





OVERVIEW OF A POLICY FRAMEWORK FOR THE FRUIT AND VEGETABLES SECTOR IN THE EU AND UKRAINE

This report was prepared by The Center for Food and Land Use Research at the Kyiv School of Economics in cooperation with the Ministry of Agrarian Policy and Food of Ukraine within the framework of a memorandum of cooperation.

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This report provides an overview of the European Union policy framework for the fruit and vegetables (F&V) sector and the regulation of F&V production in Ukraine. It focuses on the EU's comprehensive support system for the F&V sector and the legal basis for the regulation of the F&V sector pillars of production in Ukraine. The report also outlines the main challenges of harmonisation of Ukrainian legislation with the EU policy framework.

INTRODUCTION: EU POLICY FRAMEWORK

Fruits and vegetables (F&V) are important European Union (EU) agricultural products, with an annual output value¹ of €68 billion in 2022. Fresh vegetables account for 60% of this value and fruits - for 40%. The F&V sector's output represented almost one-guarter of the value of the EU's total crop output and 12.6 % of the value of the EU's agricultural output in 2022.2 Fruits and vegetable production is the core component of agricultural production in some EU countries, especially in the Mediterranean region (e.g in Greece, almost one-third of the output value of the agricultural industry in 2022 came from fresh F&V)3 and in some northern and eastern European countries.

The EU has a comprehensive support system with five broad goals aiming to strengthen the resilience of the F&V sector and its operators as well as to boost the consumption of fresh fruits and vegetables (Figure 1). Important developments in the EU policy framework for the fruit and vegetable sector are outlined in Figure 2. The legal basis (Table 1) for the main support schemes is Regulation (EU) No 1308/2013 of the European Parliament (current consolidated version: 13/05/2024) on a common organisation of the markets in agricultural products (CMO Regulation). EU market-related expenditure under the CMO Regulation amounted to €2.98 billion in 2022, of which €878 million was spent for the fruit and vegetable market interventions. This budget was second only to the expenditures for the market of the wine sector's products (€951 million).

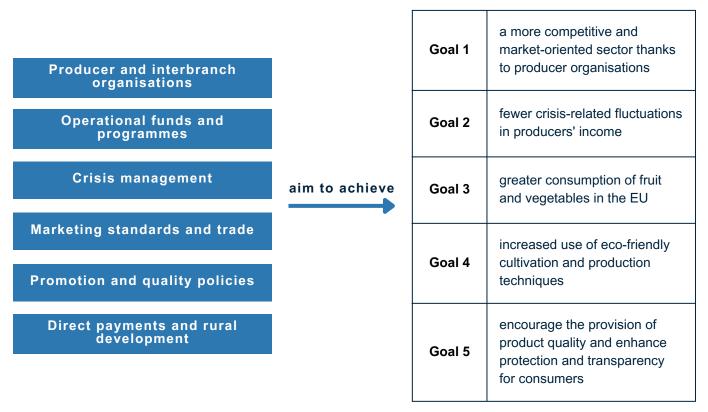
Value at basic prices (i.e., including subsidies but excluding taxes on production)
 Source: The fruit and vegetable sector in the EU - a statistical overview
 Source: The fruit and vegetable sector in the EU - a statistical overview

Table 1. Legal basis for EU regulation of the F&V sector

Regulation	Devoted to	Current consolidated version
Regulation (EU) 1308/2013	establishing a common organisation of the markets in agricultural products	<u>13/05/2024</u>
Commission Implementing Regulation (EU) 2017/892	laying down the rules for the application of EU regulation 1308/2013 with regard to the fruit and vegetables and processed fruit and vegetables sectors	<u>01/01/2023</u>
Commission Implementing Regulation (EU) 543/2011	implementing rules for fruit and vegetables	24/10/2022
Commission Delegated Regulation (EU) 2017/891	supplementing EU regulation 1308/2013 with regard to fruit and vegetables and processed fruit and vegetables sectors and supplementing EU regulation 1306/2013 with regard to penalties to be applied in those sectors and amending EU implementing regulation 543/2011	<u>01/01/2023</u>

