premises;

ensuring the necessary access to open air areas for at least one third of the poultry's life;

preventing the use of intensive poultry rearing methods or the use of fast-growing strains - application of the minimum age at slaughter determined by the legislation.

4. Additional requirements regarding organic beekeeping shall be as follows:

using natural materials for making hives that present no risk of contamination to the environment or the apiculture products;

maintaining bees' health on the basis of preventive measures;

sufficient area for collecting nectar that will ensure necessary and sufficient nutrition, access to water;

sufficient distance from the apiary site to sources that may lead to contamination of beekeeping products or to poor health of the bees;

placing the apiary in areas where it is possible to ensure nectar and pollen sources consisting essentially of plants, including wild plants, which meet legal requirements in the sphere of organic production, circulation and labelling of organic products;

using for combs beeswax received in the course of organic production;

prohibition of clipping the wings of queen bees;

prohibition of the destruction of bees in the combs as a method associated with the harvesting of beekeeping products.

Article 20. Requirements regarding harvesting of organic wild plant products

1. Requirements regarding harvesting of organic wild plant products shall be as follows:

the collection of plants and/or parts thereof in their natural environment in the clearly defined territories and areas in the legally determined order, provided that those territories and areas have not, for a period of the last three years have not been treated with substances other than those substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount;

the collection of plants and/or their parts does not affect the stability of the environment and depletion of its resources;

ensuring traceability of wild plant products.

Article 21. Requirements regarding organic mushroom production

1. Requirements regarding organic mushroom production shall be as follows:

using for production of mushrooms substrates composed of components of plant origin that meet legal requirements in the sphere of organic production, circulation and labelling of organic products;

for production of mushrooms substrates of plant origin from the conversion period may be used with the consent of the certification body;

for production of mushrooms substrates composed of farmyard manure and animal excrements from organic production may be used, provided that they do not exceed 25% of the weight of total components of the substrate before composting, excluding the covering material and water;

prohibition to use for production of mushrooms substrates of peat that has been treated with chemical products not included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount;

prohibition to use for production of mushrooms substrates of wood not included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount;

using for production of mushrooms substrates of water and soil, as well as mineral products referred to in the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount.

2. Substrates for organic yeast production should contain at least 95% of organic ingredients of agricultural origin (by weight).

Article 22. Requirements regarding organic aquaculture and organic seaweed production

1. Requirements regarding organic aquaculture shall be as follows:

considering the ability of aquaculture objects to adapt to staying under fully or partially controlled conditions;

using preferably natural methods of reproduction;

feeding aquaculture objects with organic feedingstuffs, except those species which are not fed with feedingstuffs while being reared;

regular cleaning and disinfection of the equipment, pools, reservoirs, facilities, and holdings used for aquaculture objects;

using the products for cleaning and disinfection of facilities for keeping aquaculture objects in the course of organic production, composed exclusively from substances included into the List of substances (ingredients, components) authorized for the use in organic production, and which are allowed to be used in the maximum permissible amount;

humane treatment of aquaculture objects, including minimization of their suffering, as well as keeping aquaculture objects taking into consideration their physiological and behavioural needs.

2. Additional requirements regarding organic aquaculture shall be as follows:

1) regarding origin and husbandry practices:

rearing young stock originating from the brood stock reared according to the requirements regarding organic production;

personnel shall possess the basic knowledge and skills regarding the health and due keeping of the aquaculture objects;

duration of transportation of aquaculture objects should be minimized and the appropriate keeping conditions should be ensured;

2) regarding breeding:

artificial hybridisation, cloning and production of monosex strains, as well as artificial induction of polyploidy is prohibited;

ensuring appropriate conditions that meet the species-specific needs, for broodstock management as well as rearing and production of juveniles;

3) regarding feeding:

satisfying nutritional needs in a natural way during production of aquaculture objects (including molluscs) that are not fed with feedingstuffs while being reared but feed on natural plankton, except juveniles reared in hatcheries and nurseries;

in the case of non-organic feed materials of plant origin, feed materials of animal and mineral origin, feed additives, and certain products used in animal nutrition and as processing aids shall be used only if they have been included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount;

growth promoters and synthetic aminoacids shall not be used;

4) regarding disease prevention and veterinary treatment:

disease prevention shall be based on keeping the animals in optimal conditions by appropriate siting, optimal design of the holdings, by application of good husbandry and management practices, including regular cleaning and disinfection of premises and equipment, using high quality feed, appropriate stocking density, and breed and strain selection;

immediate treatment of an illness to prevent suffering of animals;

prohibition of use of chemically-synthesised allopathic veterinary medicinal products and antibiotics, except the cases where the use of phytotherapeutic, homeopathic or other products is inappropriate;

the use of immunological veterinary medicines is allowed;

the use of veterinary medicines for protection of human and animal health in compliance with legislation on organic production, circulation and labelling of organic products shall be allowed.

3. The following requirements shall apply to the organic seaweed production:

seaweed cultivation in coastal areas not polluted with substances that may not be used in organic production, or with other substances that are harmful for human health;

fertilisers shall not be used except in indoor facilities, and only if they have been authorized for use by legislation on organic production, circulation and labelling of organic products;

collection of wild seaweeds and parts thereof, growing naturally in the sea only in their natural habitat not polluted with substances that may not be used in organic production, and provided that their collection does not affect sustainability of the environment, existence or maintenance of plant species in the collection area in compliance with the legislation;

using organic and bacterial fertilisers, preparations, ameliorants, plant growth regulators, materials of microbiological, plant or animal origin and other substances used to increase yield of seaweeds, improve quality thereof, which are biodegradable, only in the order and amount determined by the Procedure (detailed rules) of organic production and circulation of organic products.

Mineral nitrogen fertilisers shall not be used.

4. Additional requirements regarding organic seaweed production shall be as follows:

collecting wild seaweeds and/or parts thereof in their natural growing areas that are of high ecological quality, have not been treated with substances other than those authorized by the legislation on organic production, circulation and labelling of organic products, or with substances that are harmful for human health;

wild seaweed collection does not affect the stability of the natural habitat, existence or maintenance of the plant species in the collection area and depletion of its resources;

ensuring traceability of wild seaweeds.

