



LAW OF UKRAINE

On the Peculiarities of the Legal Protection of Geographical Indications for Agricultural Products and Foodstuffs, Protection of Rights and Application of Quality Schemes, including Traditional Specialities Guaranteed for Agricultural Products and Foodstuffs

Section I. GENERAL PROVISIONS

This Law defines the legal and organizational principles of quality schemes for agricultural products and foodstuffs, specifics of preparation for registration, registration, use, and protection of geographical indications for agricultural products (agricultural commodities) and foodstuffs, control over such geographical indications, as well as legal principles of protecting traditional specialities guaranteed, including preparation for their registration, their registration, use, protection, and control.

Article 1. Terms and definitions

1. In this Law, the terms listed below shall have the following meanings:

1) expert commission shall mean a commission, formed by the specially authorized body, to review and approve product specifications and applications for registering traditional specialities guaranteed;

2) production stage shall mean producing (extracting), processing, and preparing agricultural products and foodstuffs;

3) unified document shall mean a document related to geographical indication, containing main provisions of specification and a description of a product's relationship with the geographical environment or the geographical place of the product's origin;

4) application shall mean a set of documents required to register a geographical indication or traditional speciality guaranteed;

5) applicant shall mean an association of persons or a person who applied for the approval of the specification in order to submit an application to register a geographical indication or a traditional speciality guaranteed and/or submitted the relevant application;

6) labelling shall mean words, descriptions, signs for products and services (trademarks), graphic images or symbols relating to agricultural products (agricultural commodities) and foodstuffs, which are placed on any packaging, label (sticker), or bottle collar, and in case of

no packaging, included in a document or message accompanying the related product or referring to it;

7) NIPA shall mean the National Intellectual Property Authority as used in the Law of Ukraine "On Legal Protection of Geographical Indications";

8) association of persons shall mean an assembly two or more persons, regardless of the organizational and legal form or composition of the assembly;

9) market operator shall mean a natural or legal person who is a producer (manufacturer or processor) of agricultural products (agricultural commodities) and/or foodstuffs, or any other person who claims to be a producer and carries out primary production or production of agricultural products (agricultural commodities) and/or foodstuffs. Market operators also include persons who carry out activities with or without the purpose of making a profit and circulate agricultural products (agricultural commodities) and/or foodstuffs (distributors), as well as persons who store such products for the specified purposes;

10) certification body shall mean an enterprise, institution, organization or their structural subdivision that carries out certification activities according to this Law;

11) list of users shall mean a collection of data about market operators who use geographical indications or traditional specialties guaranteed for agricultural products and foodstuffs, as well as special quality indicators submitted by relevant market operators to the specially authorized body, summarized and made public by this body in an electronic format;

12) processed foodstuff shall mean a foodstuff obtained by processing an unprocessed foodstuff, which involves any process that significantly changes the primary foodstuff, including heating, smoking, canning, ripening, drying, pickling, extraction, extrusion, or a combination of these processes. The presence of ingredients necessary for processing or giving the product special characteristics is allowed in the processed foodstuff;

13) Register shall mean the State Register of Geographical Indications of Ukraine;

14) Register of certification bodies shall mean information about certification bodies authorized to carry out product certification according to this Law;

15) Register of traditional specialties guaranteed shall mean the State register of traditional specialties guaranteed, maintained in an electronic format by the specially authorized body;

16) registration shall mean state registration of a geographical indication or traditional speciality guaranteed;

17) certification shall mean the process of checking the product, for which the geographical indication or traditional speciality guaranteed is registered, for its compliance with the product specification;

18) specially authorized body shall mean a central executive body designated by the Cabinet of Ministers of Ukraine, which forms and implements the state agrarian policy, state agricultural policy, and state food security policy, and is empowered to approve product specification and amendments to it and control special qualities or other product characteristics regarding which geographical indications, traditional specialties guaranteed, and other quality schemes are applied, and is authorized to define the boundaries of geographical locations that special qualities or other characteristics are associated with, and producers of the specified products within these geographical locations;

19) product specification shall mean a collection of data about agricultural products (agricultural commodities) or foodstuffs for which a geographical indication or a traditional speciality guaranteed is used;

20) specific nature of the product shall mean characteristic features of production that make it possible to clearly distinguish the product from other similar products of the same category;

21) quality schemes shall mean the principles of recognition, legal protection, and application of geographical indications, names of the place of product origin, and traditional specialities guaranteed, as well as the use of mountain products and other special quality indicators, specified by this Law;

22) traditional speciality guaranteed shall mean a name that identifies an agricultural product (agricultural commodity) or foodstuff, which shall meet all of the following criteria: has specific characteristics that, as a result of using traditional ingredients, traditional composition of ingredients, and/or traditional production/processing technology, allow it to be clearly distinguished from other products of the same type; has been used in production and/or meets product specifications that have existed for at least 30 years prior to the entry into force of this Law; meets the criteria for granting legal protection under this Law.

Other terms are used in this Law in the meanings given to them in the laws of Ukraine "On Legal Protection of Geographical Indications," "On Basic Principles and Requirements for the Safety and Quality of Foodstuffs," "On State Control over Compliance with the Legislation on Foodstuffs, Stems, By-products of Animal Origin, Health and Well-being of Animals," and current international agreements with Ukraine, consent to the binding nature of which was given by the Verkhovna Rada of Ukraine.

Article 2. Scope

1. This Law shall extend to agricultural products and foodstuffs, intended for human consumption, and to other products related to them, specified in the following groups under UCGFEA, according to the Law of Ukraine "On the Customs Tariff of Ukraine":

1) groups 01-04 section I;

2) group 05 section I (only commodity subheading 0504 00 00 00, commodity heading 0511, in particular, guts, bladders and stomachs of animals, whole and pieces, other than fish, fresh, chilled, frozen, salted or in brine, dried or smoked; products of animal origin not elsewhere specified; dead animals of groups 01 or 03, unfit for consumption);

3) groups 06-13 section II;

4) group 15 chapter III (only commodity headings 1501, 1502, 1504, 1507, 1509, 1512, 1517, commodity heading 1503 00, in particular, pig fat (including lard) and poultry fat, excluding fat in commodity headings 0209 or 1503; fats of bovine animals, sheep or goats, excluding fat in commodity heading 1503; lard sterain, lard oil, oleosterain, oleo-oil and tallow oil, not emulsified, not mixed, not otherwise prepared; fats and oils and their fractions of fish or marine mammals, whether or not refined, not chemically modified; soya-bean oil and its fractions, whether or not refined, not chemically modified: sunflower-seed, safflower or cottonseed oil and fractions thereof, whether or not refined, but not chemically modified; olive oil and its fractions, whether or not refined, but not chemically modified; margarine; mixtures or products of animal and vegetable fats, oils or their fractions, excluding fats, oils and their fractions in commodity heading 1516);

5) group 16 section IV;

6) group 17 section IV (excluding commodity heading 1704: sugar confectionery (including white chocolate) not containing cocoa);

7) group 18 section IV (only commodity subheadings 1801 00 00 00 – cocoa beans, whole or broken, raw or roasted, 1802 00 00 00 – shells, skins (husks) and other cocoa waste);

8) group 20 section IV;

9) group 22 section IV (excluding natural mineral waters in commodity subheading 2201 10, commodity headings 2204, 2205, 2207, 2208);

10) group 23 section IV;

11) group 24 section IV (only commodity heading 2401: unmanufactured tobacco; tobacco refuse);

12) group 45 section IX (only commodity heading 4501: natural cork, raw or simply prepared; waste cork; crushed, granulated or ground cork);

13) group 53 section XI (only commodity headings 5301 and 5302: flax, raw or processed, but not spun; flax tow and waste (incl. yarn waste and garnetted stock); true hemp "Cannabis Sativa L.", raw or processed, but not spun; tow and waste of true hemp (incl. yarn waste and garnetted stock);

14) chocolate and other chocolate-based products; bread, ready-made grain, grain crops, and flour products, including cakes, pastries, cookies, flour confectionery; beverages based on plant extracts; pasta dough products, salt; natural gums, natural resins; mustard powder and ready-made mustard; hay; essential oils; cork; cochineal; flowers and decorative greenery; cotton; wool; vegetable plaiting materials; flax, scutched flax; raw hides and skins, leather; natural fur; feathers.

2. Relations between executive bodies, food market operators, and food consumers regarding the procedure for ensuring the safety and certain quality indicators of foodstuffs produced, in circulation, or imported (sent) to the customs territory of Ukraine and/or exported (sent) from it, are regulated by a separate law.

Article 3. Legislation on the protection of rights and application of quality schemes for agricultural products and foodstuffs

1. Legislation on the legal and organizational principles of quality schemes for agricultural products and foodstuffs, peculiarities of the legal protection of geographical indications for agricultural products (agricultural commodities) and foodstuffs in Ukraine, and legal protection of traditional specialties guaranteed consists of the Law of Ukraine "On Legal Protection of Geographical Indications," this Law, and other legislative acts issued in accordance with it.

2. If this Law establishes rules other than those stipulated by the Law of Ukraine "On Legal Protection of Geographical Indications," the provisions of this Law shall be applied, taking into account its scope.

3. If an international agreement with Ukraine, the binding nature of which has been agreed upon by the Verkhovna Rada of Ukraine, establishes rules other than those stipulated by this Law, the rules of the international agreement shall be applied.

Article 4. Powers of the specially authorized body within the scope of this Law

1. According to this Law, the specially authorized body:

1) develops and adopts normative legal acts within the scope of powers defined by this Law;

2) establishes the expert commission and ensures its functioning;

3) ensures approval of the product specification and amendments to it;

4) organizes the process of accepting applications for traditional specialities guaranteed, their review, state registration, and publishing information about traditional specialities guaranteed;

5) ensures control of special qualities or other characteristics of products for which geographical indications and traditional specialities guaranteed are used;

6) ensures that certification bodies are entered in the Register of certification bodies and maintains this Register;

7) ensures the definition of the boundaries of geographical locations that special qualities or other characteristics are associated with, and producers of the specified products within these geographical locations;

8) ensures that the list of users and the Register of traditional specialities guaranteed are formed and maintained;

9) appeals to the National accreditation body of Ukraine regarding established facts of violations committed by a certification body so that the National accreditation body takes the required measures, specified in the legislation of Ukraine in the field of accreditation;

10) interacts with the National Intellectual Property Authority (hereinafter - NIPA) regarding the exercise of powers in accordance with this Law;

11) approves requirements for the national symbol and the rules for its use;

12) exercises other powers provided for by this Law.

