

# WORLD TRADE ORGANIZATION

RESTRICTED

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**Working Party on the  
Accession of Ukraine**

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## **ACCESSION OF UKRAINE**

### Questionnaire on Import Licensing Procedures

#### Revision

The Governmental Commission on Ukraine's Accession to the WTO have submitted the following revised information on the Questionnaire on Import Licensing Procedures, with the request that it be circulated to the members of the Working Party.

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There are the following import licensing systems in Ukraine:

- licensing system for importing goods aimed at protection against low-quality goods, and protection of the environment against ozone-depleting substances. The list of goods importation of which is subject to licensing under the said system (irrespective from the country of exportation) is approved annually by the Cabinet of Ministers of Ukraine. The list of goods, importation of which is subject to licensing in 2003 is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1939 of 25 December 2002; and
- licensing system with quotas applied to imports of goods, aimed at application of protective measures. Protective measures under this system are determined under special decision of the Interdepartmental Commission of Ukraine for International Trade.

Licensing System of Imports of Goods, Aimed at Protection against Low-Quality Goods, and Protection of the Environment against Ozone-Depleting Substances, the List of Which is Approved Annually by the Cabinet of Ministers of Ukraine

I. OUTLINE OF SYSTEMS

**Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all of the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.**

According to this system, the Cabinet of Ministers annually reviews and approves a list of goods subject to import licensing. The list of goods, importation of which is subject to licensing in 2003 is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1939 of 25 December 2002 with relevant amendments. Imports are licensed irrespective of the exporting country.

II. PURPOSES AND COVERAGE OF LICENSING

**1. Identify each licensing system maintained and state what products, appropriately grouped, are covered.**

Pursuant to this system, imports of the following goods are subject to licensing in 2003:

Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators	3808 10, 3808 20, 3808 30, 3808 90 (except separate shipments imported free of charge by authority of the Ministry of Ecological Resources, exceptionally for the State testing, scientific research and demonstration experiments – neocidole (3808 10 40 00) and larinat (3808 90 10 00))
Unused postage, excise labels and similar products being in circulation or have to be in circulation in the country of destination; stamp-impressed paper	4907 00 10 00, 4907 00 91 00, 4907 00 99 00
Products, which may contain ozone-depleting substances and are imported in aerosol package	2106, 3208, 3209, 3210 00, 3212, 3214, 3304, 3305, 3306, 3307, 3402, 3403, 3405, 3506 91 00 00, 3808, 3809, 3811, 3812, 3813 00 00 00, 3814 00, 3820 00 00 00, 3824 90 70 00 - 3824 90 95 00, 3910 00 00 (see also Annex 2)
Products which may contain ozone-depleting substances	8415, 8418, 8424 10, 8476 21 00 00, 8476 81 00 00, 9304 00 00 00 (See also Annex 2)
Ozone-depleting substances	According to the list of Annex No.1

**2. The system applies to goods originating in and coming from which countries?**

Licensing of imports of goods (except for goods specified in Annexes 1 and 2) is carried out in line with the requirements of the Montreal Protocol.

**3. Is the licensing intended to restrict the quantity or value of imports, and if not, what are its purposes? Have alternative methods of accomplishing the purposes been considered and if so which? Why have they not been adopted?**

This licensing system is not intended to restrict the quantity or value of imports.

The purposes of licensing are:

- protection of the market from low-quality products; and
- protection of environment from ozone-depleting substances.

**4. Cite the law, regulation and/or administrative order under which the licensing is maintained. Is the licensing statutorily required? Does the legislation leave designation of products to be subjected to licensing to administrative discretion? Is it possible for the government (or the executive branch) to abolish the system without legislative approval?**

The Law of Ukraine "On Foreign Economic Activity" No.959-XII of 16 April 1991 stipulates that licensing and quotas applicable to imports and exports may be introduced independently by state bodies of Ukraine.

The decision on approval of import licensing regime is made by the Cabinet of Ministers of Ukraine upon initiation by the Ministry of Economy and European Integration of Ukraine. The latter annually determines the list and terms of validity of licensing regime for each specific type of goods that fall under such treatment. The list of goods, importation of which is subject to licensing in 2003 is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 1939 of 25 December 2002 "On Lists of Goods Exports and Imports of Which are Subject to Quota Application and Licensing in 2003".

**III. PROCEDURES**

**1. For products under restriction as to the quantity or value of imports (whether applicable globally or to a limited number of countries or whether established bilaterally or unilaterally):**

There are no such products under this licensing system.