Article 23. Requirements regarding the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount

1. List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, shall consist only of substances (ingredients, components), authorized for use in agriculture, in the following categories:

1) plant protection products;

2) fertilisers and soil conditioners;

3) non-organic feed materials of plant origin, feed materials of animal and mineral origin, and certain substances used in animal feeding;

4) feed additives and processing aids;

5) products for cleaning and disinfection of ponds, cages, buildings and facilities used in livestock production;

- 6) products for cleaning and disinfection of buildings and facilities used in crop production;
- 7) other substances (ingredients, components).

2. Substances (ingredients, components) included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, may be used in cases as follows:

1) if the substances (ingredients, components) of plant, animal, microbial or mineral origin are not available in sufficient quantities or qualities, or if alternatives of the ingredients necessary to receive the end product are not available;

2) if biological or physical alternative, methods of selection, cultivation or other efficient farming practices for protection of plants are not available, plant protection products may be used for the control of a harmful organism or a particular disease;

3) if products are not of plant, animal, microbial or mineral origin, and are not identical to their natural form, they may be authorized only if their conditions for use preclude any direct contact with the edible parts of the crop;

4) use of fertilisers and soil conditioners is subject to the condition that their use is essential for obtaining or maintaining the appropriate level of the soil fertility, or to fulfill specific nutrition requirements of crops, or for specific soil-conditioning purposes;

5) use of feedstuffs and feed additives is subject to the condition that they are necessary to maintain animal health, animal welfare and vitality and contribute to an appropriate diet fulfilling the physiological and behavioural needs of the species concerned, or it would be impossible to produce or preserve such feed without having recourse to such substances;

6) in case feed of mineral origin, trace elements, vitamins or provitamins of natural origin are unavailable, chemically well-defined analogic substances may be authorized for use.

Article 24. Exceptions from the requirements regarding organic production

1. Exceptions from the general requirements, as well as from the requirements regarding organic production by the relevant sectors, can be applied by the operators with the consent of the certification body in cases set by this Law.

Exceptions shall be kept to a minimum and shall be limited in time, and may be applied in the following cases:

1) to ensure the possibility for the operator to initiate or to maintain organic production in case of restrictions by climatic, geographical or structural conditions; this concerns, in particular, tethering animals, keeping bees for pollinating purposes and parallel production;

2) to ensure the possibility to use non-organic feed, seed and planting material, live animals and other agricultural products, in case they are not available on the market in organic form;

3) to ensure the possibility to use non-organic ingredients of agricultural origin, where such ingredients are not available on the market in organic form, provided that they are included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount;

4) to ensure providing solutions to problems related to management of ruminants at the final fattening phase;

5) to ensure production of organic processed products for dietary purposes. Processing aids, flavourings, microorganisms and enzymes, mineral substances, trace elements, vitamins, amino acids and other micronutrients may be used only if they have been included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount;

6) where temporary measures are necessary in order to ensure the possibility to continue organic production or to it again in the case of force-majeure circumstances that emerged due to natural disasters;

7) to ensure the use of food additives and other substances (processing aids, flavourings, microorganisms and enzymes, mineral substances, trace elements, vitamins, amino acids and other micronutrients) or feed additives, provided that they have been included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, and their use is required on the basis of the legislation.

2. Specific provisions regarding handling the exceptions shall be determined by the Procedure (detailed rules) of organic production and circulation of organic products.

The certification body is obliged to inform the central executive body which is implementing the State policy in the sphere of safety and certain quality parameters of processed products, about every case of granting its consent stipulated by this Law.

3. In case of using veterinary medicinal products, information about the treatment date, diagnosis and the name of the medicinal product, as well as any other relevant information should be available to the certification body.

4. Animals that have been treated shall be clearly identified: individually in the case of large animals; individually, or by batch, or by hive, in the case of poultry, small animals and bees.

In case an animal receives more than one course of treatment within 12 months, if its productive life cycle is less than one year, such animal or production derived from it may not be labelled and sold as organic products. Such livestock shall undergo the conversion period.

Livestock that has been treated, and the produce derived from such animals, can be labelled organic only after completion of the withdrawal period, taking into account legal requirements in the sphere of organic production, circulation and labelling of organic products.

5. Where a certain ingredient for production of organic processed products or feed is not available on the market in its organic form, the certification body shall, upon the operator's request, in every single case, authorize the use of a non-organic ingredient in production of organic products, provided that it has been included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount, and subject to documentary confirmation by the operator of the necessity to use such ingredient. That being said, the part of the authorized non-organic ingredients shall not exceed 5% (by weight), not including water and cooking salt.

6. Where seeds and/or planting materials is not available on the market in its organic form, the certification body shall, upon the operator's request, in every single case, authorize the use of non-organic seeds and/or planting material, provided that it has not been treated with any substances other than those authorized by the legislation on organic production, circulation and labelling of organic products, and subject to documentary confirmation by the operator of the necessity to use such seeds and/or planting material. With the view to establish the fact of availability on the Ukrainian market of organic seeds and/or planting material, the central executive body which is responsible for the development and implementation of the State agricultural policy maintains the Register of Organic Seeds and Planting Material in the order determined by the Cabinet of Ministers of Ukraine. Data from the Register of Organic Seeds and Planting Material shall be the basis for establishing the fact of availability or unavailability of organic seeds and/or planting material on the market of Ukraine.

7. Where organic animals are not available on the market, the certification body shall, upon the operator's request, in every single case, authorize use of non-organic animals, subject to documentary confirmation by the operator of the necessity to use such animals.

8. While granting authorization regarding the use of non-organic ingredients, acceptable extent and time of their use, the certification bodies should take into account possible damage to human and animal life and health, negative environmental impact; the possibility to expose such substances to physical (mechanical, thermal), enzymatic or microbial processes.

