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SPECIFIC ASPECTS OF LEGISLATIVE REGULATION OF FEED MIX PRODUCTS EXPORT FROM UKRAINE TO THE EU COUNTRIES

Abstract

The products of the domestic agro-industrial sector have been one of the key business cards of Ukraine for several years now. This is confirmed by significant indicators of exports of agricultural products and its geography around the world. Among the importing countries, the largest share is made by the member states of the European Union (EU), the volume of exports to which is increasing every year, which makes the issue of legislative regulation of exports to the EU increasingly important. On January 1, 2016, the Deep and Comprehensive Free Trade Area (DCFTA) of Ukraine with the EU began to function, which was preceded by the signing of the Association Agreement between the parties. The Regulation on the Establishment of a Deep and Comprehensive Free Trade Area is designed to ensure close economic integration between Ukraine and the European Union. This Agreement also provides for a Plan of Harmonization of Ukrainian Legislation, which should gradually comply with EU technical regulations and systems of standardization, accreditation, conformity assessment and market surveillance of the EU, as well as adhere to the principles and practices of current EU decisions and regulations. In particular, the harmonization of Ukraine's national standards and legislation with the EU in the framework of the Association Agreement with the EU means that the production of Ukrainian goods for the domestic market will also follow European practices and standards. Mandatory requirements are unconditional and are usually enshrined in regulations of the European Union and EU member states, the so-called EU Commission regulations. Harmonization in the field of sanitary and phytosanitary measures will facilitate the procedure for access to EU markets for Ukrainian agricultural and food producers, while protecting the lives and health of humans, farm animals and poultry, in particular through the Association Agreement recognizing the equivalence of sanitary equivalence and phytosanitary measures. The article reviews the regulations, principles and practices for the export of feed products from Ukraine, the volume of which is increasing every year and today is already accounted for more than 2.3 million euros.

Key words: export to the EU, feed quality, microbiological indicators, feed market.

Introduction

According to the State Statistics Service of Ukraine exports of goods and services from Ukraine for the first half of 2021 increased by 25.5% (by \$ 7.1 billion) compared to the indicators of the first half of 2020 [1]. The largest share in Ukrainian exports is taken by the products of the agro-industrial complex and food industry (36.1%) [1]. The main trade partners of Ukraine in export of goods in the first half of 2021 were EU countries (39.7%), China (14.3%), Turkey (6.0%), the Russian Federation (5.1%), India (3.8%), Egypt (2.5%), Belarus (2.3%), the United States (2.1%), Great Britain (1.7%), Iraq (1.4%) [1].

The EU countries (27) remain the biggest trade partners of Ukraine. The share of these countries in foreign trade turnover of goods and services of Ukraine in the first half of 2021 was 40.0%. During the first quarter of 2021 the foreign trade turnover of Ukraine with EU countries (27) increased by 32.3% (by \$6.8 billion) and amounted to \$27.7 billion. [1]. The above-mentioned statistical data show the potential for Ukrainian producers to put their products on the market of the EU countries to establish permanent and mutually beneficial foreign economic relations. But in order to realize this potential, it is necessary to comply with a number of legislative requirements in the regulation of production processes to meet the required level of product quality. This article covers the main legislative requirements for ex-

port of mixed fodder products to the EU countries in accordance with the current legislation.

Analysis of literature

According to the Agreement on the Association between Ukraine and the European Union as of 01.01. 2016 goods produced in Ukraine have a possibility to export to the EU under the following trade regimes: general (erga omnes - "for all") and preferential, within the General System of Preferences and preferential within the framework of the Treaty on the Association of Ukraine and the EU (free trade regime) [2]. The export regime is determined by the form of certificate of origin ("declaration invoice"), which is given during the customs clearance. To obtain the certificate of origin or "declaration-invoice" the exporter is required to prepare the appropriate documents confirming that the goods being declared have the origin in accordance with the provisions of Protocol I of the EU Treaty [2, 3]. Two kinds of requirements are distinguished for the implementation of products in the EU market: mandatory and voluntary. Mandatory requirements are unconditional and are enshrined in the regulatory and legal acts of the EU and EU member states. Voluntary requirements for Ukrainian companies that cooperate with certain categories of contractors (e.g., large European food companies) are often mandatory for compliance [3]. Compliance with all requirements by Ukrainian producers allows for legal



transfer of goods to the customs territory of the European Union.

