

CABINET OF MINISTERS OF UKRAINE RESOLUTION

of 9 February 2022 No. 102
Kyiv

On Approval of the Procedure for determining the frequency of scheduled state control measures of compliance of the activities of operators (facilities) with the legal requirements in the field of organic production, circulation and labelling of organic products carried out by the State Service of Ukraine on Food Safety and Consumer Protection and the criteria for assessing the risk associated with such activities

In accordance with [paragraph 5](#) of part one of Article 5 of the Law of Ukraine "On state control over compliance with legislative acts on foodstuffs, feedstuffs, byproducts of animal origin and animal health and welfare," the Cabinet of Ministers of Ukraine **resolves**:

To approve the Procedure for determining the frequency of scheduled state control measures of compliance of the activities of operators (facilities) with the legal requirements in the field of organic production, circulation and labelling of organic products carried out by the State Service of Ukraine on Food Safety and Consumer Protection and the criteria for assessing the risk associated with such activities attached hereto.

Prime Minister of Ukraine	D. SHMYHAL
Ind. 75	

	APPROVED by the resolution of the Cabinet of Ministers of Ukraine of 9 February 2022 No. 102
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PROCEDURE for determining the frequency of scheduled state control measures of compliance of the activities of operators (facilities) with the legal requirements in the field of organic production, circulation and labelling of organic products carried out by the

State Service of Ukraine on Food Safety and Consumer Protection and the criteria for assessing the risk associated with such activities

1. This Procedure and criteria establish the procedure for determining the frequency of scheduled state control measures of compliance of the activities of operators (facilities) with the legal requirements in the field of organic production, circulation and labelling of organic products carried out by the State Service of Ukraine on Food Safety and Consumer Protection

2. The terms used in this Procedure and criteria shall have the meanings defined in the Laws of Ukraine [“On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products”](#) and ["On state control over compliance with legislative acts on foodstuffs, feedstuffs, byproducts of animal origin and animal health and welfare."](#)

3. The criteria for assessing the risk level from the operator's economic activity in the field of organic production, circulation and labelling of organic products shall be as follows:

the operator's type of activity;

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

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

the number of violations by the operator of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state control measures taken during the last three years preceding the year under planning;

the number of times the operator has applied exceptions from the requirements for organic production in the last three years preceding the year under planning;

presence of information from the certification body on violations by the operator of the legal requirements in the field of organic production, circulation and labelling of organic products identified in the last three years preceding the year under planning.

4. The frequency of scheduled state control measures in the field of organic production, circulation and labelling of organic products shall be determined on the basis of a risk-based approach in accordance with [Annex 1](#).

5. Placing an operator's facility into a high, medium or low risk category shall be based on the sum of points accrued for all criteria set out in [Annex 1](#), according to the scale as follows:

70 points or more — high risk;

31 to 69 points — medium risk;

0 to 30 points — low risk.

6. Scheduled state control measures shall be carried out at the following intervals:

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

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

for low-risk facilities — no more than once every five years.

7. The number of points that determine the risk level of the operator's facility is determined in the facility rating report in the format set out in [Annex 2](#).

8. The facility rating report shall be drawn up annually by state inspectors of the territorial bodies of the State Service of Ukraine on Food Safety and Consumer Protection for each operator's facility no later than on 1 November of the current year based on data from state registers, information received from certification bodies and based on the results of state control measures and other public information available as of 30 September of the current year.

The data specified in the facility rating report shall be entered into the information and telecommunication system of the State Service of Ukraine on Food Safety and Consumer Protection.

Annex 1

to the Procedure

RISKS

associated with carrying out the operators' economic activities in the field of organic production, circulation and labelling of organic products

Risk assessment criteria	Criteria indicator	Number of points
1. The operator's type of activity	circulation of organic products	5
	production of organic products	10
	production and circulation of organic products	15
2. The duration of the operator's economic activity in the field of organic production, circulation and labelling of organic products	more than 5 years	0
	3 to 5 years inclusive	5
	less than 3 years	10
3. The number of branches for which the operator carries out production and/or circulation of organic products	1 to 3 branches inclusive	0
	4 to 6 branches inclusive	5
	7 to 8 branches	10
4. The number of violations by the operator of the legal requirements in the field of organic	violations stipulated by paragraphs 1–3 of part one of Article 40 of the	0

production, circulation and labelling of organic products, identified as a result of state control measures taken during the last three years preceding the year under planning	Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" are absent	
	violations stipulated by paragraphs 1–3 of part one of Article 40 of the Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" are present — 1 to 3 inclusive	20
	violations stipulated by paragraphs 1–3 of part one of Article 40 of the Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" are present — more than 4	30
5. The number of times the operator has applied exceptions from the requirements for organic production in the last three years preceding the year under planning	none	0
	1–2	10
	3 or more	15
6. Presence of information from the certification body on violations by the operator of the legal requirements in the field of organic production, circulation and labelling of organic products identified in the last three years preceding the year under planning	information is absent	0
	information is present	5

Annex 2
to the Procedure

**REPORT No. _____
of rating the operator's facility in the field of organic
production, circulation and labelling of organic**

1. Company name or name, first name, patronymic (if available), identification code according to the USREOU (ЄДРПОУ) or taxpayer ID or passport series and number (for individuals who, due

to their religious beliefs, refuse to accept the taxpayer ID and have notified the relevant supervisory authority and have a note in their passport), location or place of residence of the operator _____

2. Facility name and address _____

3. Registration number or personal ID of the facility (if available) _____

4. Information about the certification body with which the agreement was concluded and about the certificate issued to the operator:

name and registration code of the certification body _____

certificate number and date of issue _____

certificate expiry date _____

5. Branch (branches) in the field of organic production and/or circulation of organic products in which the operator operates using the relevant facility _____

Risk assessment criteria	Criteria indicator	Number of points	Number of points awarded to the facility for each criterion
1. The operator's type of activity	circulation of organic products	5	
	production of organic products	10	
	production and circulation of organic products	15	
2. The duration of the operator's economic activity in the field of organic production, circulation and labelling of organic products	more than 5 years	0	
	3 to 5 years inclusive	5	
	less than 3 years	10	
3. The number of branches for which the operator carries out production and/or circulation of organic products	1 to 3 branches inclusive	0	
	4 to 6 branches inclusive	5	
	7 to 8 branches	10	

Risk assessment criteria	Criteria indicator	Number of points	Number of points awarded to the facility for each criterion
4. The number of violations by the operator of the legal requirements in the field of organic production, circulation and labelling of organic products, identified as a result of state control measures taken during the last three years preceding the year under planning	violations stipulated by paragraphs 1–3 of part one of Article 40 of the Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" are absent	0	
	violations stipulated by paragraphs 1–3 of part one of Article 40 of the Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" are present, 1 to 3 inclusive	20	
	violations stipulated by paragraphs 1–3 of part one of Article 40 of the Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" are present, more than 4	30	
5. The number of times the operator has applied exceptions from the requirements for organic production in the last three years preceding the year under planning	none	0	
	1–2	10	
	3 or more	15	
6. Presence of information from the certification body on violations by the operator of the legal requirements in the field of organic production, circulation and labelling of organic products identified in the last three years preceding the year under planning	no information	0	
	information is present	5	

Total points awarded to the operator's facility _____

Risk rating of the operator's facility _____

Date of the last inspection of the operator's facility _____

Frequency of scheduled state control measures for the facility _____

_____ 20 _____
(date of signing the facility rating report)

(position of the person drawing up the facility rating report)

(signature)

(first name and name)