9. The certification bodies authorize the use by the operators of non-organic ingredients, animals, seeds and/or planting material in the production process in accordance with the Order of certification of organic production and/or circulation of organic products, approved by the Cabinet of Ministers of Ukraine.

Article 25. Requirements regarding organic production during the conversion period

1. During the conversion period operators shall comply with legal requirements in the sphere of organic production, circulation and labelling of organic products. Operators may not place on the market in-conversion products as organic.

2. The starting date of the conversion period is the date of signing an agreement between the operator and the certification body on carrying out certification. Duration of the conversion period is determined for each organic production sector. Based on the results of carrying out the first inspection of the operator by the certification body, this date can be reconsidered depending on the organic production sector, taking into consideration the operator's husbandry practices, use of ingredients and components authorized by the legislation on organic production, circulation and labelling of organic products, which shall be confirmed by the relevant documents.

3. regarding organic crop production, in the case of non-perennial crops, conversion period for the respective land parcels shall be at least 24 months before sowing; in the case of perennial crops (except forage) conversion period shall be at least 36 months before the first harvest of organic products. In the case of grassland and pasturage for production of organic fodder as well as the land parcels for production of perennial forage, the conversion period shall be at least 24 months before the first harvest of organic products.

4. The certification body may decide to recognize retroactively the date of the start of conversion period (but not exceeding 18 months for fallow fields and 30 months for perennial crops) for the land parcels, which were neither treated during the previous 36 months (fallow fields and perennial crops) nor contaminated with the substances other than those authorized by the legislation on organic production, circulation and labelling of organic products.

5. Conversion period for production of organic seeds and planting material shall be: one vegetative period for reproduction of non-perennial crops and two vegetative periods for reproduction of perennial crops.

6. By the decision of the certification body, crop products produced during the conversion period may be labelled with the indication "product under conversion to organic production", provided that:

the conversion period lasts for over 12 months;

the product contains only one ingredient of plant origin;

the indication shall appear in a colour, size and style of lettering which is similar to the other description of the product.

Organic feed materials, or feed materials from production in conversion, shall not enter simultaneously with the same feed materials produced by non-organic means into the composition of the organic feed product.

7. For organic aquaculture, the conversion period for aquaculture facilities that cannot be drained, cleaned and disinfected, shall be 24 months; for facilities that have been drained or fallowed, the conversion period shall be 12 months; for facilities that have been drained, cleaned and disinfected, the conversion period shall be 6 months.

The certification body may decide to recognize retroactively the starting date of the conversion period, if from that date the aquaculture facilities were not treated with products other than those authorized by the legislation on organic production, circulation and labelling of organic products.

The conversion period for seaweed harvesting areas shall be 6 months.

The conversion period for seaweed cultivation cannot be less than 6 months or one complete production cycle.

8. The conversion period for livestock production cannot be less than: 12 months in the case of equidae and bovines, including antelope and bison species for meat production, and in any case at least three quarters of their lifetime; 6 months in the case of small ruminants and pigs and animals for milk production; 10 weeks for poultry for meat production brought into the farm before they are three days old; six weeks in the case of poultry for egg production.

The conversion period for livestock production can be reduced, but not more than by 24 months, provided that conversion to organic production is undertaken by the whole production unit of the farm (livestock, their offspring, pasturages and other land used to receive animal feed).

9. The conversion period for beekeeping products cannot be less than 12 months. During the conversion period the wax coming from organic beekeeping shall be used.

Article 26. Requirements regarding parallel and simultaneous production

1. An operator may, with the consent of a certification body, as an exception, carry out parallel production in the same area. Provided that requirements set in this part are met, parallel production of the following products shall be allowed:

seeds and planting material;

perennial crops which cannot be easily differentiated, and which require a cultivation period of more than three years;

using organic and non-organic grassland exclusively for grazing;

organic and non-organic crops or animals of the same species exclusively for research and educational purposes.

2. In the case of parallel production the operator shall provide the certification body with documentary evidence of complying with the conditions laid down in this Article and ensure:

taking the appropriate measures to ensure the permanent separation of organic and non-organic animals;

separation of manure and feed;

appropriate cleaning of the production facilities for processing organic products;

notifying the certification body of the harvested quantities of organic and in-conversion products, and non-organic products;

notifying the certification body of the harvesting at least two working days before the beginning of harvesting;

notifying the certification body of any movement or sale of the animals and/or livestock products;

notifying the certification body of the harvested crop, raised animals and livestock products, and of the measures applied to separate the organic and non-organic products.

Specific provisions regarding carrying out parallel production shall be set in the Procedure (detailed rules) of organic production and circulation of organic products.

3. The certification body may authorize simultaneous production of organic and non-organic livestock, if the following requirements are met by the operator and documentary evidence thereof is provided:

organic livestock shall be raised and kept separately from non-organic livestock;

organic and non-organic livestock kept on the farm should belong to different species;

grazing of common land by organic and non-organic animals is permitted only provided that:

the animals are properly separated in space;

the pastures have not been treated with substances other than those authorized by the legislation on organic production, circulation and labelling of organic products, for at least three years.

The pastures grazed by organic livestock shall not be used for grazing by organic and non-organic animals at the same time. During the period of transhumance organic animals may graze on non-organic pastures, provided that the total uptake of such non-organic feed does not exceed 10% of the total feed ration per year (calculated as a percentage of the dry matter of feedingstuffs from agricultural origin).

4. A certification body may authorize simultaneous organic and non-organic production of aquaculture objects, provided there is clear physical separation between them, and where different production phases and different handling periods are involved. A certification body may permit hatcheries and nurseries to rear simultaneously both organic and non-organic juveniles of aquaculture objects, provided there is clear physical separation between the units and a separate water distribution system exists.

Title VI - CERTIFICATION AND THE CERTIFICATION BODIES

Article 27. Certification of organic production and/or circulation of organic products

1. Organic production and/or circulation of organic products in Ukraine is subject to certification. Certification is not required for moving, storage and selling of the labelled organic products:

by mass catering facilities;

economic operators working in retail trade.