**2. Where there is no quantitative limit on importation of a product or on imports from a particular country:**

- (a) **How far in advance of importation must application for a license be made? Can licenses be obtained within a shorter time-limit or for goods arriving at the port without a license (for example, owing to inadvertency)?**
- (b) **Can a license be granted immediately on request?**
- (c) **Are there any limitations as to the period of the year during which application for license and/or importation may be made? If so, explain.**

- (d) **Is consideration of license applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?**

According to the import licensing system:

- (a) The importer may file the application for import license of goods subject to licensing under the system at any time;

The term for receiving a license depends only on the technical abilities of the licensing body.

- (b) The maximum possible term during which the license application may be considered is 15 working days. The license may be issued in a shortest possible term, which depends on the technical opportunities of the relevant competent body;
- (c) There are no limitations as to the period of a year during which the application for a license may be made;
- (d) Applications for licenses are considered by the Ministry of Economy and European Integration of Ukraine, or – within powers granted by this Ministry – by the Ministry of Economy of the Autonomous Republic of Crimea, relevant departments of oblast, Kyiv and Sevastopol City State Administrations that issue export and import licenses to business entities, registered in the relevant jurisdictions, and the accounting value of which under agreements (contracts) does not exceed US\$300,000.

The application is not passed on to other organs for visa, note or approval.

To obtain the import license for certain types of goods, the importer – under the licensing system – has to receive the approval from the relevant administrative body.

Such expert opinions are issued, depending on the type of goods, by the following institutions:

The Main State Inspection for Plant Protection of the Ministry of Agrarian Policy of Ukraine	Import of chemical means for plant protection (code 3808 10, 3808 20, 3808 30)
The State Technological Center for Protection of Fertility of Soil of the Ministry of Agrarian Policy of Ukraine	Import of agricultural chemicals (plant growth regulators – code 3808 90)
The State Ecological Inspection of the Ministry of Ecology and Natural Resources of Ukraine	Import of ozone-depleting substances and products that may contain ozone-depleting substances and come in aerosol packaging (code 2106, 3208, 3209, 3210 00, 3212, 3214, 3304, 3305, 3306, 3307, 3402, 3403, 3405, 3506 91 00 00, 3808, 3809, 3811, 3812, 3813 00 00 00, 3814 00, 3820 00 00 00, 3824 90 70 00 - 3824 90 95 00, 3910 00 00; 8415, 8418, 8424 10, 8476 21 00 00, 8476 81 00 00, 9304 00 00 00)

3. **Under what circumstances may an application for a license be refused other than failure to meet the ordinary criteria? Are the reasons for any refusal given to the applicant? Have applicants a right of appeal in the event of refusal to issue a license and, if so, to what bodies and under what procedures?**

The application may not be considered in case of the inappropriate registration of an application or non-submission of the complete set of documents.

The import license may be denied:

- in case the set of documents submitted is incomplete;
- in case the submitted documents are not consistent with the current legislation of Ukraine; and
- in case the business entity violates provisions of the current Ukrainian legislation.

The applicant has the right to appeal a decision refusing the issue of an import license in a judicial order, according to the provisions of the Civil Procedural Code and the Commercial Procedural Code of Ukraine.

#### IV. ELIGIBILITY OF IMPORTERS TO APPLY FOR LICENCE

##### 1. **Are all persons, firms and institutions eligible to apply for licences:**

- (a) **under restrictive licensing systems?**
- (b) **under non-restrictive systems?**

**If not, is there a system of registration of persons or firms permitted to engage in importation? What persons or firms are eligible? Is there a registration fee? Is there a published list of authorized importers?**

Any individual or legal entity registered as an agent of entrepreneurial activity in Ukraine, regardless of its type of ownership, is eligible to apply for an import license for goods.

- (a) there is no such list of goods;
- (b) any agent of entrepreneurial activity.

#### VI. DOCUMENTATION AND OTHER REQUIREMENTS FOR APPLICATION FOR LICENCE

##### 1. **What information is required in applications? Submit a sample form. What documents is the importer required to supply with the application?**

- Application for the import license

The information in applications for an import license is required in an established form. A sample of such application form is attached (Annex 3).

The following documents, along with the application, are submitted in order to obtain an import license for goods, the list of which is approved by the Cabinet of Ministers of Ukraine:

- a request letter regarding the issuance of a license, with guarantee of the payment of the official fee for the issue of such license;
- copy of the contract, all annexes and specifications thereto certified by the Head of the agent of entrepreneurial activity;
- copy of state registration certificate certified by the Head of the agent of entrepreneurial activity;

- confirmation of the relevant institution authorized for such purpose on approving the import of goods, according to the Resolution of the Cabinet of Ministers of Ukraine, No. 1939 of 25 December 2002 if required (see answer to question 2d of subsection III of the said section); and
- certificate of goods examination issued by the Chamber of Commerce and Industry of Ukraine or its regional department, with determination of the code of goods according to the Commodity Nomenclature. The certificate of goods examination is issued by the Chamber of Commerce and Industry of Ukraine on the basis of the relevant specification of the product, with the aim of determining the correspondence of goods to the codes of commodity classification. There are no significant reasons to refuse the issue of certificate of examination.