The most significant among the categories of requirements of the EU regulatory field are the requirements to the quality of the product itself. The relationship between such factors as balanced quality fodder, physiological state, conditions of keeping of livestock and birds and microflora of herbage system determines the normal functioning of ecosystem of the herbal tract of the animal and influences their productivity [4]. It is scientifically established and practically confirmed that only for a full and balanced year of livestock animals are able to maximally realize their genetic potential of productivity [4]. In advanced farms, where rations are balanced by 20-30 indicators, the highest results are obtained by realizing the genetic potential of animal productivity [5].

Public interest in the presence of various types of xenobiotic in the food supply is due to the incidents that occurred in the late 20th century and at the beginning of the new century led to significant contamination of various groups of food products and significant economic costs.

For example, in the second half of 1997, in Germany and the Netherlands a gradual increase in the concentration of dioxin in samples of milk, tinned pork and cow meat was observed. After the investigations the source of the contamination was established. It turned out to be citrus pulp from Brazil, which was used as food for chewing animals and which was neutralized by dioxin-laden vapor before consumption. The citrus pulp-polluted food contained 10-20 times more dioxins compared to the background levels. As a result, nearly 92000 tons of citrus pulp worth 10 million US dollars were eliminated in the EU [6].

According to the Food and Agriculture Organization of the United Nations (FAO), due to the large distribution of microscopic fungi practically in all biotopes and their high adaptive properties, up to 25-40% of forage is often destroyed by plasnetic saprophytes [7].

Research task and goal

The research is aimed at analyzing data on Ukrainian export of food products and mixed fodder, consolidation of EU regulatory legal acts on requirements for fodder export by main groups.

Research results

During the last 10 years the approaches to quality management of feed and food products have changed in Ukraine together with intensification of feed and food production [8]. Signing of the Treaty on Cooperation between Ukraine and the European Union became the basis for a number of changes in the Ukrainian legislation. The Law of Ukraine "On state control and observance of legislation on food products, feed, animal by-products, health and well-being of animals", 2017, "On safety and hygiene of mixed fodders", 2018, have gained legal force, developed for the purpose of harmonization of Ukrainian legislation on state supervision (control), which is carried out to verify compliance with Ukrainian legislation on safety and quality of food products, feed, health and welfare of animals in accordance with EU Regulations No. 854/2004, No. 882/2004, No. 669/2009

and EU Council Directive No. 97/78/EC.

EU regulations also require producers of feed for non-productive animals to comply with HACCP principles: "Joint implementation of procedures based on the principles of the Hazard Analysis and Critical Control Points (HACCP) System, which are designed to enhance the accountability of the feed sector.

According to the law "On the safety and hygiene of fodder". [9] which came into force since the beginning of 2021 and for the next three years it is allowed to import and use without any problems in Ukraine without state registration the forages and fodder additives permitted in the EU countries. The license also applies to pre-packaged feed produced with use of feed additives registered in EU as long as such feed is produced by producers whose capacities are located either in Ukraine or in EU member states or have a permit for import to EU. Production, import or relocation to the customs territory of Ukraine, handling and use of ready feed, premixes and feed additives registered in accordance with the Law of Ukraine "On Veterinary Medicine" are permitted. [10], on condition of availability of valid registration certificates issued for the appropriate ready feeds, premixes and feed additives.

Fodder must comply with all requirements of normative documents that apply to compound feed intended for use in the year of the animals of all species, age and age groups [8]. State, interstate, departmental standards provide a wide range of indicators of quality and safety of finished products.

This means that if food and feed products imported to the EU violate the provisions of these legislative acts, they cannot be allowed to be placed on the EU markets.

According to the rules of import:

- the exporting third country must be included in the list of countries (third country establishments [11]) that have the right and permit for export of the corresponding category of products or animals on the territory of the EU;

- Animal products may only be imported to the EU territory if they have been produced in an enterprise of a third country that has the required certification;

- imports of animals and animal products must be accompanied by certificates of health, signed by the veterinary representative of the competent authority of the third country, which exports.

As of June 11, 2021 Ukraine has 21 production facilities from the list of Pet food plants (Including plants manufacturing dogs chews and flavoring innards) Third country establishments and 3 production facilities from the list of Plants or establishments manufacturing intermediate products [11].