Certification of organic production and/or circulation of organic products shall be carried out with a mandatory annual on-the-spot inspection by the certification body with the view to verify compliance of the process of production and circulation of the products with legal requirements in the sphere of organic production, circulation and labelling of organic products.

Where a certification body discovers non-compliance of organic production and/or circulation of organic products with legal requirements in the sphere of organic production, circulation and labelling of organic products that can be eliminated by the operator, the certification body shall set the term for the operator to take all possible steps to eliminate such non-compliance.

Payment for carrying out certification services by the certification bodies is subject to an agreement.

The certification bodies are the actors issuing the certificates that confirms compliance of the process of production and circulation of products to legal requirements in the sphere of organic production, circulation and labelling of organic products.

2. The person willing to convert to organic production or be involved into circulation of organic products may choose any certification body and conclude an agreement with this body for carrying out certification. The person may conclude the agreement for carrying out certification only with one certification body within the relevant sector of organic production and circulation of organic products. In case of certification of organic production under the rules and standards recognized in foreign states or international organisations, the person has the right to additionally conclude an agreement with a foreign certification body.

3. The certification process shall start from the date of signing the agreement for carrying out certification between the certification body and the person. In the course of certification, based on the results of inspection and determining compliance of all stages of production and circulation of organic products with legal requirements in the sphere of organic production, circulation and labelling of organic products, the certification body shall take a grounded decision regarding issuing or refusing to issue the certificate. The certificate shall be issued on the basis of the certification body's decision to issue it.

The reasons for refusal to issue the certificate shall be as follows:

where the inspection has determined non-compliance of any stage of production or circulation of organic products with legal requirements in the sphere of organic production, circulation and labelling of organic products;

where unreliability of information submitted to confirm compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products has been discovered.

It is prohibited to refuse to issue the certificate based on the reasons not stipulated by this Article.

The certificate shall be issued to the operator, if compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products regarding a certain sector of this sphere has been verified.

4. The certificate shall be valid for 15 months from the date of its issue. The certificate shall contain the information as follows:

name, first name and patronymic of an individual entrepreneur / name of a legal entity;

code according to the Unified State register of Legal Entities, Individual Entrepreneurs and Public Organizations (for a legal entity) or taxpayer's account card registration number (for a natural person);

sector(s) of organic production and/or circulation of organic products;

determination of the products' status (organic, in-conversion) and its assortment;

date of issue of the certificate; its validity date;

information about the issuing certification body.

The procedure for issuing the certificate and its copy, as well as its form, shall be determined by the Procedure for certification of organic production and/or circulation of organic products.

5. The certification body may suspend or withdraw the certificate.

The bases for suspension of the certificate shall be as follows:

violation by the operator of the legislation on organic production, circulation and labelling of organic products, discovered by the certification body;

failure to pass an annual announced or unannounced inspection of the operator's premises;

operator's failure to ensure free access to its premises, as well as failure to provide upon the certification body's request the documents necessary for the inspection, including access to financial documents;

address of the Central Executive Body implementing the State policy in the sphere of safety and certain quality parameters of processed products, with the information about violation by the operator of legal requirements in the sphere of organic production, circulation and labelling of organic products.

Provided that the operator has eliminated the violations that have led to suspension of the certificate, the certification body shall take a decision regarding renewal of the certificate.

The bases for the certificate withdrawal shall be as follows:

operator's failure to conclude the agreement for carrying out certification with the new certification body within 30 days from the date of cancellation of the certification agreement between the certification body and the operator with which it previously had an agreement for carrying out certification;

operator's failure to conclude the agreement for carrying out certification with the new certification body within 30 days from the date of exclusion of the certification body, with which it had an agreement for carrying out certification, from the Register of Certification Bodies;

failure to eliminate the violations that have led to suspension of the certificate, within the term determined by the certification body or by the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products, while this term cannot be less than 30 days;

operator's application regarding cancellation of its certificate;

failure to pass an annual announced or unannounced inspection of the operators' premises.

If the certification body has been withdrawn from the Register of Certification Bodies, withdrawal of the certificates issued by this body shall be performed by the central executive body responsible for the development and implementation of the State agricultural policy.

6. The person that has concluded an agreement with a certification body for carrying out certification, becomes an operator and is included by the central executive body, responsible for the development and implementation of the State agricultural policy, to the Register of Operators within 10 days after the latter receives the respective information from the certification body.

Exclusion of the operator from the Register of Operators shall be performed by the central executive body responsible for the development and implementation of the State agricultural policy, upon the proposal of the certification body, not later than on the next working day from the date of receiving the respective proposal.

Article 28. Requirements regarding the certification body and its functions

1. The central executive body responsible for the development and implementation of the State agricultural policy shall include into the Register of Certification Bodies an enterprise, institution, organization or their unit, that:

1) has been accredited in accordance with [the Law of Ukraine](#) "On Accreditation of Conformity Assessment Bodies" in the sphere of organic production and/or circulation of products in one or some of the sectors as follows:

organic crop production (including production of seeds and planting material);

organic livestock production (including poultry and beekeeping);

harvesting of organic wild plant products;

organic mushroom production (including organic yeast production);

organic aquaculture;

organic seaweed production;

organic processing (including organic wine-making);

organic feed production;

2) is a legal entity registered in accordance with the legislation of Ukraine;

3) is not an operator;

4) has the facilities and resources, as well as other infrastructure objects, necessary to perform functions regarding certification of organic production and/or circulation of organic products;

5) can demonstrate due expertise of its staff regarding certification of organic production and/or circulation of organic products (working experience and special knowledge in the respective field of organic production);

6) has at least one inspector for the relevant field of organic production and/or circulation of organic products, working on a permanent basis.

Requirements regarding facilities, resources and other infrastructure objects, necessary to perform functions regarding certification of organic production and/or circulation of organic products, shall be determined by the central executive body responsible for the development and implementation of the State agricultural policy.