Article 5. Powers of the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs within the scope of this Law

1. The central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs:

1) exercises state control over market operators' compliance with the legislation within the scope of this Law; exercises state control over the work of certification bodies within the scope of this Law;

2) appeals to the specially authorized body with a written and substantiated request to consider excluding a certification body from the Register of certification bodies or excluding information from the list of users;

3) analyzes and maintains statistics on market operators' compliance with the legislation within the scope of this Law;

4) develops measures to improve the efficiency of market operators' compliance with the legislation within the scope of this Law;

5) at the request of the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs provides reports consisting of statistical information on market operators' compliance with the legislation within the scope of this Law;

6) exercises other powers provided for by this Law.

Section II. PREPARATION FOR REGISTRATION AND REGISTRATION OF GEOGRAPHICAL INDICATIONS

Article 6. Geographical indications as a quality scheme, their types, and recognition criteria

1. Quality schemes for geographical indications and names of places of origin of agricultural products or foodstuffs are schemes that include the principles of recognition, legal protection, and application of geographical indications and names of places of origin of products established by the Law of Ukraine "On the Legal Protection of Geographical Indications" and this Law to ensure unified protection of names as objects of intellectual property rights and to inform consumers about the specifics of the product that form its added value.

2. For the purpose of this Law, a name that identifies a product originating from a certain geographical location, such as a part of a country, a settlement, a locality, etc., or, in exceptional cases, a country, is identified, granted legal protection to and used as a quality scheme for the name of the product's place of origin.

The name identifying the product is recognized as the name of the product's place of origin if the product originating from that geographical location has special qualities or properties that are exclusively or mainly attributable to the specific geographical environment with its inherent natural and human factors, provided that all stages of its production (manufacturing (extracting) and/or processing and/or preparation) are carried out in a defined geographical area and in cases established by the third and fourth paragraphs of this section.

The name of the geographical area of production is recognized as the name of the product's place of origin if the raw materials for the product's production come from this geographical area or from another geographical area provided that another geographical area of production (extraction) of raw materials is defined, there are special conditions in place for the production (extraction) of such raw materials and there is control over compliance with these conditions, or if the name of the place of the corresponding product's origin was recognized in the country of origin before May 1, 2004. For the purpose of this clause, only live animals, meat, and milk are considered raw materials.

The name of the product of animal origin is recognized as the name of the product's place of origin, despite the use of animal feed in its production coming from a different geographical area than the geographical area of the product's production provided that the special qualities or characteristics of the product, exclusively or mainly determined by the specific geographical environment, remain unchanged, and if the quantity of such raw materials does not exceed 50 percent in dry matter per year. Additional requirements for raw materials and animal feed are approved by the specially authorized body.

3. For the purpose of this Law, a name that identifies a product originating from a certain geographical location (country, region as a part of a country, settlement, locality, etc.) and having a specific quality, reputation, or other characteristics essentially attributable to the geographical area of its origin is distinguished, granted legal protection to and used as a quality scheme for a geographical indication.

4. The name is recognized as a geographical indication or the name of the product's place of origin if it does not fall under the criteria for not recognizing the name of the product as a geographical indication.

5. A name that is fully or partially homonymous with a geographical indication registered in Ukraine is allowed to be recognized as a geographical indication provided that it is used in good faith locally and in a traditional way, and if such use does not allow for the possibility of different interpretation and misleading consumers about the true origin of the product. Homonymous geographical indications can be registered provided that during their use there is a difference between the current indication and the previously registered geographical indication without giving preference to one of the product's producers and on the condition that the possibility of misleading consumers is excluded. A homonymous indication that correctly indicates the geographical area of the product's production but creates a false impression among consumers that the product is produced in another geographical area, can not be registered.

Article 7. Criteria for non-recognition of a product name as a geographical indication

1. A product name cannot be recognized as a geographical indication and is recognized as having grounds for refusing to grant legal protection if the name:

- 1) does not comply with the conditions outlined in Article 6 of this Law;
- 2) contradicts the public order and the principles of humanity and morality;
- 3) has become generic;

4) correctly indicates the geographical area where the product is made but creates a false impression among consumers that the product is made in another geographical area; a homonymous name giving the consumer a misleading impression that the product originates from another territory shall not be registered even if the name exactly corresponds to the actual territory, region, or place of the relevant product's origin;

5) includes or reproduces the name of a plant variety or animal breed that may mislead consumers as to the true origin of the product. This clause does not apply if:

the product contains the relevant plant variety or animal breed or originates from it;

consumers are not being misled

the name of a plant variety or animal breed is used in good faith;

the production and sale of the product have spread beyond the geographical area of its origin before the date of submitting the application to register the geographical indication;

6) is identical or similar to the extent that it can be confused with a trademark, the rights to which are recognized in Ukraine, if, taking into account the reputation, fame, and duration of use of that trademark, such legal protection may mislead consumers about the authenticity of the product.

2. This Law does not grant legal protection to a geographical indication related to a geographical location in a foreign state if the rights to such an indication or another labelling, which in its content corresponds to the concept of a geographical indication, are not protected in the relevant foreign state.

Article 8. Interconnection with trademarks

1. If a registered geographical indication is included in an application for a trademark certificate of Ukraine or is included in a trademark certificate, this serves as the grounds for refusing to grant legal protection to a trademark or the reason for invalidating the trademark certificate in the manner prescribed by law provided that the application for the trademark certificate of Ukraine was submitted after the date of submitting the application to register the geographical indication or after the date of granting it legal protection in Ukraine; or provided that the trademark and the geographical indication are applied for identical or related products, or there are other factors that may mislead consumers.

2. Registration of a geographical indication cannot serve as the grounds for invalidating a trademark certificate or refusing to register a trademark if the owner of the Ukrainian trademark certificate or the trademark applicant has started using such a trademark in good faith before the date of submitting the application to register the geographical indication, and the actual circumstances of such use do not allow for the possibility of misleading consumers about the product or its producer. Under such circumstances, the use of geographical indications and trademarks specified in this part is allowed.

Article 9. The right to prepare and draw up a specification for submitting an application for a geographical indication

1. An association of persons where the majority are producers or processors of products, in particular, if half or more of the persons representing such an association in the specified geographical location produce products and/or extract and/or process raw materials for products, the special quality, reputation or other characteristics of which are determined by the specified geographical location, have the right to prepare and draw up a specification for submitting an application for a geographical indication.

2. As an exception, in accordance with part one of Article 9 of this Law, one natural or legal person has such right provided that all of the following conditions are met:

they are the only producer who produces products and/or extracts and/or processes raw materials for products in this geographical location and they wish to submit an application to register a geographical indication;

the geographical territory where the production (extraction) and/or processing and/or preparation of products takes place has characteristics that differ significantly from the adjacent territories, or the product characteristics differ from the products made in the adjacent territories and/or from the characteristics of similar products on the market.

3. Several applicants from different countries have the right to exercise the rights established by part one of this Article jointly with respect to the name that identifies a cross-border geographical location. Such rights are exercised by submitting to NIPA relevant documents by foreign applicants directly or through the authorities of the relevant foreign state.

Article 10. Specifics of preparing an application for registration of a geographical indication

1. Preparing an application for the registration of a geographical indication includes preparing an application to register a geographical indication, a specification or a document replacing it (for foreign applicants), the unified document, and the specification approval.

Article 11. Preparing an application for the registration of a geographical indication

1. An application for the registration of a geographical indication is prepared by an association of persons or a person who has the right to submit such an application according to

Article 9 of this Law, in the form and in according to the rules approved by the central executive body that ensures shaping and implementing the state intellectual property policy.

2. The application can be submitted for the registration of one name only. It is allowed to apply for the registration of several different products if such products are different when introduced into civil circulation or are considered to be different products for consumers provided that compliance with the criteria for granting legal protection is proven for each product separately.

Article 12. Preparing product specification

1. Product specification shall be drawn up by an association of persons or a person who has the right to do so according to Article 9 of this Law.

2. Product specification shall include the following information:

1) the name that is applied to be registered as the name of the product's place of origin or a geographical indication, in the form and language used during its application, or in the language historically used to label the product in the relevant geographical area, transliterated into the Latin alphabet, and with an indication of the quality scheme, according to which the application is submitted;

2) name and description of the product, including information about the raw materials and the product's main characteristics (physical, chemical, microbiological, organoleptic, etc.);

3) boundaries of the geographical location where the product is made and, if applicable, the territory where the raw materials are produced if this territory is larger than the territory where the product is made or is different than such territory. The geographical territory shall be defined as accurately as possible, with detailed reference to its physical or administrative borders, with reference to the generally accepted coordinate system, or to significant topographic features and characteristics of the surrounding natural environment (geological features, soils, river basins, groundwater). If the submitted name concerns the product of animal origin, detailed rules of feed's origin and use shall be indicated. If it is intended to use feed obtained outside the geographical location where the product is made, a detailed description of such use must be provided, indicating the percentage ratio of feed (in the dry matter on an annual basis) with a substantiated explanation of why it is not possible to use 100 percent of feed coming from the geographical location where the product is made in terms of how it would impact the unchanged quality or special characteristics of the product if such a ration was used;

4) a description of the product production method, including its specific conditions and an unchanging local production method of the product (if available), as well as information about its packaging if the applicant decides that product packaging shall be carried out precisely in a specified geographical location in order to preserve the product's quality, guarantee its authenticity or ensure control, and if they substantiate this decision. Description of the product's production method shall be provided accurately and in detail to ensure that any person is able to reproduce it, and exclusively within the limits of the method that is used at the time of drawing up product specification. Historical methods of product production shall be included in the description only if they are used at the time of drawing up product specification;

5) information on the relationship of the product's special quality or its other characteristics with the geographical environment or the relationship of the product's special quality, its reputation or other characteristics with the geographical location of its origin, indicating precisely what factors such a relationship is based on (reputation, quality, other

characteristics of the product), describing such factors only, and if necessary, product description or its production method that demonstrate such a relationship shall be included.