Source: Fruit and Vegetables - European Commission

Figure 1. Components and goals of the EU's policy framework and support system for the F&V sector



Source: Based on <u>Fruit and Vegetables</u> – European Commission, <u>The EU fruit and vegetable sector - European Parliament</u>

PRODUCER ORGANISATIONS, THEIR OPERATIONAL FUNDS AND PROGRAMMES

The primary goal of producer organisations is to strengthen the position of fruit and vegetable producers in the market. The recognition by a Member State of producer and interbranch organisations, and of associations of producer organisations, in the fruit and vegetable sector is favoured by the EU. There are a number of criteria for the recognition of producer organisations (Figure 3), which should be legal entities pursuing a specific objective, such as for instance providing technical assistance to their members – F&V producers. Recognised producer organisations can initiate the creation of the association of producer organisations to perform any of their activities and functions. When it comes to interbranch organisations, they are formed on the initiative of producer organisations (or associations of producer organisations) and should be sufficiently representative of the various occupational categories of the fruit and vegetables sector - economic activities linked to the production, processing or trading/distributing of products in the F&V sector (Figure 3).

Producer organisations and their associations develop their operational programmes for a duration of a minimum of three to a maximum of five years and should target the achievement of at least two of the organisations' objectives and include environmental actions. These programmes should be approved by national authorities and can apply for EU financial assistance (Table 2). The role of producer organisations in boosting sustainable growth in the EU's F&V sector is significant (Box 1).

Figure 3. Characteristics of producer and interbranch organisations

Producer organisations(POs)

Criteria for recognition: PO must

- have been set up on the initiative of producers;
- be made up of and controlled by producers of F&V:
- file a request with the EU country it is based in;
- carry out at least one of the activities, such as joint processing, distribution, transportation or packaging;
- follow at least one of the specific aims, such as optimising production costs or developing initiatives in the area of promotion and marketing.

POs help farmers reduce transaction costs and collaborate when processing and marketing their products

Source: <u>Producer and interbranch organisations</u>

Interbranch organisations (IBOs)

IBOs are made up of representatives of at least one part of the agro-food supply chain

adopt measures to govern the chain, without themselves being involved in production, processing or trade

serve as a platform for dialogue, promoting best practices and market transparency

Table 2. Responsibilities of producer organisations, national authorities and the EU

Producer organisations and their associations	 develop operational programmes; set up operational funds to finance their operational programmes approved by Member States; submit annual reports on the implementation of their operational programmes to the relevant national authority, which accompany their applications for aid.
National authorities	 set up a national strategy for sustainable operational programmes, to define. which measures are eligible for support; approve POs' operational programmes; submit to the European Commission an annual report on all POs, operational funds and programmes, and recognition plans.
The EU	 monitors and evaluates both the programmes and the national strategy, based on a common set of performance indicators; grants EU financial assistance to operational funds: as a general rule, the EU financial assistance is limited to 50% of the total operational fund and may be increased to 60% in specific cases: in cases of programmes that favour interbranch or transnational operations, organic production, mergers, etc.

Source: Based on <u>Fruit and Vegetables</u> – European Commission, <u>The EU fruit and vegetable sector - European Parliament</u>

Figure 2. Developments in the EU policy framework for the fruit and vegetable sector