2. An enterprise, institution, organization or their unit claiming to be included into the Register of Certification Bodies submits to the central executive body responsible for the

development and implementation of the State agricultural policy an application for inclusion into the Register in the form prescribed by the central executive body responsible for shaping and implementation of the State agricultural policy.

The application shall be accompanied by:

a copy of the accreditation certificate;

a copy of the registration certificate of the enterprise, institution, organization or their branch;

a copy of the statute of the enterprise, institution, organization or their branch;

the list of employees and the documents confirming the expertise level of the staff in the sphere of organic production and/or circulation of organic products.

The exclusive reasons for denial of entry into the Register of Certification Bodies shall be as follows:

nonconformity of the enterprise, institution, organization or their unit to the requirements set by this Article;

discovering unreliable data in the submitted documents.

Decision regarding entry or denial of entry into the Register of Certification Bodies shall be taken by the central executive authority, responsible for the development and implementation of the State agricultural policy, within 10 days after the date of receiving the documents mentioned in this Article.

3. The certification body is obliged every year, before December 31st, to submit to the central executive body which is responsible for the development and implementation of the State agricultural policy the list of employees and information on confirmation of the expertise level of its staff in the sphere of certification of organic production and/or circulation of organic products.

4. Certification body:

shall carry out certification of organic production and/or circulation of organic products in accordance with the legislation on organic production, circulation and labelling of organic products;

within five days from the date of issuing the certificate or taking a decision, respectively, regarding suspension or withdrawal of certificates, shall inform the central executive body responsible for the development and implementation of the State agricultural policy and the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products, in writing, about issuance, suspension and withdrawal of certificates in accordance with the present Law.

shall report annually to the central executive body responsible for the development and implementation of the State agricultural policy, and the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products about the issued certificates, in the order established by the central executive body responsible for the development and implementation of the State agricultural policy;

shall perform other functions stipulated by this Law.

5. The certification body shall be withdrawn from the Register of Certification Bodies on the basis of the decision of the central executive authority responsible for the development and implementation of the State agricultural policy in cases as follows:

where the certification body has applied for its exclusion from the Register of Certification Bodies on its own accord;

repeated violation committed within one year of the order of certification of organic production and/or circulation of organic products that resulted in unjustified issuance of the certificate;

suspension or withdrawal of the accreditation certificate;

noncompliance of the certification body with the requirements set out by the present Law.

6. If the certification body has been withdrawn from the Register of Certification Bodies, it should immediately notify this to the operators with which it has signed agreements for carrying out certification. Certificates issued by such certification body remain in force until the end of validity term stated in the certificate, and the operator retains its previous production status, but not longer than validity term of the certificate, unless otherwise stipulated by the legislation on organic production, circulation and labelling of organic products.

7. One can appeal against the certification body's decision to the certification body, and then to the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products. The procedure for consideration of the appeals against the decisions taken by the certification bodies shall be determined by the central executive body responsible for the development and implementation of the State agricultural policy.

Article 29. Recognition of certificates confirming organic production and/or circulation of organic products in accordance with the legislation other than the legislation of Ukraine

1. A certificate confirming production and/or circulation of organic products in accordance with the legislation other than Ukrainian, shall be recognized in Ukraine with the view to import or export such products, provided that it has been issued by the foreign certification body included into the List of foreign certification bodies.

2. To include a foreign certification body into the List of foreign certification bodies, an importer or exporter submits an application to the central executive body implementing the State policy in the sphere of safety and certain parameters of quality of processed products, in no particular format, about the inclusion of the foreign certification body into the List of foreign certification bodies, including the information as follows:

name of the foreign certification body's state of residence

accreditation confirmation of the foreign certification body in the respective field of organic production and/or circulation of organic products by the accreditation body of the foreign state which is a party to international or regional agreements on accreditation recognition;

name of the authority that controls the foreign certification body.

3. An importer or an exporter may export or import on a no-objection basis, if, within 10 working days after their application to include the foreign certification body into the List of foreign certification bodies, the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products has not taken a decision to deny inclusion of the foreign certification body into the List of foreign certification bodies. The exclusive reason to deny inclusion of the foreign certification body into the List of foreign certification bodies shall be provision of unreliable or incomplete information stipulated in the part two of this Article.

4. The List of foreign certification bodies is maintained by the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed

products, in the order established by the central executive body responsible for the development and implementation of the State agricultural policy.

Article 30. Requirements regarding the inspector of organic production and/or circulation of organic products

1. The inspector on organic production and/or circulation of organic products shall be permanently employed by the certification body and shall carry out inspection of production and circulation of organic products.

2. The inspector on organic production and/or circulation of organic products can be a natural person who:

1) has at least the first (bachelor degree) level of education in the sphere of agricultural sciences, at least three years of working experience in agricultural sector and/or in food (processing) industry, and possesses special knowledge in the sphere of organic production;

2) has the first (bachelor degree) level of education, at least five years of working experience in an agricultural sector and/or in food or processing industry, and possesses special knowledge in the sphere of organic production.

3. The inspector on organic production and/or circulation of organic products cannot be a natural person who works as a public servant, has an employment or civil law relations with operators and/or executive bodies in charge of public administration and control in the sphere of organic production, circulation and labelling of organic products.

4. Special knowledge of the inspector on organic production and/or circulation of organic products in the sphere of organic production shall be confirmed in the order set out by the central executive body responsible for the development and implementation of the State agricultural policy.

Article 31. General requirements regarding the registers

1. The central executive body responsible for the development and implementation of the State agricultural policy ensures maintenance in an electronic form and is the keeper of the Register of Operators, Register of Certification Bodies and Register of Organic Seeds and Planting Material (hereinafter ‘the Registers’). The procedure for maintaining the registers is approved by the Cabinet of Ministers of Ukraine.

2. The central executive body responsible for the development and implementation of the State agricultural policy shall ensure uninterrupted, 24-hour and free of charge access to the data contained in the above mentioned registers, at its official website. Data contained in such registers:

have the status of official information of the central executive authority responsible for the development and implementation of the State agricultural policy;

do not need any additional confirmation by the central executive authority responsible for the development and implementation of the State agricultural policy;

can be used by any persons, public authorities and local governments.