With regard to the name of the product's place of origin, a cause-and-effect relationship between the product's quality, its characteristics, and the geographical environment with its natural and human factors shall be provided, including, if necessary, elements of the product description or its production method substantiating such a relationship.

With regard to the geographical indication, a cause-and-effect relationship between the geographical origin and the quality, reputation or other characteristics of the product shall be given;

6) special rules for cutting, grinding, packaging and labelling of the product that is the object of the application with an explanation of any restrictions;

7) evidence of the product origin (information about the product, description of raw materials, animal feed, and other products for which origin from a specified geographical location is required) that shall be collected, documented, and stored by the market operator, which make it possible to identify:

the supplier, quantity and origin of all batches of raw materials and/or received products;

the recipient, quantity and destination of the product supplied under the declared name;

compliance of each batch of raw materials with the corresponding batch of products ready for sale on the market;

8) the name and location of the specially authorized body or, if available, a certification body that will verify the product's compliance with the specification, indicating their respective powers regarding the product.

Article 13. Product specification approval procedure

1. For product specification approval, an association of persons or a person who has the right to submit an application shall apply to the specially authorized body with a request to conduct the approval procedure. The request shall be written in the Ukrainian language in any form. A product specification that meets the requirements of Article 12 of this Law shall be attached to the request. The request shall also be supported with documentary evidence of the information given in the product specification. Maps, site plans, historical documentation, including literary sources, technical conditions, regulations, other production documentation, results of physical, chemical, or other research, information from state authorities and local self-government bodies, scientific institutions, industry associations, information on participation in contests and competitions, information on the volume of sales of relevant products, labelling samples, etc., among other things are recognized as documentary evidence.

If an amended product specification regarding a geographical indication, which is registered or submitted for registration, is submitted for approval, information on the relevant application or certificate, a copy of the previously approved product specification and the decision of the specially authorized body on its approval, documents substantiating the right to submit a request to make amendments to the specification shall also be submitted. Submission of an incomplete document package for product specification approval (or for making amendments) serves as the grounds for returning the received documents without their review within 10 working days from the day of their receipt.

2. To carry out the procedure for approving product specification by the specially authorized body, as well as to perform other functions provided for by this Law, an expert

commission shall be formed. Such a commission shall include representatives of the specially authorized body, local self-government bodies, scientific institutions, associations, and producers. The composition of the expert commission, a provision on the expert commission, requirements for product specification and the procedure for its approval are approved by the specially authorized body.

3. The expert commission reviews whether product specification is complete and substantiated, and checks its compliance with the conditions of the quality scheme specified in it in terms of:

1) compliance of the association of persons or the person who applied for approval with the criteria specified in Article 9 of this Law;

2) belonging of the product, for which the product specification is prepared, to agricultural products or foodstuffs, which are covered by this Law;

3) compliance of the name, for which the product specification is drawn up, with the criteria defined by Article 6 of this Law;

4) the presence of special qualities and other properties of the product, for which the product specification is prepared, the completeness, sufficiency and accuracy of their identification. Such special qualities and other properties include, in particular, taste, color, smell, or a combination of these indicators;

5) the possibility of reproduction by any person of the ways, methods, and techniques set forth in the product specification for the purpose of making the product that meets the specification;

6) the correctness of defining the boundaries of the geographical area where special qualities or other characteristics, listed in the product specification, appeared.

4. If necessary, the review includes an actual on-site study of the information set out in the product specification, which involves a study of the geographical location, and facilities where the product, for which the specification is prepared, is made.

The person who applied for product specification approval is obliged to ensure the possibility of conducting such a study in the manner established in the requirements for product specification and in accordance with the procedure for its approval, which is approved by the specially authorized body.

If the possibility of conducting the study is not provided and information contained in the product specification is insufficient for making a substantiated decision, the expert commission has the right to not review the product specification.

5. If additional materials or explanations are needed for product specification approval, the expert commission has the right to request this information from the applicant within a specified period, which is at least one month from the date of sending the approval request, and the time for reviewing the specification is extended for the corresponding period.

6. During product specification review, the association of persons or the person who applied for the approval has the right to submit a request to correct obvious grammatical, arithmetical or other errors in it, to make minor amendments to the product specification or to withdraw it.

If, after considering the request to amend the non-approved product specification, it is established that the amendments are significant, the request for product specification approval

is returned to the applicant without its review, and the applicant has the right to reapply for the specification approval.

7. The review of product specification shall be started no later than 10 working days from the date of receiving the request for product specification approval by the specially authorized body and shall be completed within three months after receiving the request for product specification approval, taking into account the possibility of extending the specified period in accordance with part five of Article 13 of this Law.

Product specification review shall be completed by drawing up a protocol of the expert commission on approving the specification or refusing to approve it.

Based on the expert commission protocol approving product specification, the specially authorized body prepares a specification approval letter. A copy of the product specification with a seal of approval specifying the date and number of the approval letter is an integral annex to this letter.

Based on the expert commission protocol refusing to approve product specification, the specially authorized body notifies the applicant in writing of the refusal to approve the specification, and is obliged to provide a list of the specification's shortcomings, recommendations for their elimination, and the reasons for the refusal to approve the specification.

8. In case of refusal to approve product specification, the person has the right to reapply for product specification approval after eliminating the shortcomings listed in the decision of the specially authorized body on refusal to approve the product specification. In case of repeated receipt of the product specification where the shortcomings have not been eliminated, the request for approval of such product specification remains without review.

9. The approved specification shall be published according to the procedure and terms specified by the Law of Ukraine "On Legal Protection of Geographical Indications."

Article 14. Amendments to the approved product specification

1. Minor or significant amendments may be introduced to the approved product specification:

1) at the initiative of the applicant for the geographical indication; this can be done after the date of submitting the application for the registration of the geographical indication, but no later than the date when NIPA makes a decision on the state registration of the geographical indication, or after the information on registering the geographical indication has been entered in the Register;

2) at the initiative of state authorities and local self-government bodies or any other interested persons, or an association of persons who meet the requirements of Article 9 of this Law provided that they submit documents confirming their right to submit a request for amendments, after information on registering the geographical indication has been entered in the Register;

2. Amendments are considered minor if they:

1) do not belong to the essential product characteristics (physical, chemical, organoleptic characteristics), except those product characteristics that are determined as optional by the product specification;

2) do not change the relationship between the quality or other characteristics of the product and its geographical environment;

3) do not change the geographical indication or its part;

4) do not change the boundaries of the geographical location, except for a change in the geographical location's name as a result of its renaming;

5) do not cause increased restrictions in the civil circulation of the product or raw materials for that product.

The introduction of minor amendments does not require specification re-approval procedure.

3. Amendments that do not belong to those defined by part two of this Article are considered significant. The introduction of significant amendments is subject to the mandatory procedure of reapplication for product specification approval stipulated by Article 13 of this Law, except for cases of temporary amendments to the specification, in the event of mandatory sanitary or phytosanitary measures taken by state authorities.

Temporary amendments to the specification in the event of mandatory sanitary or phytosanitary measures taken by state authorities are introduced in the manner established for minor amendments with the mandatory submission of documentary evidence of the mandatory sanitary or phytosanitary measures taken by state authorities.

Amendments to product specification leading to a change in the name protected as a geographical indication are not allowed. Amendments are allowed regarding the method of producing the product taking into account scientific and technical progress or revision of the boundaries of the geographical location where the product is made and the territory where raw materials are produced if the territory is larger than the territory where the product is made or is different than such territory.

4. A request to amend the approved product specification shall be submitted to NIPA and it shall include:

1) information about the geographical indication to which such changes apply;

2) in case of submitting a request for significant amendments: the approved product specification that includes the amendments; or in case of submitting a request for minor amendments, the specification that includes the amendments together with a copy of the initially approved product specification;

3) in the case when a request to amend product specification is submitted by a person other than the applicant for a geographical indication or state authorities and local self-government bodies: documents confirming the right to submit a request for amendments; documents confirming that the person who has applied for amendments has the right to use the geographical indication are considered to be such documents.

5. In case when a person other than the applicant who submitted the application for a geographical indication submitted a request to amend product specification after the information on registering the geographical indication had been entered in the Register, the applicant who submitted the application for such a geographical indication shall be notified that such a request has been received, and they have the right to inform NIPA in writing in free form about their attitude to the request for amendments within one month from the moment of receiving such a notification. In case when the applicant of the corresponding application for a geographical indication disagrees with the amendments to the product specification, the

decision of NIPA is final and compliant with the procedure for making such a decision established by part six of this Article.

6. The request to amend the approved product specification is reviewed by NIPA in the manner stipulated by the Law of Ukraine "On Legal Protection of Geographical Indications" taking into account the provisions of this Law. The final decision on introducing amendments is made based on the decision of the specially authorized body to approve the amended product specification if the amendments require the approval of the amended specification.

7. The amended and approved product specification is published according to the Law of Ukraine "On Legal Protection of Geographical Indications" within one month after NIPA's decision to introduce amendments to the approved product specification.

Article 15. Preparation of a document replacing specification by foreign citizens and persons without citizenship

1. Instead of product specification, together with the application, foreign citizens and persons without citizenship shall submit documents confirming the legal protection of the declared geographical indication in the relevant foreign state or the acquisition of rights to such an indication on the basis of fair use, if this is provided for by the legislation of the relevant foreign state. Such documents shall meet the requirements stipulated in part two of Article 12 of this Law.

2. The documents specified in part one of this Article shall be submitted in a foreign language provided that their translation into Ukrainian will be submitted to NIPA no later than two months from the date of submitting the application.

3. If the documents submitted by foreign citizens or persons without citizenship do not meet the requirements stipulated in part two of Article 12 of this Law, in order to ensure that the specially authorized body has the opportunity to control the special qualities or other characteristics of the product, the applicant shall be offered to provide the product specification approved by the specially authorized body. Within two months after receiving such an offer, the applicant shall submit to NIPA a copy of the request submitted to the specially authorized body, which is the basis for suspending the review of the application for the period stipulated by this Law to allow for the procedure of approving product specification.

In case of failure to submit such a request or failure to submit a decision of the specially authorized body on product specification approval, it shall be considered that the applicant has not submitted a document replacing the product specification.