Safety and quality of feed are key tasks for all companies involved in this area, because loss of control over them can lead to significant consequences. System control is the basic approach to reduce risks and improve quality. Companies wishing to enter foreign markets, in particular European markets, must be certified according to the standards recognized by the International Organization GMP +. GMP + standards were developed to harmonize the requirements for feed to ensure their quality and safety for all stages of production line [8]. The

Table 1 General legislative requirements and regulatory assets for the export of mixed fodder to the EU in accordance with the EU Commission Regulations

General requirements for feed hygiene:	
<p><u>General Principles of Food Law</u> EU REGULATION (EC) No. 178/2002 of the European Parliament and Council of 28 June 2002 to establish general principles and requirements for food legislation, the establishment of a European Food Safety Authority and procedures for food safety issues.</p> <p><u>General sanitary and hygienic requirements for livestock</u> European Parliament and Council Regulation No.183/2005 establishing sanitary standards for foodstuffs; European Commission Regulation 141/2007 of 14 February 2007 incorporating the requirements for establishing a European Parliament and Council Regulation 183/2005 on the feed business for the production or placement on the market of feed additives of the coccidionepesticides category.</p>	<p>EC Regulation No. 183/2005 on ensuring the safety of feed in the food chain, from the primary production of feed and to the time of livestock or poultry.</p> <p>According to the general requirements:</p> <ul style="list-style-type: none"> - Operators have a general obligation to maintain food safety and processes within their area of responsibility; - general health and hygiene conditions for primary production and detailed requirements at all stages of production, processing and distribution of food products; - Compliance with microbiological criteria on the basis of risk criteria and procedures based on the principles of risk analysis and critical control points (HACCP); - Mandatory registration of all business operators; - Implementation of a system for more sensitive events.
Particular requirements for the labeling of feed materials and mixed feed:	
<p>European Parliament and Council Regulation (EC) No. 767/2009 of 13 June 2009 on the management and use of feeds amending European Parliament and Council Regulation (EC) No. 1831/2003 and repealing EU Commission Directive 79/373/EEC, Commission Directive 80/511/EEC, Commission Directives 82/471/EEC, 83/228/EEC, 93/74/EC, 93/113/EC and 96/25/EC, as well as Commission Decision 2004/217/EC;</p> <p>COMMISSION REGULATION No. 68/2013 of June 16, 2013 on the Catalogue of Fodder Materials;</p> <p>COMMITTEE DIRECTIVE 90/167/EC of 26 March 1990 laying down the conditions governing the preparation, placement on the market and use of medicinal feeds in the Society;</p> <p>COMMISSION DIRECTIVE 2008/38/EC of 5 March 2008 on the establishment of a list of prescribed animal feeds for specific animal welfare purposes;</p> <p>82/475/EEC DIRECTIVE of the Commission of 23 June 1982 defining the categories of ingredients which can be used for the branding of compound feed for domestic animals.</p>	<p>EU legislation establishes a list of materials and ingredients that are prohibited for consumption or use in animal feed, as well as lists of materials allowed for use in certain animal feed. Products must comply with specific labeling and packaging requirements, such as the list of materials and ingredients and their designations to be shown on the label, as well as limitations due to the type of packaging or containers for mixed feed.</p>
Special rules of feed marketing and use of certain products in animal nutrition:	
<p>European Parliament and Council REGULATION (EC) No. 1829/2003 of June 22, 2003 on genetically modified food and feed;</p> <p>REGULATION No. 450/2009 on Bioproteins and Novel Food (Novel food);</p> <p>European Parliament and Council REGULATION No. 1830/2003 of June 22, 2003 on the protection and labeling of genetically modified organisms and the protection of food and feed, on the application of the provisions of Directive 2001/18/EC and on the introduction of amendments to Directive 2001/18/EC;</p> <p>European Commission Regulation (EC) No. 641/2004 of 06 June 2004 on detailed rules for the implementation of European Parliament and Council Regulation (EC) No. 1829/2003 on applications for the authorization of new genetically modified food and feed products, as well as</p>	<p>REGULATION (EC) No. 767/2009 establishes the rules for market placement and use of feed for animals, regardless of whether they are used for the production of food within the Union, as well as the requirements for labeling, packaging and presentation. This Regulation also stipulates the creation of a catalog of feed materials, which is approved by the EU Regulation (EC) No. 68/201343.</p> <p>EU Regulation (EC) No. 1829/200344 establishes that no person shall market, use or produce feed that is composed, contained or made with GMOs, except in cases where the requirements for a permit are met and the provisions for labeling are complied with.</p> <p>All feed additives, which are used to improve the quality of feed or to improve the productivity and health of animals (e.g. due to the improvement of assimilation of feed materials) can enter the market only after obtaining a li-</p>