1996	2007	2013	2021
 Aim: to strengthen the position of producers given a greater concentration of demand and to integrate environmental concerns in the production and marketing of F&V Producer organisations (POs) became the cornerstone of the EU regime for the F&V sector; For the first time, POs could receive EU support in the form of a contribution to the operational funds needed to implement operational programmes. 	 Aim: to strengthen the POs further; Incentives were created to encourage mergers between POs, associations of POs (APOs) and transnational cooperation; Special emphasis on protecting the environment: requirement for POs to include a minimum level of environmental spending in the operational programmes; For the first time, member states had to establish a national strategy for sustainable operational programmes, integrating a specific environmental framework. Export refunds were removed in the sector and aid for fruit destined for processing was decoupled 	 The Common Agricultural Policy (CAP for the 2014-2020 financial period) reform did not introduce major changes to the EU regime for the F&V sector As before EU support is granted to POs only through operational programmes, with two important exceptions: (1) the association of POs may set up an operational fund, with the financial contributions from the associated POs and the EU financial assistance (2) the extension of the set of crisis prevention and management (CPM) instruments (two new instruments were added) Shift of the EU aid to producer groups from the first pillar of CAP (market measures and direct payments) to the second pillar (rural development policy) and making it available to all member states. 	CAP 2023-2027: most of the CMO Regulation remains unchanged The most substantial structural change: Sectoral interventions' (support to specific sectors including the fruit and vegetables sector) are now part of Member States' strategic plans the respective provisions have been moved from the CMO Regulation to the CAP Strategic Plans Regulation.

Source: Report on the implementation of the provisions concerning producer organisations, operational funds and operational programmes in the fruit and vegetables sector since the 2007 reform; The Common organisation of the markets (CMO) regulation

Box 1. Role of producer organisations in the EU fruit and vegetables sector

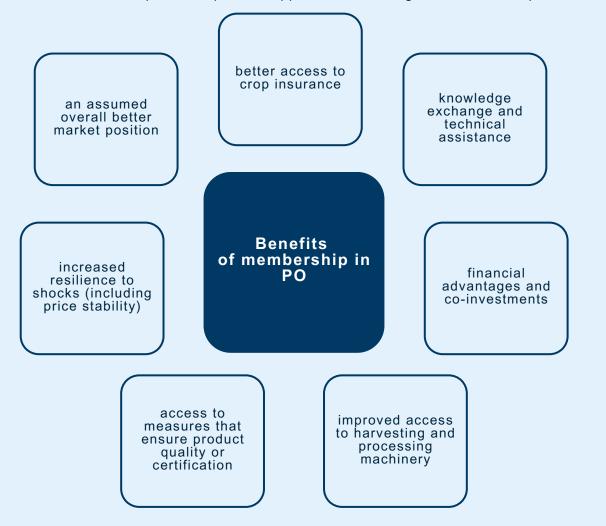
<u>Synthesis study</u> of national strategies for sustainable operational programmes in the F&V sector (European Commission, 2022) highlighted the important role of producer organisations (POs) in facilitating sustainable growth in the EU's F&V sector. Its findings suggest that operational programmes of POs succeed in

- increasing attractiveness of POs membership;
- promoting concentration of supply and placing on the market;
- improving the commercial value of products;
- ensuring that production is adjusted to demand.

Data analysis conducted in the abovementioned study provides evidence of the positive impact that operational programmes had in the fields of

- improving competitiveness;
- protecting and preserving the environment;
- preventing and managing crises;
- reinforcing other policies pursuing similar objectives like rural development measures.

Figure B1. Stakeholders' opinion on positive opportunities arising from membership in a PO



CRISIS MANAGEMENT

In the framework of the above-mentioned operational programmes, fruit and vegetable producers are eligible to receive EU financial support for a number of crisis prevention and management activities.⁴

Investment, insurance, mutual funds

- investing in a more efficient management of the volumes placed on the market;
- support for harvest insurance for beneficiaries who undertake necessary risk prevention measures:
- support for the administrative costs of setting up mutual funds and financial contributions to replenish mutual funds;

Market withdrawals

 market withdrawal, with 100 % funding in case of free distribution to EU charitable and public service bodies, for quantities up to 5 % of the producer organisation's total marketed volume (Legal Basis - Annex IV to Commission Delegated Regulation (EU) 2017/891);

Production

- orchard replanting after mandatory grubbing up for health or phytosanitary reasons;
- green harvesting (i.e., total harvesting of unripe non-marketable products) or nonharvesting (i.e., termination of the current production cycle where the product is well developed and is of sound, fair and marketable quality) of F&V;

Training and promotion

- training and exchange of best practices;
- promotion and communication;
- coaching of other producers or producer groups.