Article 16. Preparing the unified document

1. The unified document is a document specified in part four of Article 10 of the Law of Ukraine "On Legal Protection of Geographical Indications," which, as a rule, does not exceed 2.5 thousand words, contains key product specification provisions and states:

1) the declared name with an indication of the quality scheme under which the geographical indication is claimed;

2) name of the product;

3) product description sufficient for identifying the product, set out using definitions, standards, and units of measurement applicable to the products of the corresponding type, but without including technical characteristics inherent in all products of the corresponding type or mandatory for all products of this type in accordance with current legislation. A description of feed shall be given for products of animal origin, and a description of raw materials shall be

provided for processed products. If the name of the product's place of origin is declared, a confirmation that the feed and raw materials originate from the relevant geographical location shall be added; and in case of using feed or raw materials originating from another geographical location, a detailed description of such exceptions with their justification shall be given. If a geographical indication is declared, the characteristics or restrictions regarding the origin of raw materials with the justification of such restrictions in accordance with Article 6 of this Law and substantiation of the relationship of the product with the geographical environment or the geographical location of the product's origin shall be indicated;

4) specific stages of production carried out in the defined geographical location, with justification of limitations or exceptions;

5) special rules for cutting, grinding, packaging, and labelling of the product, which is the object of the application, with justification of restrictions;

6) precise information on the geographical location, if possible, with a map of the geographical location's boundaries;

7) a description of the product's relationship with the geographical environment or the geographical location of its origin, indicating the factors the relationship is based on (reputation, quality, other characteristics of the product), describing such factors only and including, if necessary, a description of the product or the method of its production that demonstrates such a relationship. With regard to the name of the product's place of origin, a cause-and-effect relationship between the product's quality, its characteristics, and the geographical environment with its natural and human factors shall be provided, including, if necessary, elements of the product description or its production method substantiating such a relationship. With regard to the geographical indication, a cause-and-effect relationship between the geographical origin and the quality, reputation or other characteristics of the product shall be given;

8) a link to the source where the product specification is published.

2. The template of the unified document and the requirements for filling out this document are approved by the central executive body, which shapes and implements the state intellectual property policy.

Article 17. Completing the preparation for registration. Application submission

1. After completing the preparation for registration, the applicant shall submit to NIPA an application consisting of an application to register a geographical indication, the approved specification, and the unified document within a period of no more than three months from the date of the product specification approval and in the manner determined by the Law of Ukraine "On Legal Protection of Geographical Indications."

Article 18. Registration in foreign states

1. Registration of a geographical indication related to a geographical location within the territory of Ukraine in foreign states shall be carried out after the registration of the geographical indication in Ukraine.

2. Registration of geographical indications in the European Union is carried out in accordance with the provisions of the Association Agreement between Ukraine, on the one part, and the European Union, the European Atomic Energy Community and their member states, on the other part, or in accordance with the relevant legislation of the European Union.

Section III. TRADITIONAL SPECIALITIES GUARANTEED

Article 19. Traditional specialities guaranteed as a quality scheme

1. A traditional speciality guaranteed as a quality scheme is used with the purpose of:

1) preserving traditional methods of producing agricultural products or foodstuffs and their recipes by helping the producers of traditional products to facilitate their products' circulation on the market and inform consumers about the specifics of their traditional recipes and properties that form products' added value;

2) ensuring proper protection of the names of such traditional products by registering them as traditional specialities guaranteed;

3) supporting the producers of traditional products in promoting their product sales and informing consumers about the characteristics and features of such products.

Article 20. Criteria for recognizing product name as a traditional speciality guaranteed

1. The name of an agricultural product (agricultural commodity) or a foodstuff shall receive legal protection as a traditional speciality guaranteed if such a name does not fall under the criteria for non-recognition of legal protection, regardless of whether there is a relationship between such a name and a certain geographical territory, if such a name is traditionally used to identify a certain traditional product, or if it indicates the traditional or specific nature of an agricultural commodity or foodstuff, or if it describes a specific agricultural commodity or foodstuff, which resulted from a production or processing method consistent with the traditional practice of producing such a product or if its content is consistent with the traditional practice of producing such a product, or if it describes an agricultural commodity or foodstuff produced from raw materials or ingredients used traditionally.

2. Changes in the packaging or labelling method that do not change the special characteristics of the agricultural product or foodstuff do not affect its recognition as a traditional speciality guaranteed.

3. It is allowed to grant legal protection to a name that is protected as a traditional speciality guaranteed in another state, provided that such a name indicates "Produced according to the traditions," the name of the state or its region.

Article 21. Criteria for non-recognition of product name as a traditional speciality guaranteed

1. The name of the product shall not be recognized as a traditional speciality guaranteed and shall be recognized as having grounds for refusing to grant legal protection if it:

1) does not meet the conditions specified in Article 20 of this Law;

2) contradicts the public order and the principles of humanity and morality;

3) is a name that has become generic or reflects only mandatory requirements for the name of an agricultural product or foodstuff or requirements for an agricultural product or foodstuff specified in the current legislation;

4) is identical or similar to the extent that it can be confused with a trademark, the rights to which are recognized in Ukraine, if taking into account the reputation, fame, and duration of use of that trademark, such legal protection may mislead consumers about the authenticity of the product, or if it can be confused with the previously registered or submitted for registration geographical indication.

Article 22. Interconnection with trademarks

1. If a registered traditional speciality guaranteed is included in an application for a trademark certificate of Ukraine or is included in a trademark certificate, this serves as the grounds for refusing to grant legal protection to a trademark or the reason for invalidating the trademark certificate as the ones being in common use for the relevant products provided that the application for the trademark certificate of Ukraine was submitted after the date of submitting the application to register the traditional speciality guaranteed or after the date of granting it legal protection, and provided that the trademark and the traditional speciality guaranteed are applied for identical or related products.

2. Registration of a traditional speciality guaranteed cannot serve as the grounds for invalidating a trademark certificate or for refusing to register a trademark if the owner of the Ukrainian trademark certificate or the trademark applicant has started using such a trademark in good faith before the date of submitting the application to register the traditional speciality guaranteed, and the actual circumstances of such use do not allow for the possibility of misleading consumers about the product or its producer.

Article 23. The right to submit an application

1. An association of persons who produce an agricultural product or foodstuff, the name of which is declared as a traditional speciality guaranteed, or, as an exception, one natural or legal person, provided that such person is the sole producer who wishes to apply for the registration of a traditional speciality guaranteed have the right to submit an application for the registration of a traditional speciality guaranteed.

2. It is allowed to submit an application for the registration of a traditional speciality guaranteed jointly by applicants from several countries.

Article 24. Preparing and submitting the application

1. An application for the registration of a traditional speciality guaranteed shall be submitted to the specially authorized body by an applicant who has the right to submit an application in accordance with Article 23 of this Law.

The application shall be submitted in a paper or electronic format at the applicant's choice.

2. The application shall be written in Ukrainian and it shall include:

1) an application for registration indicating the applicant, their location, the name proposed to be registered as a traditional speciality guaranteed, the agricultural product or foodstuff for which the traditional speciality guaranteed is declared, as well as documents confirming that the applicant or, in case it is an association of persons who are applying, at least one of the members of such an association is a producer of the product related to the application;

2) specification of the product for which the traditional speciality guaranteed is declared.

3. The application shall be prepared and submitted in the manner prescribed by the specially authorized body.

4. The date of submitting the application is the date when the specially authorized body receives the application for the registration of a traditional speciality guaranteed provided that all information and documents specified in the second part of this Article are available.

5. Within the borders of a foreign state, an application for a traditional speciality guaranteed is submitted by foreign applicants directly to the specially authorized body or through the bodies of the relevant foreign state.

Article 25. Preparing an application for the registration of a traditional speciality guaranteed

1. The application for the registration of a traditional speciality guaranteed shall be submitted according to the established template, which is approved by the specially authorized body, and it shall include the name declared as a traditional speciality guaranteed, the product for which it is applied for, the applicant(s), and their address.

2. The application covers only one name that is applied for registration.

Article 26. Product specification for the registration of a traditional speciality guaranteed

1. To register a traditional speciality guaranteed, the applicant shall prepare the product specification; the agricultural product or foodstuff shall comply with the specification, and the specification shall include:

1) the name applied to be registered as a traditional speciality guaranteed, in the form and language used during its application, or in the language historically used to mark the product in the relevant geographical area, with Latin transliteration of the name;

2) indication of the agricultural product or foodstuff for which a traditional speciality guaranteed is declared;

3) one or more grounds for registration from those listed in the first part of Article 20 of this Law, with appropriate substantiation of the specified grounds; it is allowed to use historical sources, information provided by state authorities and local self-government bodies, professional associations, territorial communities, etc. for this purpose;

4) description of the agricultural product or foodstuff, including its main physical, chemical, microbiological or organoleptic characteristics, which indicate the specific nature of the respective traditional product;

5) description the production method of the agricultural product or foodstuff, declared as a traditional speciality guaranteed, that producers must comply with, including the type and characteristics of raw materials or ingredients in an amount sufficient for the reproduction of an agricultural product or foodstuff by any producer, except for purely technical characteristics inherent in all products of a similar type or those existing due to the mandatory legislative requirements; historical production methods shall only be indicated if they are actually used;

6) description of the key elements that determine the traditional character of the agricultural product or foodstuff; the main invariable characteristics of the agricultural product or foodstuff are considered as such elements.

2. The specification of a traditional speciality guaranteed shall be accompanied by documents confirming the information on the grounds for registration of a traditional speciality guaranteed, set out in this specification, and documents confirming the description of the agricultural product or foodstuff, as well as the method of its production.

Article 27. Review of the application, the study of the specification, and registration of traditional speciality guaranteed

1. An application for the registration of a traditional speciality guaranteed is reviewed by the specially authorized body according to the rules approved by the specially authorized body.

2. The expert commission reviews the following aspects of the application within two months from the confirmed date of the application submission:

1) compliance of the submitted documents with the requirements established by Article 24 of this Law;

2) compliance of the agricultural product or foodstuff, for which the specification of the traditional speciality guaranteed has been prepared, with the requirements for agricultural products or foodstuffs covered by this Law;

3) compliance of the declared name with the conditions provided for in Article 20 of this Law.