<p>on notification of existing products and accidental or technologically undeviating presence of genetically modified material for which there is a positive risk assessment;</p> <p>EU Regulation (EC) No. 503/2013 of June 3, 2013 on applications for the recognition of genetically modified food and feed products in compliance with EU Regulation (EC) No. 1829/2003 of the European Parliament and Council;</p> <p>DIRECTIVE No. 2001/18/EC of 12.03.2001 on environmentally friendly release of genetically modified organisms, which repeals EU Directive 90/220/EEC;</p> <p>EU Commission Decision 2009/770/EC of 13 June 2009 establishing standard reporting formats for reporting findings of release of genetically modified organisms into the environment or on products for the purpose of placing them on the market in accordance with Directive 2001/18/EC of the European Parliament and Council;</p> <p>EC REGULATION (EC) No. 1831/2003 of the European Parliament and Council of 22 December 2003 on additives for use in the feeding of animals;</p> <p>European Commission Regulation (EC) No. 230/2013 of March 14, 2013 on the exclusion from the market of certain feed additives belonging to the group of volatile and palatable products.</p>	<p>cense with a previous scientific assessment to confirm that, that the additive does not harm the health of people and animals, as well as the environment. Permits are issued for specific breeds of animals, specific conditions of use and for ten years and can be revoked for administrative reasons.</p>
Feed control:	
<p>EU REGULATION (EC) No. 882/2004 of the European Parliament and Council of 29 June 2004 on official controls to ensure verification of compliance with feed and food laws, animal health regulations, and animal welfare;</p> <p>Commission Regulation (EC) No 669/2009 of 24 June 2009 implementing European Parliament and Council REGULATION (EC) No 882/2004 on enhanced official Measures for the Control of Imports of Certain Food and Feed Products and for Modification of Decision 2006/504/EC;</p> <p>COMMISSION STANDARD (EC) REGULATION No. 152/2009 of 27 June 2009 on establishment of selection and analysis methods for official control of fodder;</p> <p>COMMISSION REGULATION (EC) No. 619/2011 of June 24, 2011 on establishing methods of sampling and analysis for official control of foodstuffs for the presence of genetically modified material for which the scope of the control certificate has not yet been reviewed or the period of validity of the certificate has expired;</p> <p>COMMISSION REGULATION (EC) No. 1079/2013 of June 31, 2013 on establishing transitional arrangements for the implementation of EU REGULATIONS (EC) No. 853/2004 and (EC) No. 854/2004 of the European Parliament and Council;</p> <p>Commission Regulation (EC) No. 2074/2005 of 5 December 2005 on establishing measures for the implementation of certain products in compliance with European Parliament and Council Regulation (EC) No. 853/2004 Council and on the organization of official control in accordance with EU Regulation (EC) No. 854/2004 of the European Parliament and the Council and EU Regulation (EC) No. 882/2004 of the European Parliament and the Council, which departs from European Parliament and Council REGULATION (EC) No. 852/2004 and amends EC REGULATION (EC) No. 853/2004 and (EC) No. 854/2004.</p>	<p>EC REGULATION (EC) No. 882/2004 establishes the EC framework on general rules for the organization of official control of compound feeds.</p> <p>In addition, the regulation - Commission Regulation (EC) No 669/2009 (OJ L-194 25/07/2009) (CELEX 32009R0669) - specifies that imports of certain feed products are subject to a higher level of official control at a designated point of entry on the basis of known or possible risks. The prerequisite for the entry of these products is the provision of a so-called "Common Document of Access (CED) in accordance with the provisions of this regulation.</p> <p>Upon arrival on site the products and accompanying certificates (hygienic certificate) are examined by veterinary staff in accordance with the provisions of the Directive 97/78/EC.</p> <p>Procedures for veterinary control at the level of border inspection posts for goods imported from third countries are specified in the Commission Regulation (EC) No. 2019/2130.</p>



standards are based on the universally recognized principles of safety assurance - HACCP. Through the rules of certification GMP + black line runs the prevention of contamination, compliance with the requirements (composition, technology, control strategies, change management, etc.).