Title VII - CIRCULATION, LABELLING AND SALE OF ORGANIC PRODUCTS

Article 32. Requirements regarding storage of organic products

1. During storage of unpacked organic products it's necessary to ensure tracking and identification of such products and/or their every lot as organic products, and prevent their mixing with non-organic products, including in-conversion products, and/or pollutants.

2. During production of organic products it is prohibited to store any non-organic substances together with organic products, except substances authorized by the legislation on organic production, circulation and labelling of organic products.

3. Specific provisions for storage of certain types of organic products shall be determined by the Procedure (detailed rules) of organic production and circulation of organic products.

Article 33. Requirements regarding transport of organic products

1. Unpacked organic products shall only be transported in a sealed package, container or vehicle closed so as to make it impossible to open it without damaging the seal. A package, container or vehicle shall be sealed by the operator. When sealing, the operator shall make the respective mark in the consignment note, stating information as follows:

name and address of the operator (or the product's owner);

name of the organic product and (as appropriate) its description;

name and/or registration code of the certification body that has certified organic production;

identification of the product lot (as appropriate).

2. Simultaneous transport of unpacked organic and non-organic products, including in-conversion products, is allowed only provided that appropriate measures have been taken that make it impossible for the organic products to be mixed with the non-organic ones. Vehicles and/or containers previously used for transporting non-organic products can be used to transport unpacked organic products, if before the start of transportation of unpacked organic products appropriate cleaning measures have been taken. The operator shall record these operations.

3. Specific provisions for transport of certain types of organic products shall be determined by the Procedure (detailed rules) of organic production and circulation of organic products.

Article 34. Requirements regarding labelling of organic products

1. Products that are being released into circulation and sold as organic products, shall be labelled according to legal requirements in the sphere of organic production, circulation and labelling of organic products.

2. The product may be labelled organic, if it has been produced in accordance with legal requirements in the sphere of organic production, circulation and labelling of organic products, and contains at least 95% organic ingredients of agricultural origin (by weight, not including water and cooking salt), and not more than 5% (by weight) of non-organic ingredients, included into the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount. Organic production of such product shall be confirmed by the certificate.

3. When labelling non-organic products, the list of ingredients of the product may include organically produced ingredients only if their content is more than 2%. In this case the list of ingredients should show the percentage of organically produced ingredients (by weight, not including water and cooking salt) of the total quantity of the ingredients. This being said, information about such ingredients shall appear in the same font colour and size that the rest of

information in the List of substances (ingredients, components) authorized for use in organic production, and which are allowed to be used in the maximum permissible amount.

4. Organic products that are being released into circulation and sold, shall be labelled with the state label for organic products, except cases stipulated by this Article.

The necessary element of labelling an organic product is its code number which is placed under the state organic product logo and contains:

the acronym identifying the country of origin;

the word 'organic';

the registration code of the certification body that has certified organic production.

When labelling organic products in accordance with the legislation on organic production, circulation and labelling of organic products, it is allowed to additionally use other logos introduced by the operators involved in production and sale of organic products, or by their associations, if such logos are not forbidden by law.

5. It is prohibited to label with the state organic logo the agricultural products that have not been organically produced, or the in-conversion products, as well as to label these products using any marks and words 'organic', 'biodynamic', 'biological', 'ecological', and/or any words that are their cognates and/or derived from them with prefixes 'bio-', 'eco-', etc. in any language.

6. Advertising any non-organic product as organic, including use of the words 'organic product' in product names and trademarks, shall be regarded as unfair advertising.

7. Products brought for sale on the customs territory of Ukraine, which are accompanied by the respective certificate confirming organic production and/or circulation of such products in the country of origin, shall be recognised in Ukraine as organic products, and words on the original labels 'organic', 'biodynamic', 'biological', 'ecological', and/or any words that are their cognates and/or derived from them with prefixes 'bio-', 'eco-', etc., shall be labeled in Ukrainian with the words 'органічний продукт' ('organic product').

The State organic logo is placed exclusively on the products produced in accordance with the legislation of Ukraine in the sphere of production, circulation and labelling of organic products, which is confirmed by the certificate that certifies compliance of the process of production and circulation of the products to legal requirements in the sphere of organic production, circulation and labelling of organic products.

8. Economic operators are entitled to place eco-labelling on the products and feed only if such products have been organically produced.

9. Labelling of organic products shall be subject to written consent of the certification body whose registration code is stated on the labelling. Such consent is granted on a no-fee basis.

10. Specific provisions for labelling certain types of organic products shall be set by the Procedure (detailed rules) of organic production and circulation of organic products.

11. Labelling with the state organic logo of the products that have not been organically produced, as well as use for labelling such products any marks and words 'organic', 'biodynamic', 'biological', 'ecological', and/or any words that are their cognates and/or derived from them with prefixes 'bio-', 'eco-', etc. in any language is deception of buyers or customers. Such products shall be withdrawn in accordance with the law.

Article 35. Requirements regarding trade of organic products

1. Organic products may be sold by any economic operators only provided the availability of the respective certificate (copy thereof) issued to the operator that has produced the respective

products, and the appropriate labelling in compliance with legal requirements in the sphere of organic production, circulation and labelling of organic products.

2. When accepting such products for sale, entities that sell organic products shall ensure availability of the certificate issued to the operator, which certifies compliance of the process of production and circulation of the products to legal requirements in the sphere of organic production, circulation and labelling of organic products. Entities that sell organic products labelled organic without the respective certificate (copy thereof) shall be held responsible in accordance with this Law.

3. The products labelled organic but not complying with legal requirements in the sphere of organic production, circulation and labelling of organic products shall be withdrawn from sale as organic. Such products may be sold as non-organic, provided that labelling has been rectified.

Article 36. Requirements regarding declaring the amounts of organic products being released into circulation

1. The organic products that are being released into circulation shall be declared on a mandatory basis.

The declarations regarding amounts of the organic products that are being released into circulation shall be submitted by the operators to the certification bodies. The operators shall be held responsible for integrity and reliability of the data stated in the declaration regarding the amount of the organic products that are being released into circulation, in accordance with this Law.