3. If necessary, the study is accompanied by a visit to the location of the facilities where the relevant agricultural product or foodstuff is produced. The applicant is obliged to ensure the opportunity for the expert commission to carry out the study and the commission's access to the facility. In case of failure to provide the opportunity for the expert commission to carry out the study and ensure their access to the facility, and in case the information set forth in the specification of the traditional speciality guaranteed is insufficient for making a substantiated decision, the expert commission shall conclude that the submitted application does not meet the criteria for its recognition.

4. If additional materials and explanations are needed to establish compliance of the declared name with the requirements provided for in Article 20 of this Law, the expert commission has the right to request this information from the applicant within a specified period, which is not less than one month and not more than two months, and the time for reviewing the specification of the traditional speciality guaranteed shall be extended for the corresponding period.

5. During the study, the applicant has the right to submit a request to correct obvious technical errors in the application materials, to make minor amendments to the specification of the traditional speciality guaranteed, or to withdraw it.

6. The product specification study is completed by drawing up the expert commission protocol approving the specification or refusing to approve it. Based on the expert commission protocol approving the product specification, the specially authorized body prepares a specification approval letter. A copy of the product specification with a seal of approval specifying the date and number of the approval letter is an integral annex to this letter. Based on the expert commission protocol refusing to approve the product specification, the specially authorized body notifies the applicant in writing of the refusal to approve the specification and is obliged to provide a list of the specification's shortcomings, recommendations for their elimination, and the reasons for the refusal to approve the specification.

7. In case when the letter approving the specification is prepared, the specially authorized body shall ensure that information about the application is published on its official website, indicating the details about the traditional speciality guaranteed, the applicant, the approved specification of the traditional speciality guaranteed, and the deadline for any interested person to submit their objections, which shall not exceed three months from the date of publishing information about the application.

8. To submit an objection, a submission fee shall be paid according to the procedure established by the Cabinet of Ministers of Ukraine. The requirements for the objection and the

procedure for its submission and review are determined by the specially authorized body. The submitted objection shall be accompanied by proof confirming that a copy of the objection has been sent to the applicant.

9. The applicant has the right to inform the specially authorized body about their attitude to the objection within two months from the day of receiving their copy of the objection. The applicant has the right to refute the objection and leave the application unchanged, make amendments to the application or withdraw it.

10. The objection is accepted only if it provides reasonable grounds proving that the declared name does not comply with the criteria for granting legal protection established by this Law, or proves that the use of such a name is legitimate, well-known, and economically significant for similar agricultural products or foodstuffs.

11. The objection is reviewed by the expert commission within two months after the deadline for submitting objections. If the expert commission concludes that there are grounds for accepting the objection, the specially authorized body refuses to register the traditional speciality guaranteed. If the expert commission concludes that there are no grounds for accepting the objection or if there are no objections, the specially authorized body decides to register the traditional speciality guaranteed and enters information about it in the Register of traditional specialities guaranteed.

12. The Register of traditional specialities guaranteed shall include the following information about the traditional speciality guaranteed:

- a name registered as a traditional speciality guaranteed;
- type of product;
- the applicant;
- a link to the published specification.

The procedure for maintaining the Register of traditional specialities guaranteed is approved by the specially authorized body.

13. After the information on registering a traditional speciality guaranteed has been entered into the Register of traditional specialities guaranteed, it is allowed to introduce minor or significant amendments to them at the initiative of any interested person, as well as at the initiative of the state authorities and local self-government bodies.

14. Minor amendments are introduced to the Register of traditional specialities guaranteed on the basis of a written request for amendments submitted to the specially authorized body if such amendments:

- 1) do not belong to the essential product characteristics, such as physical, chemical, and organoleptic characteristics, except those product characteristics that are determined as optional by the specification of the traditional speciality guaranteed;
- 2) do not involve significant changes in the production method;
- 3) are not related to the declared name or any part thereof.

15. Amendments that do not belong to those defined by part fourteen of this Article are considered significant. Significant amendments are introduced to the Register of traditional specialities guaranteed provided that there is a mandatory review specified in part three of Article 27 of this Law, except for the cases when the amendments are related to temporary

changes of the specification of a traditional speciality guaranteed, which arise as a result of taking mandatory sanitary or phytosanitary measures by state authorities. Amendments related to the declared name or any of its parts cannot be introduced.

16. A request to introduce significant amendments to the Register of traditional specialities guaranteed shall be submitted to the specially authorized body in writing and shall include:

- 1) information about the traditional speciality guaranteed to which such amendments apply;
- 2) the specification that includes the amendments.

17. In case when a request to introduce amendments to product specification is submitted by a person other than the applicant for the traditional speciality guaranteed, a documentary proof that the request has been submitted by an interested person shall be attached; an interested person is any producer of the relevant agricultural product or foodstuff for which the traditional speciality guaranteed is registered.

18. In case when a request for significant amendments to the Register of traditional specialities guaranteed is submitted by a person other than the applicant for the traditional speciality guaranteed, the applicant of the corresponding traditional speciality guaranteed shall be notified that such a request has been received, and they have the right to express their attitude regarding the request for amendments within one month from the receipt of the notification. The final decision on introducing amendments is made based on the expert commission's opinion.

19. Information on amendments to the Register of traditional specialities guaranteed is published on the official website of the specially authorized body.

Section IV. SPECIAL QUALITY INDICATORS

Article 28. Special quality indicators as a quality scheme

1. A feature of one or more categories of products or specifics of agricultural production or processing, used in certain areas, is recognized as a special quality indicator, except for:

- 1) characteristics and/or qualities of the product, and/or criteria regarding its composition, which are specified in the mandatory requirements for the corresponding product;
- 2) terms intended to ensure that consumers (users) have a sufficient level of awareness about the characteristics and/or quality of the product, and/or criteria regarding its composition.

2. Special quality indicators are applied by any market operator in relation to agricultural products, foodstuffs and other products specified in Article 2 of this Law, subject to compliance with the conditions of use specified in Articles 28-31 of this Law.

3. Special quality indicators are used in order for market operators to facilitate sharing information within the domestic market about the characteristics and features of agricultural products, which form the added value of the product compared to products of a similar type.

4. For the purpose of this Law, the "mountain product" indicator is recognized as a special quality indicator.

5. Other special quality indicators are established by a decision of the specially authorized body in compliance with the conditions stipulated by this Law.

Article 29. General conditions of applying the special quality indicator "mountain product"

1. The product is considered a "mountain product" if it meets the following criteria:

1) raw materials for the production of the product or feed for farm animals (if the product belongs to livestock products) originate mainly from mountain settlements or from the territories of territorial communities, which include such settlements (hereinafter - mountain areas);

2) the product is produced (processed) in mountainous areas.

2. Mountain products are also comprised of products that include ingredients produced (grown, processed) not in mountain areas, provided that the amount of such ingredients does not exceed 50 percent of the total weight of all ingredients included in the product. Such ingredients include herbs, spices, sugar, or non-agricultural ingredients.

3. Beekeeping products are considered mountain products if the bees collect nectar and pollen exclusively in mountain areas. If sugar is used in the feeding of bees, such sugar does not necessarily have to come exclusively from mountain areas.

4. Crop products grown in mountain areas is considered a mountain product.

Article 30. Conditions of applying the special quality indicator "mountain product" to livestock products

1. The special quality indicator "mountain product" is applied to livestock products produced and processed in mountain areas, or to livestock products from animals that for at least two-thirds of their lives were raised in such mountain areas if the products were processed in such areas, or to livestock products, obtained from animals on a free-range form of grazing, which were kept on free-range pastures in mountain areas for at least a quarter of their lives.

2. Feed for domestic animals is considered to be of mountain origin if the proportion of the annual animal ration that cannot be obtained from mountain areas does not exceed 50 percent in dry matter or 40 percent for ruminants. For pigs, the proportion of feed that cannot be obtained in mountain areas shall not exceed 75 percent of the dry matter of the annual ration of animals. Feed restrictions apply to animals on a free-range form of grazing while in mountain areas, but do not apply to animals on a free-range form of grazing when fed outside mountain areas.

Article 31. Processing stage carried out outside mountain areas

1. It is allowed to carry out the processing stage outside the boundaries of mountain areas, but within no more than 30 kilometers from the boundaries of the mountain area, if the processing stage constitutes:

1) slaughtering animals, cutting meat, and deboning;

2) squeezing olive oil or other oil of vegetable origin with similar processing technology;

3) processing of milk and dairy products, which is carried out at the production facilities that existed as of the date of entry into force of this Law.

2. Exceptions to the rules specified in part one of this Article shall be approved by the specially authorized body.

Article 32. Acquisition of the right to use a special quality indicator

1. Before starting to apply a special quality indicator, the market operator who intends to start its use shall submit a request to the specially authorized body to start such use. The request shall be prepared in an electronic or paper format in the state language and shall include comprehensive information about the special quality indicator that is planned to be used, the corresponding product, and substantiation of the product's compliance with the criteria for applying the special quality indicator. The requirements for drawing up and submitting the request are approved by the specially authorized body.

2. The expert commission of the specially authorized body reviews the request to start the application of the special quality indicator and notifies the applicant in writing of the results of its review within 30 calendar days from the date of the request's receipt. In the event of justified objections to the possibility of applying the special quality indicator, the specially authorized body shall notify the applicant who has the right to submit the relevant request again. If the request contains enough information to conclude that there are grounds for the use of a special quality indicator, the specially authorized body shall enter information about the request and the decision made regarding it into the list of users the next day after arriving at the conclusion.

3. After the information has been added to the list of users, the applicant has the right to use the special quality indicator, in particular, "mountain product" in the labelling of their product; using it together with the national symbol is optional.

Article 33. Termination of the right to use a special quality indicator

1. The market operator's right to use a special quality indicator shall be terminated if the central executive body implementing state policy in the fields of safety and certain quality indicators of food products, consumer rights and advertising in this area identified that the product does not comply with the requirements for the use of the special quality indicator as a result of implementing its state control measures.

2. The body that found the product's non-compliance with the requirements for the use of the special quality indicator reports this to the specially authorized body, which, within 10 working days from the day of receiving the notification, enters the relevant information into the list of users, which is reported to the market operator.