REQUIREMENTS FOR THE TRADE OF F&V INCLUDING MARKETING STANDARDS

Another important pillar of the EU policy framework is mandatory and additional requirements for the trade of fresh fruit and vegetables, which are outlined in Table 3 along with relevant legislation.

⁴ Source: The EU fruit and vegetable sector - European Parliament

 Table 3. EU requirements for the trade of fruit and vegetables

Type of requirements	Group	Description	Relevant legislation
Mandatory	Limited use of pesticides	 The EU regularly updates the Maximum Residue Levels (MRLs) of pesticides, which are allowed in food products; A general default MRL of 0.01 mg/kg applies where a pesticide is not specifically mentioned; If the pesticide is mentioned – the EU Pesticides database 	Regulation (EC) No 396/2005 Current version: 11/05/2024
	Avoiding contaminants	 Contaminants are substances that can come from various sources, such as agricultural practices, environmental pollution, packaging, transport and holding; The EU sets limits for contaminants in foodstuffs, as it does for MRLs: Annex I 	Regulation (EU) 2023/915 Current version: 22/07/2024
	Microbiological criteria for pre- cut fruit	 Suppliers of fresh pre-cut fruit and vegetables must take measures to control microbiological hazards (viruses, parasites and bacteria) throughout the processing and packaging process; EU provides detailed information about sampling and testing procedures, and the microorganisms that are tested for. 	Regulation (EC) No 2073/2005 Current version: 08/03/2020
	Plant health and phytosanitary regulations	 Phytosanitary certification is necessary for most fruits and vegetables; The certificates guarantee that exported F&Vs: have been inspected properly; are free from pests – free from quarantine pests and within the requirements for regulated non-quarantine pests and practically free from other pests; are in line with the phytosanitary requirements. 	Regulation (EU) 2019/2072 Current version: 15/08/2024

Type of requirements	Group	Description	Relevant legislation
Mandatory	Marketing standards	There are several fruits and vegetables that are subject to specific marketing standards: Apples Citrus fruit Kiwi fruit Lettuce, curly and broadleaved endives Peaches and nectarines-Pears Strawberries Sweet peppers Table grapes Tomatoes Fruits and vegetables not covered by specific marketing standards should comply with the general marketing standards (GMS)	Annex I, Part B of EU Regulation No 543/2011 Current version: 24/10/2022 Regulation (EU) 2019/428
	Labelling and packaging	 Food placed on the EU market must meet the legislation on food labelling; With respect to packaging, the EU intends to limit the use of single-use plastics by transferring the cost of waste and responsibility to the producer. 	Regulation (EU) No 1169/2011 Current version: 01/01/2018;Dir ective (EU) 2019/904
Additional (requested by buyers)	Certification	Among the common requirements of EU buyers are GLOBALG.A.P. certification and compliance with social and environmental standards.	GLOBALG.A.P. certification

Source: What requirements must fresh fruit or vegetables comply with to be allowed on the European market?

PROMOTION AND QUALITY POLICIES

The EU's promotion policy aims at helping EU producers to improve their competitiveness and market share in world markets. The legal basis of the EU policy on information provision and promotion measures concerning agricultural products is Regulation (EU) No 1144/2014 and supplementing Regulation (EU) 2015/1829. In 2024, the EU Commission allocates €185.9 million to fund promotion activities for sustainable and high-quality EU agri-food products in the EU and worldwide. Among the objectives with which the promotion projects should comply is promoting the consumption of fresh fruit and vegetables, and healthy as well as sustainable diets (see Box 2). The total funding amount planned for projects targeting information provision and promotion programmes for the consumption of fresh F&V is €18.1 million.^b

The findings of the evaluation report revealed consistency of the promotion policy for agri-food products with the objectives of the policy as well as its importance in the transition towards a more sustainable agricultural sector. Conducted analysis of the policy implementation also suggests that the main product category benefitting from promotion policy co-funding is fruit and vegetables.

