

CABINET OF MINISTERS OF UKRAINE

RESOLUTION

of 22 September 2021 No. 1005

Kyiv

On approval of the criteria for assessing the degree of risk from the certification body's economic activity in the field of organic production, circulation and labelling of organic products and determining the frequency of scheduled state supervision (oversight) measures by the State Service on Food Safety and Consumer Protection

In accordance with part two of Article 5 of the Law of Ukraine "On the Main Principles of State Supervision (Oversight) in the Area of Commercial Activity", the Cabinet of Ministers of Ukraine **has resolved:**

To approve the criteria for assessing the degree of risk from the certification body's economic activity in the field of organic production, circulation and labelling of organic products and determining the frequency of scheduled state supervision (oversight) measures by the State Service on Food Safety and Consumer Protection, as attached hereto.

Prime Minister of Ukraine

D. SHMYHAL

APPROVED
by the Resolution of the Cabinet of Ministers
of Ukraine
of 22 September 2021 No. 1005

CRITERIA

for assessing the degree of risk from the certification body's economic activity in the field of organic production, circulation and labelling of organic products and determining the frequency of scheduled state supervision (oversight) measures by the State Service on Food Safety and Consumer Protection

1. The criteria for assessing the degree of risk from the certification body's economic activity in the field of organic production, circulation and labelling of organic products shall be as follows:

duration of the certification body's economic activity in the field of organic production, circulation and labelling of organic products;

the number of branches for which the certification body carries out certification of organic production and/or circulation of organic products;

the number of violations by the certification body of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state supervision (oversight) measures taken during the last five years preceding the planning period;

the types of violations by the certification body of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state supervision (oversight) measures taken during the last five years preceding the planning period;

the number of unscheduled measures of state supervision (oversight) over compliance with the legal requirements in the field of organic production, circulation and labelling of organic products carried out in relation to the certification body during the last five years preceding the planned period, on the grounds provided for in paragraphs three, five, seven and eight of part one of Article 6 of the Law of Ukraine "On the Main Principles of State Supervision (Oversight) in the Area of Commercial Activity", which revealed violations.

2. Risks of negative consequences from the certification body's economic activity in the field of organic production, circulation and labelling of organic products are defined in Annex 1.

3. An exhaustive list of the criteria for assessing the degree of risk from the certification body's economic activity in the field of organic production, circulation and labelling of organic products, their indicators and the score for each indicator is set out in Annex 2.

4. Placing a business entity into a high, medium or low risk category shall be based on the total score for all criteria set out in Annex 2, according to the scale as follows:

score 41 to 100 — high risk;

score 21 to 40 — medium risk;

score 0 to 20 — low risk;

5. Scheduled measures of state supervision (oversight) over the compliance of a business entity with the legal requirements in the field of organic production, circulation and labelling of organic products shall be carried out with the following frequency:

for high-risk businesses — no more than once every two years;

for medium-risk businesses — no more than once every three years;

for low-risk businesses — no more than once every five years;

6. If, based on the results of scheduled and unscheduled state supervision (oversight) measures over the past six years for business entities classified as medium risk, and over the past ten years for business entities classified as low risk, no significant violations of the legal requirements in the field of organic production, circulation and labelling of organic products have been identified in the business entity, the next scheduled state supervision (oversight) measure in respect of such business entity shall be carried out not earlier than after the time period established for the relevant risk level, increased by 1.5 times.

RISKS

of negative consequences from the certification body's economic activity in the field of organic production, circulation and labelling of organic products

Objectives of state supervision (oversight) (code)	Risk of negative consequences from economic activity		Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures*
	an event with a risk of negative consequences	negative consequence	
1. Proper quality of products, works and services (non-property benefits) (O2)	improper activities of the certification body in the certification of organic production and/or circulation of organic products	moral damage caused to the consumer of organic products	the duration of the certification body's economic activity in the field of organic production, circulation and labelling of organic products; the number of branches for which the certification body carries out certification of organic production and/or circulation of organic products;
2. Proper quality of products, works and services (property benefits) (O3)	improper activities of the certification body in the certification of organic production and/or circulation of organic products taking an unjustified decision to issue or refuse to issue a certificate, as well as violation of the terms of the	damage caused to the operator damage caused to the consumer of organic products	the number of violations by the certification body of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state supervision

Objectives of state supervision (oversight) (code)	Risk of negative consequences from economic activity		Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures*
	an event with a risk of negative consequences	negative consequence	
	certification agreement		(oversight) measures taken during the last five years preceding the planning period; the types of violations by the certification body of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state supervision (oversight) measures taken during the last five years preceding the planning period; the number of unscheduled measures of state supervision (oversight) over compliance with the legal requirements in the field of organic production, circulation and labelling of organic products carried out in relation to the certification body during the last five years preceding the planned period, on the grounds provided for in paragraphs three, five, seven and eight of part one of Article 6 of the Law of Ukraine "On the Main Principles of State
3. Other public interests (O6)	improper activities of the certification body in the certification of organic production and/or circulation of organic products	reputational losses of the state due to the distrust of international trade partners towards domestic production and/or circulation of organic products	

Objectives of state supervision (oversight) (code)	Risk of negative consequences from economic activity		Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures* Supervision (Oversight) in the Area of Commercial Activity", which revealed violations.
	an event with a risk of negative consequences	negative consequence	

* Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures shall be applied for the purposes of state supervision (oversight) specified in clauses 1–3.

AN EXHAUSTIVE LIST
of the criteria for assessing the degree of risk from the certification body's economic activity in the field of organic production, circulation and labelling of organic products, their indicators and the score for each indicator

Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures	Criteria indicators	Score
1. Duration of the certification body's economic activity in the field of organic production, circulation and labelling of organic products	less than 2 years	10
	2 to 5 years inclusive	5
	more than 5 years	0
2. The number of branches for which the certification body carries out certification of organic production and/or circulation of organic products	6 or more branches	30
	4 to 5 branches	20
	2 to 3 branches	10
	1 branch	0
3. The number of violations by the certification body of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state supervision (oversight) measures taken during the last five years preceding the planning period	5 or more violations	15
	3 to 4 violations	10
	2 violations	5
	1 violation	3
	no violations identified	0
4. The types of violations by the certification body of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state supervision (oversight) measures taken during the last five years preceding the planning period	1) presence of violations during the certification of organic production and/or circulation of organic products	30
	2) non-compliance with the requirements for the personnel of the certification body	20

Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures	Criteria indicators	Score
	3) non-compliance of the material and technical base and other infrastructure facilities necessary to perform the functions of certification of organic production and/or circulation of organic products with the legal requirements in the field of organic production, circulation and labelling of organic products	20
	4) violation of the procedure for consideration of operators' appeals against decisions of the certification body	15
	5) no violations of the legal requirements in the field of organic production, circulation and labelling of organic products were identified	0
5. The number of unscheduled measures of state supervision (oversight) over the compliance with the legal requirements in the field of organic production, circulation and labelling of organic products carried out in relation to the certification body during the last five years preceding the planning period, on the grounds provided for in paragraphs three, five, seven and eight of part one of Article 6 of the Law of Ukraine “On the Main	5 or more measures	15
	3 to 4 measures	10
	2 measures	5
	1 measure	3
	no measures taken	0

Criteria for assessing the degree of risk from economic activity and determining the frequency of scheduled state supervision (oversight) measures	Criteria indicators	Score
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Principles of State Supervision (Oversight) in the Area of Commercial Activity", which revealed violations