3. The operator has the right to renew their right to use the special quality indicator. To do so, the applicant shall submit a request to the specially authorized body to start such use. The request shall contain the information specified in part one of this Article, as well as information stating that the reason for non-compliance of the product with the criteria for the use of the special quality indicator, which was the grounds for terminating the right to use it, has been eliminated.

Article 34. Including information on the use of a special quality indicator in the list of users

1. The process of including information on the use of a special quality indicator in the list of users is carried out according to the procedure approved by the specially authorized body.

**Section V. USE OF REGISTERED GEOGRAPHICAL
INDICATIONS AND TRADITIONAL SPECIALITIES
GUARANTEED**

Article 35. Conditions for starting the use of registered geographical indications and traditional specialities guaranteed

1. Any market operator is allowed to use registered geographical indications and traditional specialities guaranteed as quality schemes provided that the product is compliant with its specification and is published according to Articles 13 and 27 of this Law, respectively, provided that mandatory certification - verification of product compliance with the specification and adding information about the user to the list of users - is carried out. The relevant market operator shall bear the costs of the mandatory compliance check.

2. Any discriminatory restrictions regarding the use of registered geographical indications and traditional specialities guaranteed are not allowed.

3. In the process of using quality schemes, each user is obliged to:

1) implement effective self-control measures;

2) ensure document flow and ensure that documentary evidence regarding the production process described in the product specification is kept.

4. The provisions of this Article do not apply to geographical indications or traditional specialities guaranteed of foreign countries that are used according to the rules stated in the specifications of such geographical indications or traditional specialities guaranteed, in documents replacing the specification, or in relevant international agreements, according to which the relevant geographical indication or traditional specialities guaranteed are granted legal protection in Ukraine

Article 36. Maintaining a list of users

1. Each market operator who is a producer of products or is considered as such and wishes to start using a quality scheme for agricultural products and foodstuffs whose geographical indication, name of place of origin or traditional speciality guaranteed is entered in the Register or the Register of traditional specialities guaranteed, shall be included in the list of users.

2. The application to start using the quality scheme shall be submitted by the market operator to the specially authorized body together with a certificate of the product's compliance with the specification published in the prescribed manner, in the version valid on the day of issuing the certificate. The procedure for preparing, submitting, and reviewing the application is approved by the specially authorized body. Without submitting such a certificate, information about each user of the quality scheme who has acted as an applicant in the relevant application for a geographical indication or a traditional speciality guaranteed or is part of an association of persons that has acted as an applicant shall be entered into the list of users.

3. Information on the start of using the quality scheme shall be entered into the list of users within 10 working days after the submission of properly executed documents specified in the second part of this Article.

4. Users included in the list of users without submitting a certificate of compliance must, within 30 calendar days after information about them has been entered in the list of users, submit the following documents to the specially authorized body:

1) their own statement, prepared in a free form, stating that the certificate of compliance with the specification will be provided within the prescribed period, but not more than within six months from the date of submitting the application

2) the agreement on carrying out compliance verification concluded with the certification body.

In case if the certificate of compliance is not submitted within the prescribed period, the user shall be excluded from the list of users. After that, the user has the right to submit an application to start using the quality scheme on general grounds together with the certificate of compliance with the specification.

5. The user is obliged to submit each new certificate of compliance received to the specially authorized body within 10 working days from the day of its receipt.

6. The specially authorized body excludes information about a user from the list of users if:

1) the user did not provide a valid certificate of compliance after the expiration of the previous certificate;

2) the certification body reported that the user no longer meets the requirements of the specification;

3) the user included in the list of users according to the procedure specified in part four of this Article has not provided a certificate of compliance or other documents specified in part four of this Article in time.

The user list data is regularly updated and published by the specially authorized body on its official website. The procedure for maintaining the list of users is approved by the specially authorized body.

7. Information about users of geographical indications that are protected in Ukraine on the basis of international agreements with Ukraine may be included in the list of users in the manner established by the specially authorized body.

8. The specially authorized body sends the data from the list of users to the central executive body that implements the state policy in the fields of safety and individual quality indicators of foodstuffs and consumers, according to the order of information exchange approved by it.

9. Each market operator included in the list of users is subject to state control according to Section VIII of this Law.

Article 37. National symbol

1. Persons who have the right to use a registered geographical indication or a traditional speciality guaranteed have the right to apply advisory labelling next to the registered names informing that such a name is registered in Ukraine. Such labelling shall be applied in the form of labelling and/or national symbol specified in the Law of Ukraine "On Legal Protection of Geographical Indications."

2. The national symbol is used for advisory labelling. The requirements for the symbol and the rules for its use are approved by the specially authorized body.

3. Together with the advisory labelling, it is also allowed to include an image of the geographical location defined by the product specification, and graphic indications regarding the state and/or region where the geographical place of origin is located.

4. It is allowed to use national symbols in advertising or mass media for the purpose of popularizing quality schemes or names registered in accordance with them.

5. It is allowed to use national symbols only on agricultural products and foodstuffs, the names of which are registered and/or protected in Ukraine and which are produced according to the rules of the relevant quality scheme.

6. The use of the European Union symbols, abbreviations and indications is allowed only on those agricultural products and foodstuffs whose names are registered and/or protected in the European Union and which are produced according to the rules of the relevant quality scheme.

Article 38. Transition period

1. To overcome temporary difficulties in ensuring product compliance with the specification, the specially authorized body has the right to grant producers a transitional period of up to five years, effective from the date of registering the geographical indication in Ukraine, subject to the following conditions:

1) market operators who are producers of products with a registered geographical indication have been selling such products on the market according to the legislation and using the appropriate names on a permanent and regular basis for at least five years before the date of submitting the corresponding application for registration

2) market operators who are producers of products with a registered geographical indication requested for the transition period to be applied within six months from the moment of registering the geographical indication.

2. Information on granting the transition period shall be entered into the list of users by the specially authorized body within 10 working days from the date of adopting the relevant decision by the specially authorized body.

3. Verification of the product's compliance with the specification is not required and is not carried out by the end of the transition period.

4. Before the end of the transition period, the applicants for geographical indications registered before the entry into force of this Law shall bring the information about the geographical indication in compliance with the specification requirements established by this Law. Entering information into the Register and publishing information about the specification is done free of charge based on the application submitted to NIPA by the applicant.

Article 39. Invalidating the registration of a geographical indication or traditional speciality guaranteed

1. Registration of a geographical indication or a traditional speciality guaranteed is considered invalid in case of non-compliance with the criteria for granting legal protection stipulated in Articles 6 and 20 of this Law.

2. Registered geographical indication or traditional speciality guaranteed recognized as invalid shall be deemed to have ceased to be effective from the date of their registration.

3. When the registered geographical indication is recognized as invalid, NIPA reports this in its bulletin, and the specially authorized body makes appropriate amendments to the list of users.

4. When the registered traditional speciality guaranteed is recognized as invalid, the specially authorized body shall enter relevant information in the Register of traditional specialities guaranteed and in the list of users.

Article 40. Termination of the validity period of a registered geographical indication or traditional speciality guaranteed

1. The validity period of a registered geographical indication or traditional speciality guaranteed is terminated by the court:

1) if the specially authorized body has established that as a result of a change or loss of special natural and/or human factors characteristic of a defined geographical area, it has become impossible to produce products that meet the product specification;

2) if the geographical indication or traditional speciality guaranteed is not used within seven years from the date of publishing information about the registration of the geographical indication or from another date of ceasing the use after such publication. Such termination is conducted at the request of any interested person;

3) based on an international agreement with Ukraine.

2. Validity period of the registered geographical indication related to a geographical location in a foreign country shall also be terminated if legal protection of such an indication is terminated in the country of origin or based on an international agreement with Ukraine.

Section VI. PROTECTION OF RIGHTS AND THE ROLE OF ASSOCIATIONS

Article 41. Protection of names registered as geographical indications or traditional specialities guaranteed

1. The rights arising from the registration of a geographical indication or traditional speciality guaranteed are valid from the date of their registration.

2. Registration gives persons who meet the requirements for the applicant, defined in Articles 9 and 23 of this Law, the right to:

1) use the registered name in accordance with the quality scheme;

2) take measures to prohibit the use of the registered name by persons who do not have the right to do so;

3) act to ensure compliance of the product, for which the name is registered, with the product specification, published according to the procedure established by this Law;

4) share information and carry out other activities aimed at informing consumers about the special qualities of the product for which the name is registered.

3. The following activities are recognized as the use of the registered name:

1) applying it to a product, label or product packaging;

2) use of the name in advertising, on signs;

3) its reproduction on blank forms, invoices and other documents accompanying the product;

4) its use on the Internet, including domain names.

4. The registered name is protected, unless otherwise provided by this Law, against the following actions:

1) any direct or indirect commercial use of the registered name for a product not covered by the registration of the name and is similar to the product for which the name is registered, or if such use leads to abuse of the reputation of the name, including if the specified product is used as a component of another product;

2) any illegal use, imitation or other way of using a registered geographical indication, even if the true place of product's origin is indicated, or if the registered indication is translated, transcribed or transliterated or accompanied by the words "style," "type," "manner", " which is produced in," "imitation," "taste," "similar," etc., including if the specified product is used as a component of another product;

3) any illegal use, imitation or other way of using a registered traditional speciality guaranteed or any other actions that may mislead the consumer;

4) any other misuse or use that may mislead consumers regarding the source of origin, nature or essential qualities of the product, the use of the registered name on the inner or outer packaging, in advertising materials or documents relating to the respective product, as well as the packing the product in packaging that would potentially misrepresent its origin;

5) any other use that may mislead consumers as to the true origin of the product.

5. Taking into account the interests of interested market operators and in order to prevent consumers from being misled about the nature of the product, the geographical place of origin of the product or its boundaries, registered homonymous geographical indications are used according to the practical conditions of use jointly determined by the interested market operators, according to which such geographical indications differ from each other.

6. Measures for the legal protection of the quality scheme shall be taken by state authorities within their competence, and by persons who have the right to use a registered geographical indication or traditional speciality guaranteed.

7. Methodological recommendations on effective self-control measures and document flow shall be developed by associations of persons who have acted as applicants for relevant registered geographical indications and traditional specialities guaranteed.

8. Associations of persons who have acted as applicants for the respective registered geographical indications and traditional specialities guaranteed have the right to take internal monitoring measures based on objectivity, impartiality, and documentary recording. The results of such monitoring are taken into account by the certification bodies when taking control measures according to Chapter VIII of this Law.