When it comes to the EU quality schemes, they aim to protect the names of products, the geographical origin of which as well as traditional know-how make them unique. 8 Promotion of these unique characteristics is done through quality logos: Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) or Traditional Speciality Guaranteed (TSG). These geographical indications help consumers to distinguish quality products and create marketing opportunities for producers. Among the food and agricultural products that are most registered for geographical indications are fruits and vegetables (Török and Moir, 2018), which have been granted either the PDO or the PGI.

⁵ Promotion of EU farm products

Annexes - Work programme for 2024

⁷ Promotion of EU farm products

Geographical indications and quality schemes explained
 Török, Á., Moir, H. V. J., 2018. The market size for GI food products – evidence from the empirical economic literature. Studies in Agricultural Economics, Research Institute for Agricultural Economics, 120(3).

Box 2. FV4MILLENIALS Project

This box provides an example of the promotion project funded within EU agricultural promotion policy.

Project description

- Duration: March 2022 February 2025 (36 months)
- Budget: 5 434 815 €
- Consortium: 3 organisations from 2 European countries (France and Ireland)
- Main message: "A healthy message from Europe Life is better with Fruits&Vegetables"

Objectives

- To increase the level of knowledge of Millennials on the nutritional benefits of F&V;
- To increase the proportion of responsible consumption of F&V by Millennials in Europe.

Activities

- Press relations (e.g., exchanges with influencers to relay programme's messages to the Millennials)
- Media and social network (e.g., creation of specific social media networks)
- Advertising (e.g., creation of a global digital media plan to convey the messages of the programme)
- Events (e.g., participating in public events to exchange directly with the Millennials)

Source: FV4MILLENIALS Project

Another program that aims to support greater F&V consumption is the EU-School fruit and vegetable program described in Box 3.

Box 3. Supporting greater consumption: The EU-School fruit and vegetable programme

Programme characteristics

- a scheme for the supply of fruit and vegetables (and milk, following the 2016) reform - Regulation (EU) 2016/791) for primary schools;
- developed and financed by the European Union since 2009;
- scheme runs strategies based on multiannual national, or regional, implementation strategies;
- the schools receive 3 portions of free F&V for all schoolchildren per week for a period of 20 weeks in the school year (November – April);
- expenditures on the EU school fruit, vegetables and milk schemes in 2022 amounted to €170 million.

Programme goals

- 1) stimulating consumption of fresh fruits and vegetables by schoolchildren;
- 2) accompanying educational and information measures (healthy eating habits):
- 3) promoting the sale of fruits and vegetables

Results of the evaluation support study of the EU School fruit, vegetables and milk scheme (2022) suggest that it is relevant with respect to its main objectives of "increasing children's consumption of selected agricultural products" and "improving children's eating habits". The study revealed an increased share of children receiving both fruits and vegetables and milk/milk products compared to the previous period and distribution of a larger variety of products.

Barriers and facilitators to implementation (Meshkovska et al., 2024)

Facilitators:

- flexibility in how the scheme is designed and implemented;
- newly established cooperation between implementing ministries.

Barriers:

- the timing of the yearly budget allocation;
- ambiguity as to what the perceived primary goal is, among the overall goals of the Scheme.

Source: The EU-School fruit and vegetable programme; The EU fruit and vegetable sector -

European Parliament
Meshkovska, B., Forberger, S., Wendt, J. et al. Barriers and Facilitators to Implementation of the EU School Fruit and Vegetables Scheme: Cross Country Study. Glob Implement Res Appl 4, 52–65 (2024). https://doi.org/10.1007/s43477-023-00100-8

DIRECT PAYMENTS AND RURAL DEVELOPMENT

The main type of EU-funded support for agricultural producers is direct payments which are the 'first pillar' of the common agricultural policy (CAP). These are decoupled payments aimed to stabilise farm revenues. This income support is granted per hectare and for fruit and vegetable producers it is on average less sizeable than for farmers specialising in other productions given that F&V producers generally farm small agricultural areas (Table 4).