Antibiotics (Biomycin, Flavomycin, Avoparcin, Virgillinimycin, Tylosin Phosphate etc.) are used to fight pathogenic microflora as well as for preventive purposes in feed mixes and premixes, about 61% of companies outside the EU or 70% in the EU give preference to these drugs.

According to EU regulation No. 1831/2003 probiotics are included in the class of "zootechnical additives" as flora stabilizers grass system. In accordance with EU regulation 1831/2003 the license shall be issued in accordance with the procedure specified in this regulation, must be valid for 10 years in the entire EU and must be renewed in accordance with Article 14 of this regulation. The permitted feed additive must be entered in the register, which is mentioned in the article 17 of this regulation.

Conclusions

According to the reports on the implementation of the Plan for the Implementation of the Cooperation Treaty, there was a significant gap in the harmonization of legislation and standards, especially in such areas as customs reform, protection of intellectual property rights, etc. [12]. After Ukraine has harmonized its standards and legislation to a certain extent, it will also be necessary to constantly update and address changes in the EU legislation and standards for producers-exporters, which will greatly facilitate access of Ukrainian products to the EU markets, as well as markets of other countries.

A strong food safety policy is based on a comprehensive and unified concept, which covers the entire production line "from producer to consumer" as well as all sectors of the food industry in all member states, the entire geographic region of the EU as well as its external corridors. Adherence to this policy and legislative regulation will enable domestic producers to increase the volume of products exported and reduce the risk of penalties in case of non-compliance with the requirements.

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ОСОБЛИВОСТІ ЗАКОНОДОВЧОГО РЕГУЛЮВАННЯ ЕКСПОРТУ КОМБІКОРМОВОЇ ПРОДУКЦІЇ З УКРАЇНИ ДО КРАЇН ЄС

Анотація

Продукція вітчизняного агропромислового сектора вже котрий рік залишається однією з ключових візитівок України. Це підтверджується значними показниками експорту продукції АПК та його географією по усьому Світу. Серед країн імпортерів найбільшу частку складають країни члени Європейського союзу (ЄС), об'єми експорту до якого щороку збільшуються, що робить питання законодавчого регулювання експорту до ЄС дедалі актуальнішим. З 1 січня 2016 року почала функціонувати поглиблена та всеосяжна зона вільної



торгівлі (DCFTA – Deep and Comprehensive Free Trade Area) України з ЄС, чому передувало підписання Угоди про асоціацію між сторонами. Положення про створення глибокої та всеосяжної зони вільної торгівлі покликане забезпечити тісну економічну інтеграцію України та Євросоюзу. Цією Угодою також передбачений План гармонізації законодавства України, відповідно якого має поступово досягти відповідності з технічними регламентами ЄС та системами стандартизації, акредитації, робіт з оцінки відповідності та ринкового нагляду ЄС, а також дотримуватись принципів та практик, передбачених актуальними рішеннями та регламентами ЄС. Зокрема, гармонізація Україною національних стандартів і законодавства з ЄС в рамках виконання Угоди про асоціацію з ЄС означає, що виробництво українських товарів для внутрішнього ринку також буде відбуватися за європейськими практиками й стандартами. Обов'язкові вимоги є безумовними і зазвичай закріплені в нормативних актах Європейського Союзу та країн-членів ЄС, так званих регламентах комісії ЄС. Гармонізація у сфері санітарних та фітосанітарних заходів сприятиме спрощенню процедури доступу на ринки ЄС для українських виробників аграрної та харчової продукції, забезпечуючи при цьому охорону життя і здоров'я людей, сільськогосподарських тварин та птиці, зокрема, завдяки передбаченому в Угоді про асоціацію механізму визнання еквівалентності санітарних та фітосанітарних заходів. У статті зроблено огляд регламентів, принципів та практик для експорту комбікормової продукції з України, об'єми якого щороку збільшуються та на сьогодні вже обліковуються понад 2,3 млн євро.

Ключові слова: експорт до ЄС, якість комбікормів, мікробіологічні показники, ринок кормів.

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