9. Associations of persons who have applied for the respective registered geographical indications and traditional specialities guaranteed have the right to:

1) contribute to ensuring the quality and reputation of agricultural products and foodstuffs on the market by controlling the use of registered names by persons who do not have the right to do so;

2) take measures to ensure proper legal protection of registered geographical indications and traditional specialities guaranteed;

3) carry out advertising and information activities to inform consumers about the characteristics of products that contribute to their added value;

4) develop measures related to ensuring product compliance with its specification (self-control and internal control measures);

5) take measures to boost the quality scheme effectiveness, carry out economic analysis and consult quality scheme users or persons wishing to join quality schemes;

6) take steps to increase the value of products and take other steps to prevent any risk that poses a potential threat to the reputation of such products.

Section VII. EXCEPTIONS FOR CERTAIN CASES OF PRIOR APPLICATION

Article 42. Names that have become generic

1. This Law does not limit the use of names that have become generic in Ukraine if the name that has become generic is part of a name registered according to the quality scheme, taking into account the current legislation.

Article 43. Varieties of plants and breeds of animals

1. Placing products on the market with the labelling containing a name protected according to the quality schemes provided for by this Law, but includes the name of a plant variety or animal breed, cannot be restricted, provided that the following conditions are met:

1) the corresponding product contains or is derived from the specified plant variety or animal breed;

2) consumers are not being misled;

3) the use of the name of a plant variety or animal breed is in line with fair business practices and does not have signs of unfair competition;

4) when using the name of a plant variety or animal breed, the reputation of the quality scheme is not used illegally;

5) the production and sale of products on the market were carried out outside the geographical environment associated with the special qualities of the product for which the geographical indication is registered, until the day of such registration.

Article 44. Correlation with intellectual property legislation

1. The norms regarding the use of quality schemes stipulated by this Law are applied without prejudice to the intellectual property legislation, in particular with regard to geographical indications and trademarks.

Section VIII. CONTROL MEASURES REGARDING THE APPLICATION OF QUALITY SCHEMES. LIABILITY FOR BREACH

Article 45. Ensuring control over the use of quality schemes

1. The specially authorized body ensures:

1) control over the use of quality schemes, in particular in terms of the presence of special qualities and other characteristics of the product, information about which is entered in the Register or the Register of traditional specialties guaranteed;

2) effective coordination between certification bodies, the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs, and the specially authorized body.

2. Control of the specially authorized body over geographical indications and traditional specialities guaranteed includes:

1) monitoring of the certification process;

2) control, in particular, monitoring the use of geographical indications registered according to Section II of this Law and the use of traditional specialities guaranteed registered according to Section III of this Law on products introduced into civil circulation.

3. With regard to special quality indicators, control is carried out exclusively by monitoring the legality of using a special quality scheme, labelling, and national symbol, testifying to its use, and taking measures regarding the responsibility for violations of the law.

4. Control is carried out based on the following principles:

1) compliance with the terms specified in the international agreements with Ukraine;

2) equal rights and equal legitimate interests of all market operators;

3) guaranteeing the rights and legitimate interests of each market operator;

4) objectivity and impartiality of state supervision (control);

5) legality

6) openness, transparency, planned and systematic state supervision (control);

7) inadmissibility of duplicating state control measures between the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs and consumer rights, its territorial bodies, state institutions, enterprises and organizations subordinate to the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs and consumer rights, and executive authorities and authorized persons;

8) presumption of the legality of the market operator's activity in the event when the norm of the law or the norm of other normative legal act, issued on the basis of the Law, or the norms of other laws or normative legal acts, or the norms of one normative legal act allow for an ambiguous (multiple) interpretation of rights and obligations of the market operator and/or the powers of the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs, and other persons exercising state control;

9) focus of state control on preventing violations of legislation;

10) risk and feasibility checks.

Article 46. Product certification

1. Verification of the product's compliance with the specification is carried out by:

1) initial inspection of the product's compliance with the product specification, which is carried out before the market operator-producer of the product joins the quality scheme;

2) periodic inspection of the product's compliance with the product specification.

2. The initial verification of product compliance with the product specification, which is carried out before the market operator-producer of the product joins the quality scheme, is conducted after the market operator has selected the certification body and concluded a certification agreement with it.

Within two months from the date of concluding the agreement, the certification body, in compliance with the requirements for a standard control plan approved by the specially authorized body, develops a certification control plan, which must contain the procedure for carrying out initial and periodic inspections, and sends it to the specially authorized body for approval. The expert commission of the specially authorized body approves the certification control plan within two months from the date of its receipt according to the procedure determined by the regulation on the expert commission of the specially authorized body, and the certification body is obliged to start the initial compliance inspection within thirty calendar days from the moment when the specially authorized body approves the control plan.

3. Initial and periodic inspections of product compliance with the product specification are carried out with a mandatory on-site inspection conducted by the certification body in order to establish compliance of the production process with the requirements of this Law and the product specification on the basis of the control plan specifying the frequency, duration, and scope of inspections, as well as methods and ways used in the certification process.

4. During the periodic inspection, the certification body has the right to:

1) make amendments to the control plan that involve changing the frequency, duration, and scope of control and self-control;

2) oblige the market operator to bring product labelling in compliance with the product specification published according to the procedure established by this Law;

3) in case of product's non-compliance with the specification, initiate the next periodic inspection ahead of time.

5. During the certification process, based on the inspection results and after determining whether all production stages comply with the requirements of the product specification, the certification body makes a substantiated decision to issue or refuse to issue a certificate.

6. If the certification body detects the product's non-compliance with the specification, which can be eliminated by the market operator, the certification body establishes a period for the market operator to take all possible measures to eliminate such discrepancy and notify the certification body about its elimination.

7. The grounds for refusing to issue a certificate include:

1) identifying non-compliance of any stage of production with the requirements of the product specification, which cannot be eliminated, based on the inspection results;

2) detecting that information submitted to confirm product compliance with specification requirements is inaccurate.

Refusal to issue a certificate on grounds not provided for in this Article is prohibited.

8. The certificate is issued to the market operator-producer of the product if the product's compliance with the specification requirements is established. The bodies that issue certificates proving product compliance with specifications are certification bodies.

Payment for certification services is carried out by relevant market operators on a contractual basis.

The certificate's validity period is 24 months from the date of its issuance.

The certificate must include:

1) the last name, first name, and patronymic (if available) of the individual entrepreneur/ name of the legal entity;

2) a code according to the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations (for legal entities) or the registration number of the taxpayer's registration card (for natural persons), or passport number (for individuals who, due to their religious beliefs, refuse to accept the registration number of the taxpayer's account card and officially notified the appropriate control body about it and have a respective mark in the passport);

3) type of quality scheme and protected name, details of the published product specification and the source where it is published;

4) date of issuing the certificate and date of its expiry;

5) information about the certification body that issued the certificate.

The procedure for issuing the certificate and its form are approved by the specially authorized body.

9. The certification body has the right to suspend or revoke the certificate.

Grounds for making a decision to suspend the certificate include:

1) violations of the product specification requirements committed by the market operator-producer of the product that have been detected by the certification body;

2) the market operator-producer of the product did not pass the periodic inspection of the product's compliance with the specification;

3) failure of the market operator-producer of the product to provide free access to their facilities and their failure to provide, at the request of the certification bodies, the documents necessary for inspection, including financial documents specified in the certification procedure approved by the specially authorized body.

In case when the market operator-producer of the product eliminates the violations that led to the suspension of the certificate, the certification body makes a decision to renew the certificate.

10. Grounds for making a decision to revoke the certificate include:

1) failure of the market operator-producer of the product to conclude a certification agreement with the certification body within 30 calendar days from the day of termination of the certification agreement between the certification body and the operator the certification agreement was concluded with;

2) failure of the market operator-producer of the product to conclude a certification agreement with the certification body within 30 calendar days from the date when the certification body the certification agreement was concluded with was excluded from the Register of certification bodies;

3) failure to eliminate violations that led to suspending the certificate within the period determined by the certification body or the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs and consumer rights, which cannot be less than 30 days;

4) request of the market operator-producer of the product to revoke the certificate issued to them;

5) failure of the market operator-producer of the product to pass the periodic inspection.

11. The decision of the certification body shall be appealed in the order of appeal to the central executive body implementing the state policy in the fields of safety and certain quality indicators of foodstuffs. The procedure for reviewing appeals against decisions of certification bodies is approved by the specially authorized body.

Article 47. Requirements for the certification body and its functions

1. The specially authorized body enters into the Register of certification bodies information about an enterprise, institution, organization or their subdivision, which:

1) has accreditation according to the Law of Ukraine "On Accreditation of Conformity Assessment Bodies";

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

3) is not a market operator;

4) has a confirmation that its personnel has the appropriate level of competence in the field of certification (work experience and special knowledge in the field of agriculture or food industry);

5) has at least one inspector who works for this certification body on a permanent basis. A person possessing not lower than the first level of education (bachelor's degree) and having at least five years of work experience in the field of agriculture, food or processing industry can be accepted for the position of inspector.

2. An enterprise, institution, organization or their subdivision, which aspires to be entered in the Register of certification bodies, shall submit an application for entry to the specially authorized body in a form determined by the specially authorized body.

The following documents shall be attached to the application:

a copy of the accreditation certificate;

the applicant's extract from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations;

a copy of the charter of the enterprise, institution, organization or their subdivision;

the list of employees and documents confirming the level of personnel's competence in the field of certification.

The exceptional grounds for refusing to enter information into the Register of Certification Bodies include:

non-compliance of the enterprise, institution, organization or their subdivision with the requirements specified in this Article;

detecting inaccurate information in submitted documents.

The decision to enter or refuse to enter information in the Register of certification bodies is made by the specially authorized body within 10 calendar days from the date of receiving the documents specified in this Article.

3. The certification body is obliged to submit to the specially authorized body a list of its employees, information confirming their level of competence in the field of certification, and an annual report on certification work performed during the year annually by January 31 of the year following the reporting year.