Table 4. Decoupled payments in different farm specialisations

Farm specialisation	Decoupled payments, €/farm(average of yearly averages2018-2022)	Total Utilised Agricultural Area, ha/farm (average of yearly averages 2018-2022)
Orchards / fruits	2,446	12
Horticulture	1,365	7
Cereals, oilseeds and protein crops	14,838	70
Mixed crops	5,110	22
Mixed crops and livestock	8,829	41

Data source: EU farm accountancy data network, 2018-2022

The EU rural development policy is the CAP's 'second pillar'. Rural development measures do not specifically target fruit and vegetable producers. Nevertheless, they address important sectoral issues, such as enhancing farm viability and competitiveness or promoting food chain organisation, as well as support the economic development of the rural areas in which fruit and vegetable growers operate their businesses.¹⁰

¹⁰ Source: The EU fruit and vegetable sector - European Parliament

LEGAL REGULATION OF THE FRUITS AND VEGETABLES SECTOR IN UKRAINE

Legal regulation of the cultivation and trade of fruits and vegetables in Ukraine is a complex process that covers various aspects of economic activity, ranging from land issues to product certification (Figure 4).

Figure 4. Pillars of Ukraine's regulatory framework for the F&V sector

Fruit and vegetables production and trade		
Pillar	Legal basis	
State support of F&V production	The Law of Ukraine "On State Support of Agriculture of Ukraine"	
Legal status and operations of F&V producers	The Law of Ukraine "On Farming Enterprise"	
	The Law of Ukraine "On Agricultural Cooperation"	
	The Law of Ukraine "On Individual Farm"	
Land use for F&V production	The Land Code of Ukraine; The Law of Ukraine "On Land Lease"	
Seeds and planting material used for growing F&V	The Law of Ukraine "On seeds and planting material"	
	The Law of Ukraine "On protection of rights to plant varieties"	
Safety and quality of F&V	The Law of Ukraine "On the basic principles and requirements for the safety and quality of food products"	
	The Law of Ukraine "On plant quarantine"	
	The Law of Ukraine "On state regulation of genetic engineering activities and state control over placement on the market of GMO and products"	
	The Law of Ukraine "On Pagio Principles and Dequirements for	
Organic production of F&V	The Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products	

The Civil Code of Ukraine and the Economic Code of Ukraine regulate legal relations regarding property ownership, contracts and conducting business activities in the field of fruit and vegetable production. The Law of Ukraine "On Farming Enterprise" and the Law of Ukraine "On Agricultural Cooperation" determine the legal status, the procedure for the creation and operation of farms and cooperatives, providing opportunities for joint use of resources and state support. The Law of Ukraine "On Individual Farm" regulates the activities of households, which produce vegetables and fruits for their own consumption and sale. The Laws "On State Registration of Legal Entities, Individuals - Entrepreneurs, and Public Organizations" and "On State Registration of Property Rights to Immovable Property and Their Encumbrances" regulate the procedures for registering enterprises and rights to real estate, including land used for growing vegetables and fruits.

<u>The Land Code of Ukraine</u> and <u>the Law of Ukraine "On Land Lease" (161-XIV)</u>. These acts regulate the use of land for agricultural purposes, including land for vegetable and fruit crops. They establish the legal basis for the lease and sale of agricultural land.

The Law of Ukraine "On seeds and planting material" (411-IV) regulates issues of production, circulation and quality control of seeds and planting material used for growing agricultural and ornamental plants. It establishes the requirements for seed certification, the terms of its implementation, as well as the rights and obligations of producers and suppliers. State bodies monitor compliance with legislation, in particular regarding varietal purity, sowing and marketable qualities of seeds and planting material, which affects the quality of products in the agricultural sector. This law also defines the procedure for keeping registers of seed and nursery entities, certification auditors and conformity assessment bodies.

