

[UNOFFICIAL TRANSLATION]

Law of Ukraine "On the State System for Biosafety in the Development, Trial, Transport and Use of Genetically Modified Organisms"

Submitted by Ukraine

1. On May 31, 2007, President of Ukraine V. Yuschenko signed the Law of Ukraine "On the State System for Biosafety in the Development, Trial, Transport and Use of Genetically Modified Organisms (GMO)."
2. The Law, per se, stopped virtually uncontrolled import of GMOs and products produced using the GMOs (further - GMO products) to Ukraine, a usual practice in the past for pretty long time. Especially it concerns soya and soya products.
3. The Law establishes the main principles of state policy in the field of GMO treatment. Article 3 stipulates the priority of human health and natural environment over GMO's economic benefits. In addition, it provides for biological and genetic safety measures in the development, study and practical use of GMOs.
4. The important provisions of the Law provide for control of GMOs and GMO products import to the custom territory of Ukraine; recording the import volume of GMOs and GMO products; public access to information on potential GMO risks in uncontained use; and biological and genetic safety measures.
5. The Law provides for state support to genetic engineering as well as to fundamental and applied research in the field of biological and genetic safety in the development, study and practical use of GMOs. As a result, we can expect the increased scientific research in the above fields.
6. The main objectives of the Law are:
 - (i) to protect human health and natural environment in the field of genetic engineering and GMO treatment;
 - (ii) to ensure citizen rights to safe use of GMOs;
 - (iii) to create safe conditions in practical business use of GMOs;
 - (iv) to define the rights and responsibilities of the regulation subjects in the field of GMO treatment as well as their responsibility for violation of the legislation;
 - (v) to protect citizens when their health was affected as a result of GMO consumption;
 - (vi) to establish the legal basis for international cooperation in the field of genetic engineering and GMO treatment.

7. The Law regulates the following areas of activity:
 - (i) genetic engineering in contained use;
 - (ii) genetic engineering in uncontained use;
 - (iii) state registration of GMOs and GMO products;
 - (iv) use of GMOs and GMO products;
 - (v) GMO export, import and transit.

8. The Law contains specific provisions which regulate its implementation. To this end, the following central bodies of executive power will be involved, within their competence and under the Ukrainian legislation, in the implementation of the Law: the Cabinet of Ministers of Ukraine, the Ministry of Education and Science, the Ministry of Ecology and Natural Resources, the Ministry of Health and the Ministry of Agrarian Policy.

9. The Law establishes the GMO registration procedures as well as restrictions for their use. The list of products subject to registration in the GMO State Registers includes the following:
 - (i) GMO-based varieties of agricultural plants and animal breeds;
 - (ii) plant protection agents produced using GMOs;
 - (iii) GMO-sources of food as well as GMO-containing food, cosmetics, drugs and similar products that were produced using GMOs;
 - (iv) GMO-sources of forage as well as GMO-containing additives and veterinary drugs or similar products that were produced using GMOs.

10. The state registration of GMOs and GMO products can be refused if sound scientific information proves that their designated use brings hazard to human health or natural environment.

11. The Law prohibits industrial production and use of GMOs and GMO products before their state registration.

12. It is important to note, that the Law stipulates that information concerning GMO treatment is open and public unless it is confidential and secret under the respective Ukrainian legislation.

13. At the same time, information about GMO potential impact on human health and natural environment can not be considered as confidential and secret.

14. The Law provides for international cooperation in this field through international agreements, information exchange, further development and strengthening of international cooperation in the area of biological and genetic safety.