4. Certification body:

1) carries out product certification according to the legislation in the field of geographical indications and traditional specialities guaranteed;

2) prepares certification control plans for each registered geographical indication or traditional speciality guaranteed for which it has concluded a certification agreement and submits these plans for approval to the specially authorized body, and makes changes to these plans;

3) takes measures to ensure that market operators' documents can be tracked;

4) keeps records of issued, suspended, and revoked certificates;

5) within five calendar days from the date of issuing certificates or making a decision on suspending or revoking certificates, gives a written notice about it to the specially authorized body and the central executive body implementing the state policy in the fields of safety and certain indicators of the quality of foodstuffs;

6) at the request of the specially authorized body and the central executive body implementing the state policy in the fields of safety and certain indicators of the quality of foodstuffs, submits a report on completed certification work;

7) in case of detecting significant non-compliance of the product with the specification requirements, immediately notifies the specially authorized body and the central executive body implementing state policy in the fields of safety and certain indicators of the quality of foodstuffs that the market operator does not ensure product compliance with the specification requirements;

8) performs other functions provided for by this Law.

5. A certification body shall be excluded from the Register of certification bodies based on a decision of the specially authorized body in the event of:

1) a request of the certification body to be excluded from the Register of certification bodies of their own free will;

2) repeated violation of the certification procedure within one year, which led to the wrongful issuance of a certificate or wrongful refusal to issue a certificate;

3) temporary suspension or revoking of the accreditation certificate;

4) non-compliance of the certification body with the requirements specified by this Law.

6. In case of excluding a certification body from the Register of certification bodies, such a body is obliged to immediately notify the operators it has entered into certification agreements with. Certificates issued by such a certification body do not lose their validity until the expiration of the period specified in the certificate, and the operator retains the previous production status, but not more than for the period of the certificate's validity unless otherwise established by law.

7. Certification bodies are subject to annual monitoring by the specially authorized body in accordance with the procedure established by the specially authorized body. During the annual monitoring, certification bodies are obliged to provide access to their documentation, material and technical base, and other infrastructure objects used in the process of certification work.

Article 48. State control over market operators' compliance with the legislation on geographical indications, traditional specialities guaranteed, and special quality indicators, and over the work of certification bodies

1. Within the scope of this Law, state control over market operators' compliance with the requirements of the legislation on geographical indications, traditional specialities guaranteed, and special quality indicators is carried out according to the Law of Ukraine "On State Control over Compliance with the Legislation on Foodstuffs, Stems, By-products of Animal Origin, Health and Well-being of Animals."

State control over market operators' compliance with the requirements of the legislation on geographical indications, traditional specialities guaranteed, and special quality indicators is carried out by taking planned and unplanned measures:

inspections of market operators' activities taking into account a risk-oriented approach, carried out with a frequency sufficient to achieve the goals of this Law;

inspections of the product for its compliance with the product specification for which the geographical indication or traditional speciality guaranteed is registered, as well as for its compliance with the conditions of using registered names on products introduced into civilian circulation, specified in this Law.

Planned state control measures are carried out in accordance with the annual state control plan.

2. For the purpose of state control within the scope of this Law, laboratory studies (tests) of quality indicators, physical, chemical, and organoleptic characteristics of the product are carried out by authorized laboratories.

3. State control over the work of certification bodies is exercised according to the Law of Ukraine "On the Basic Principles of State Supervision (control) in the Sphere of Economic Activity."

Article 49. Powers of officials exercising state control (supervision)

1. Officials who exercise state control (supervision) in the scope of this Law, in order to fulfill the tasks assigned to them within the scope of their powers, have the right to:

1) freely visit inspection facilities, obtain information necessary for exercising state control (supervision), documentation, samples of raw materials, other materials and finished products for laboratory research;

2) issue orders to eliminate violations of legislative requirements in the field of quality schemes;

3) issue administrative acts (resolutions, decisions) to withdraw and/or remove products that do not meet the requirements of legislation in the field of quality schemes and product specifications if the products are labelled with a national symbol in any language.

Section IX. LIABILITY FOR VIOLATION OF LAW

Article 50. Violation of rights arising from the registration of a geographical indication or a traditional speciality guaranteed

1. Any encroachment on the rights arising from the registration of a geographical indication or a traditional speciality guaranteed entails responsibility according to the law. At the request of any person who has the right to use a geographical indication or a traditional speciality guaranteed, or a public authority, such violation must be stopped, and the violator must compensate for the damage caused in court.

At the choice of the plaintiff who applied for the protection of their violated right or interest protected by law, it is allowed to replace the damages with the payment of compensation in the amount of 10 to 500 minimum wages, which is determined by the court depending on the nature of the violation.

2. The court also has the right to make a decision to impose a fine on the violator in the amount of 10 percent of the amount awarded in favor of the plaintiff. Funds from the fine are credited to the State Budget of Ukraine in accordance with the established procedure.

3. A person who has the right to use a geographical indication or a traditional speciality guaranteed, or a state authority has the right to demand withdrawal from circulation and destruction at the violator's expense of products, packages, and labels with the name protected under the quality scheme and/or with the national symbol or precautionary labelling specified in the Law of Ukraine "On Legal Protection of Geographical Indications" used without proper legal grounds.

Article 51. Liability for violations of legislation in the field of quality schemes

1. Market operators who sell a product labelled with the use of a geographical indication or a traditional speciality guaranteed or is put into civilian circulation using a geographical indication or a traditional speciality guaranteed are liable for the following offenses:

1) putting products into circulation or sale without obtaining a certificate proving the products' compliance with the specification requirements entails a fine in the amount of eight minimum wages for legal entities, and a fine in the amount of five minimum wages for individual entrepreneurs;

2) use of a national symbol or precautionary labelling specified in the Law of Ukraine "On Legal Protection of Geographical Indications" for an unregistered geographical indication or traditional speciality guaranteed, or use of a symbol similar to the degree of confusion with the national symbol for an unregistered geographical indication or traditional speciality guaranteed, or use of a special quality indicator without obtaining the right to such use in the manner prescribed by this Law entails a fine in the amount of five minimum wages for legal entities, and a fine in the amount of three minimum wages for individual entrepreneurs;

3) failure to provide information about products put into circulation using the quality scheme, untimely provision of such information or provision of inaccurate information entails a fine in the amount of five minimum wages for legal entities, and a fine in the amount of three minimum wages for individual entrepreneurs;

4) refusal to allow an official of the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs, or its territorial body to exercise state control on grounds not stipulated by law, or otherwise obstructing their legal activity entails a fine in the amount of ten minimum wages for legal entities, and a fine in the amount of seven minimum wages for individual entrepreneurs;

5) non-fulfilment or untimely fulfillment of the legal requirements (orders) of an official of the central executive body implementing state policy in the fields of safety and certain quality indicators of foodstuffs, or its territorial body on eliminating violations of this Law entails a fine in the amount of eight minimum wages for legal entities, and a fine in the amount of five minimum wages for individual entrepreneurs.

2. Certification bodies are liable for the following offenses:

1) non-fulfilment or untimely fulfillment of legal requirements (orders, administrative acts) on eliminating violations of legislative requirements in the field of quality schemes entails a fine in the amount of eight minimum wages;

2) failure to provide information stipulated by this Law or a report on certificates issued by the authorities, untimely provision of such information or provision of inaccurate information entails a fine in the amount of five minimum wages;

3) violation of the requirements stipulated by this Law regarding the certification of products according to the specification requirements, which led to the illegal issuance of the certificate, entails a fine in the amount of sixteen minimum wages;

4) repeated violation of the requirements stipulated by this Law regarding the certification of products according to the specification requirements, which led to the illegal issuance of the certificate, entails a fine in the amount of twenty-four minimum wages.

Section X. FINAL AND TRANSITIONAL PROVISIONS

1. This Law enters into force on the day following its publication.

2. The following laws of Ukraine shall be amended:

1) part thirteen of Article 11 of the Law of Ukraine "On the Legal Protection of Geographical Indications" (Verkhovna Rada of Ukraine News, 1999, No. 32, Article 267 with subsequent amendments) shall be updated by adding paragraph eight with the following content:

"In the event when the objection concerns a name denoting a cross-border geographical location, and the application is submitted by several applicants jointly, the objection procedure shall be carried out in each applicant's country of origin, and the applicants are obliged to ensure that the documents related to the objection and the results of its review in each country are submitted together with the application";

2) part four of Article 2 of the Law of Ukraine "On Technical Regulations and Conformity Assessment" (Verkhovna Rada of Ukraine News, 2015, No. 14, Article 96 with subsequent amendments) after paragraph four, a new paragraph with the following content shall be added:

"certification of products with registered geographical indications or traditional specialities guaranteed".

In this regard, paragraphs five to eight shall be considered as paragraphs six to nine, respectively;

3) paragraph 2 of Section VI "Final and Transitional Provisions" of the Law of Ukraine "On Information for Consumers Regarding Food Products" (Verkhovna Rada of Ukraine News, 2019, No. 7, Article 41) shall be updated by adding a second paragraph with the following content:

"As an exception from the provisions of paragraph one of this clause, it shall be temporarily prescribed that for the period of the legal regime of martial law, introduced by Decree of the President of Ukraine "On the Introduction of Martial Law in Ukraine" dated February 24, 2022 No. 64/2022, approved by the Law of Ukraine "On Approval of Decree of the President of Ukraine 'On the Introduction of Martial Law in Ukraine'" and within six months after its termination or cancellation, foodstuffs that meet the requirements of the legislation on providing consumers with information about foodstuffs, which was in effect before the entry into force of this Law, but that do not meet the requirements of this Law, may be produced and/or placed on the market. Such foodstuffs may be placed on the market before their final consumption date or their expiration date."

3. Until the legislation is brought in line with this Law, laws and other normative legal acts shall be applied in the part that does not contradict this Law.

4. The Cabinet of Ministers of Ukraine within six months from the date of entry into force of this Law shall:

submit to the Verkhovna Rada of Ukraine proposals for amendments to the laws of Ukraine arising from this Law;

ensure that normative legal acts provided for by this Law are developed, and bring their normative legal acts in compliance with this Law;

ensure that ministries and other central executive bodies review and bring their regulatory acts in compliance with this Law.

5. In 2023, the Cabinet of Ministers of Ukraine shall inform the Verkhovna Rada of Ukraine about the state of implementation of this Law.

President of Ukraine	V. ZELENSKYI
Kyiv September 6, 2022 No.2572-IX	