The Law of Ukraine "On protection of rights to plant varieties" (3116-XII) regulates the protection of rights to varieties of vegetables and fruits in Ukraine. In order to obtain legal protection, the variety must be registered after passing an examination confirming its novelty, distinctiveness, uniformity and stability. The owner of a registered variety receives exclusive rights to its use, including production, sale, and licensing. At the same time, there are restrictions on the use of the variety without the consent of the owner for scientific, breeding or non-commercial purposes. It is also possible to issue a compulsory license if the variety is not used or there is a public need.

The Law of Ukraine "On Basic Principles and Requirements for Organic Production, Circulation and Labelling of Organic Products" (2496-VIII) regulates the organic production of products, including the cultivation of vegetables and fruits. Organic vegetables and fruits must be grown according to environmentally friendly methods, without the use of chemical fertilizers, pesticides and genetically modified organisms. The law also establishes mandatory requirements for the certification of production and circulation of organic products, which is carried out by accredited certification bodies. Products that meet all the requirements can be labelled as organic and subject to a special logo, which guarantees to consumers that it complies with the law.

The Law of Ukraine "On state regulation of genetic engineering activities and state control over placement on the market of genetically modified organisms and products" (3339-IX) states that producers of seeds and seedlings of vegetables and fruits are obliged to

label products with genetically modified organisms (GMOs), ensuring transparency for consumers, with the indication "With GMOs" if the share of GMOs exceeds 0.9%. The law also provides a system of traceability at all stages of the circulation of genetically modified products and requirements for post-registration monitoring to identify possible risks. In addition, the law establishes clear rules for the parallel use of GMO and non-GMO products in order to avoid accidental mixing. State control covers all stages, from cultivation to circulation of products on the market, with the possibility of removing illegal or dangerous for health and environment GMOs.

The Law of Ukraine "On State Support of Agriculture of Ukraine" (1877-IV) is a legal basis for the state support of producers of vegetables, fruits, berries and grapes. Producers of vegetables, fruits and grapes are provided with partial compensation for the costs of purchasing planting material, carrying out work on the construction of trellises and installing drip irrigation systems. Compensation of up to 50% of costs for the construction of refrigerators, processing shops and lines for processing of produced crops is also provided.

The Law of Ukraine "On the basic principles and requirements for the safety and quality of food products" (771/97-BP) establishes requirements for the circulation of food products on the territory of Ukraine. In particular, it is noted that products of plant origin can be sold on agro-food markets, provided that their quality is confirmed by the results of tests by an accredited laboratory on this market. Products must be recognized as safe and meet hygienic requirements.

The Law of Ukraine "On plant quarantine" (3348-XII) defines the procedure for sampling and carrying out phytosanitary examination (analyses) of plant products, including vegetables and fruits. The selection of samples can be carried out both by state phytosanitary inspectors and by specialists of private laboratories. The phytosanitary examination is carried out for the detection and identification of harmful organisms according to international standards, and depending on whether the laboratory is private or public, the responsibility for the selection and inspection of the cargo is shared between the inspector and the laboratory specialist. Compliance with ISO/IEC 17025 standards is an important condition for exporting products.

Thus, the Ukrainian policy framework for F&V sectors regulates various aspects of the production and trade of fresh fruits and vegetables and has a strong legal basis in place. However, it requires alignment with the EU's standards. Despite Russia's full-scale invasion of Ukraine, the adaption of national legislation to the regulatory framework of the European Union is ongoing but faces several systemic challenges. They are, among others, the insufficient institutional capacity of key responsible institutions, lack of internal financial resources for the development and implementation of relevant regulations, insufficient sustainability and coherence of agricultural policy and the need for an in-depth study of EU legal acts, their high-quality professional translation and harmonisation of the terminology. Overcoming the abovementioned challenges will contribute significantly to the successful European integration of the Ukrainian agricultural sector, including F&V production.

^{11 &}lt;u>EU integration of the Ukrainian agri sector: how to strengthen negotiating positions?</u>