2. The certification bodies shall submit to the central executive body implementing the State policy in the sphere of safety and certain parameters of quality of processed products, and to the central executive body responsible for the development and implementation of the State agricultural policy, summary of materials regarding the amounts of the organic products released into circulation by the operators with which the certification bodies have contracted for carrying out certification.

The certification bodies shall be held responsible for integrity and reliability of the data stated in the summary regarding the amounts of the organic products released into circulation by the operators with which they have contracted for carrying out certification.

3. The procedure for and frequency of declaring and submission of summaries regarding the amounts of the organic products released into circulation shall be determined by the central executive body responsible for the development and implementation of the State agricultural policy.

Article 37. Requirements regarding importing organic products into the customs territory of Ukraine or exporting organic products from the customs territory of Ukraine

1. For the products imported into the customs territory of Ukraine or exported from it as organic, in the customs declaration it shall be indicated near the code of [Ukrainian Commodity Coding System](#) that these goods are organic products.

2. Certified organic products imported into the customs territory of Ukraine, shall be accompanied by:

a copy of the relevant certificate that confirms organic production and/or circulation of such organic products in the country of origin, issued by the foreign certification body included into the List of foreign certification bodies;

a copy of the certificate that confirms compliance of circulation of such organic products with legal requirements in the sphere of organic production, circulation and labelling of organic products, issued by the certification body.

3. Products certified as organic in accordance with the legislation on organic production, circulation and labelling of organic products, which are exported from the customs territory of Ukraine, shall be accompanied by a copy of the certificate that confirms compliance of circulation of such organic products with legal requirements in the sphere of organic production, circulation and labelling of organic products, issued by the certification body.

4. Products, certified as organic in accordance with the legislation other than the legislation of Ukraine, shall be accompanied by a copy of the certificate that confirms organic production and/or circulation of these organic products, issued by the foreign certification body included into the List of foreign certification bodies.

Title VIII - STATE CONTROL (SURVEILLANCE) IN THE SPHERE OF ORGANIC PRODUCTION, CIRCULATION AND LABELLING OF ORGANIC PRODUCTS

Article 38. State control (surveillance) in the sphere of organic production, circulation and labelling of organic products

1. State control (surveillance) in the sphere of organic production, circulation and labelling of organic products of the operators' activities shall be exercised by the central executive body implementing the State policy in the sphere of safety and separate quality parameters of processed products, in accordance with the [Law of Ukraine](#) "On the State Control of Compliance with the Legislation on Food, Feed, By-Products of Animal Origin, Animal Health and Well-Being", and of the activities of the certification bodies - in accordance with the [Law of Ukraine](#) "On the Main Principles of the State Supervision (Oversight) in the Area of Commercial Activity" taking into account the provisions of the present Law

2. State control (surveillance) in the sphere of organic production, circulation and labelling of organic products shall be exercised by way of carrying out scheduled and unscheduled measures:

monitoring of organic products on the market with the view to prevent non-organic products with organic labelling from entering the market;

audit of activities of the certification bodies;

selective audit of activities of the operators.

3. If the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products discovers non-compliance of organic production and circulation of organic products to legal requirements in the sphere of organic production, circulation and labelling of organic products, an order shall be issued to the operator regarding elimination of the violations of legal requirements in the sphere of organic production, circulation and labelling of organic products, and the respective notice shall be sent to the certification body. The operator should take appropriate steps to eliminate such violation within the term set by the central executive body implementing the State policy in the sphere of safety and certain quality parameters of processed products.

Article 39. Powers of the officials in charge of the State control (surveillance) in the sphere of organic production, circulation and labelling of organic products

1. Officials in charge of the State control (surveillance) in the sphere of organic production, circulation and labelling of organic products, with the view to fulfill the tasks assigned to them, within the scope of their powers, are entitled to:

freely visit the objects being checked, receive the information and documents required to perform State control (surveillance), samples of raw materials and other materials and final products for carrying out laboratory research;

issue orders regarding elimination of the violations of legal requirements in the sphere of organic production, circulation and labelling of organic products;

issue executive acts (regulations, decisions) regarding recall or withdrawal of the products not complying with requirements of the legislation on organic production, circulation and labelling of organic products, if such products bear the State organic logo or marks and words 'organic', 'biodynamic', 'biological', 'ecological', and any words that are their cognates and/or derived from them with prefixes 'bio-', 'eco-', etc. in any language.

Title IX - RESPONSIBILITY FOR THE VIOLATION OF LEGISLATION ON ORGANIC PRODUCTION, CIRCULATION AND LABELLING OF ORGANIC PRODUCTS

Article 40. Responsibility for the violation of legislation on organic production, circulation and labelling of organic products

1. Operators shall be held responsible for the violations as follows:

1) failure to comply or timely comply with legal requirements (orders, executive acts) regarding elimination of the violations of legal requirements in the sphere of organic production, circulation and labelling of organic products -

shall result in the imposition of a fine: on legal entities in the amount of eight minimum wages; on individual entrepreneurs in the amount of five minimum wages;

2) failure to submit or timely submit information regarding the amounts of organic products being released into circulation, or submission of unreliable information thereof, -

shall result in the imposition of a fine: on legal entities in the amount of five minimum wages; on individual entrepreneurs in the amount of three minimum wages;

3) labelling of the products with the State organic logo, or labelling these products using the marks and words 'organic', 'biodynamic', 'biological', 'ecological', and/or any words that are their cognates and/or derived from them with prefixes 'bio-', 'eco-', etc. in any language, in the absence of the certificate confirming compliance of the process of production and circulation of the products with requirements of the legislation on organic production, circulation and labelling of organic products, -

shall result in the imposition of a fine: on legal entities in the amount of eight minimum wages; on individual entrepreneurs in the amount of five minimum wages.

2. Certification bodies shall be held responsible for the violations as follows:

1) failure to comply or timely comply with legal requirements (orders, executive acts) regarding elimination of the violations of legal requirements in the sphere of organic production, circulation and labelling of organic products -

shall result in the imposition of a fine in the amount of eight minimum wages;

2) failure to submit or timely submit information stipulated by the present Law or report about the certificates issued by them, or submission of unreliable information or report -

shall result in the imposition of a fine in the amount of five minimum wages;

3) violation of the requirements of this Law regarding certification of organic production and/or circulation of organic products that resulted in unlawful issuance of the certificate, -

shall result in the imposition of a fine in the amount of sixteen minimum wages;

4) repeated violation of the requirements of this Law regarding certification of organic production and/or circulation of organic products that resulted in unlawful issuance of the certificate, -

shall result in the imposition of a fine in the amount of twenty-four minimum wages.

3. Persons that sell products labelled as organic shall be held responsible for the violations as follows:

1) releasing into circulation or selling the products without the certificate that certifies conformity of the process of production and/or circulation of the products to legal requirements

in the sphere of organic production, circulation and labelling of organic products or to legal requirements of the country of origin of such products, -

shall result in the imposition of a fine: on legal entities in the amount of eight minimum wages; on individual entrepreneurs in the amount of five minimum wages.

Article 41. Proceedings in the cases concerning violations of the legislation on organic production, circulation and labelling of organic products

1. Proceedings in the cases concerning violation of the legislation on organic production, circulation and labelling of organic products by the operators, certification bodies and persons that sell products labelled organic, shall be performed in accordance with the provisions of [Article 66](#) of the Law of Ukraine "On the state control of compliance with the legislation on food, feed, by-products of animal origin, animal health and well-being".

Title X - INTERNATIONAL COOPERATION

Article 42. International cooperation of Ukraine in the sphere of organic production, circulation and labelling of organic products

1. International cooperation of Ukraine in the sphere of organic production, circulation and labelling of organic products shall be implemented by way of:

taking part in the work of respective international organisations;

concluding international agreements, including bilateral agreements on mutual recognition in the sphere of organic production;

harmonization of the national legal acts in the sphere of organic production, circulation and labelling of organic products with the rules and standards of the respective international organisations;

adapting the legislation of Ukraine in the sphere of organic production, circulation and labelling of organic products to the respective legislation of the European Union;

information exchange in the sphere of organic production, circulation and labelling of organic products;

fostering mobilization of international technical assistance and investments for establishment and development of organic production and circulation of organic products;

fostering development of export and import of organic products.

2. Where an international agreement of Ukraine, approved as binding by the Verkhovna Rada of Ukraine, establishes rules other than those stipulated by this Law, the rules of the international agreement shall be applied.

Title XI - TRANSITIONAL PROVISIONS

1. Within six months after the entry into force of the present Law, the enterprises, institutions, organisations, or their branches, which acted for the day of its entry into force on the territory of Ukraine as conformity assessment bodies in accordance with the [Law of Ukraine](#) “On production and circulation of organic agricultural products and raw materials”, or as certification bodies in accordance with the rules and standards recognized in the foreign states or international organisations (hereinafter ‘the actors’), shall be included into the Register of Certification Bodies on the basis of their application. Such actors shall be withdrawn from the Register of Certification Bodies in case of violation by them of requirements of the present Law, except the requirements of the provisions [of Parts One - Three](#) of Article 28 of this Law. Exclusion of the actors from the Register of Certification Bodies on the basis of their non-conformity to the requirements of Parts One - Three of Article 28 of the present Law is allowed after termination of a six-month period during which the above mentioned actors had to be included into the Register of Certification Bodies.

2. Within 18 months from the day of entry into force of this Law, economic operators shall be entitled to use the words ‘organic product’, as well as marks and words ‘organic’, ‘biodynamic’, ‘biological’, ‘ecological’, and any stem words and/or words derived from them with prefixes ‘bio-’, ‘eco-’, etc., only if they have the valid certificate issued by the actor included into the Register of certification bodies.

Title XII - FINAL PROVISIONS

1. This Law shall enter into force from the next day after its publication and shall apply after one year from the date of its entry into force, except [Point 4](#) of this Title that shall apply from the day of entry into force of this Law.

2. From the day the present Law applies, the [Law of Ukraine](#) "On production and circulation of organic agricultural products and raw materials" (Bulletin of the Verkhovna Rada of Ukraine, 2014, No. 20-21, p. shall be considered null and void. 721; 2015, No. 21, p. 133).

3. The following laws of Ukraine shall be amended:

Subpoint 1) of Point 3 of Title XII – “FINAL PROVISIONS” has been deleted pursuant to the [Law of Ukraine No. 2740-VII](#) dated June 6, 2019.

2) in [Part One](#) of the Article 3 of the Law of Ukraine “On the state control of compliance with the legislation on food, feed, by-products of animal origin, animal health and well-being” (Bulletin of the Verkhovna Rada of Ukraine, 2017, No. 31, p. 343) the following sentence shall be added: “This Law also covers social relations related to exercise of the State control of activities of the market operators involved in organic production and/or circulation of organic products, including import (sending) into the customs territory of Ukraine, with the view to ensure compliance of this activity with the legislation on food and feed products, animal health and animal well-being, as well as with the legislation on organic production, circulation and labelling of organic products.”

4. The Cabinet of Ministers of Ukraine shall, with the view to ensure appropriate conditions for implementation of the present Law, take steps to harmonize legal acts with this Law, providing for their entry into force at the same time when the present Law applies, by way of:

1) harmonization of its legal acts with this Law and adoption of legal acts envisaged by this Law;

2) ensuring harmonization by the Ministries and other central executive authorities of their respective legal acts with this Law and adoption by them of legal acts envisaged by this Law;

3) ensuring that the Register of Operators, Register of Certification Bodies, Register of Organic Seeds and Planting Materials, as well as the List of Foreign Certification Bodies envisaged by this Law function by the date the present Law applies.

President of Ukraine

Kyiv

July 10, 2018

No. 2496-VIII

P. POROSHENKO