**2. What documents are required upon actual importation?**

The following documents are required upon actual importation:

- cargo customs declaration;
- license to import; and
- certificate of product origin.

**3. Is there any licensing fee or administrative charge? If so, what is the amount of the fee or charge?**

The State fee in the amount UAH255 (about US\$45.00), is established for the issue of an import license, which corresponds to the cost of issuing.

**4. Is there any deposit or advance payment requirement associated with the issue of licenses? If so, state the amount or rate, whether it is refundable, the period of retention and the purpose of the requirement.**

There is no deposit or advance payment requirement. During the submission of an application for a license, confirmation of the payment of state fee is not required. A document confirming the payment of state fee is submitted upon receipt of a license.

**VII. CONDITIONS OF LICENSING**

**1. What is the period of validity of a licence? Can the validity of a licence be extended? How?**

An import license is issued for the term of validity according to the terms of contract and is effective for customs processing of products throughout this period up to the end of the current year. Export and import licenses not used during a relevant previous year shall be effective by 1 March of the following year. Such norm is introduced by annual resolutions of the Cabinet of Ministers of Ukraine while approving of the list of goods, exports and imports of which is subject to licensing in a relevant year.

**2. Is there any penalty for the non-utilization of a license or a portion of a license?**

There are no penalties for the non-utilization of a license or a portion thereof.

**3. Are licenses transferable between importers? If so, are any limitations or conditions attached to such transfer?**

Licenses are not transferable between importers.

**4. Are any other conditions attached to the issue of a licence:**

- (a) for products subject to quantitative restriction?**
- (b) for products not subject to quantitative restriction?**

Other conditions attached to license issuing are the following:

- (a) submission of a document, confirming payment of the state fee for license issuing;
- (b) submission of a power of attorney for the right to obtain a license and a document identifying a person that obtains a license.

**VIII. OTHER PROCEDURAL REQUIREMENTS**

**1. Are there any other administrative procedures, apart from import licensing and similar administrative procedures, required prior to importation?**

There are no other administrative procedures, apart from import licensing (and if necessary prior receiving of approval of relevant administrative bodies), prior to importation.

**2. Is foreign exchange automatically provided by the banking authorities for goods to be imported? Is a license required as a condition to obtaining foreign exchange? Is foreign exchange always available to cover licenses issued? What formalities must be fulfilled for obtaining the foreign exchange?**

Payments for goods imported are effectuated pursuant to the terms and conditions of a foreign economic agreement (contract) between an agent of foreign economic activity of Ukraine and a foreign agent of business activity. Payments are conducted only through authorized banks in foreign exchange. If the importer does not have a sufficient amount at its authorized bank's account, the bank – upon importer's authorization – buys currency at the foreign exchange market.

A license does not require obtaining foreign exchange as a pre-condition. We are not aware of any circumstances of lack of foreign exchange to utilize the issued licenses.

The following documents are the basis for the purchase of foreign currency on the currency interbank market of Ukraine in payments with non-residents for commercial transactions, according to the Resolution of the Board of the National Bank of Ukraine of 18 March 1999, No. 127 "On Approval of the Procedure for Conducting Transactions at the Currency Interbank Market of Ukraine":

- contract with the non-resident filled in, according to the current Ukrainian legislation requirements, or other document which, in line with the current legislation of Ukraine, has the power of a contract;
- the customs cargo declaration (in a format established by the Resolution of the Cabinet of Ministers of Ukraine No. 574 of 9 June 1997), with changes, if the product is imported into the territory of Ukraine;
- a certificate on the completed work (rendered services) or other document certifying the rendering of services, completion of work;
- documents provided for in the documentary form of calculations (a letter of credit, collection); and
- a certificate from the State Tax Administration (Inspection) on the registration of the resident as a tax payer, and providing information about the current foreign currency account.

Special Licensing System with Quotas of Imports of Goods which are Established under Special Decisions of the Interdepartmental Committee of Ukraine for International Trade

I. OUTLINE OF SYSTEMS

1. **Give a brief description of each licensing system as a whole and, with respect to each, reply to the following questions as relevant, placing all of the material with respect to a given system in sequence together, and using cross references as appropriate when elements which have already been described are also present in another system.**

Special licensing system with quantitative restriction of imports covers import of goods regarding to which there is a decision of the Interdepartmental Committee of Ukraine for International Trade on the application of special measures pursuant to the Law of Ukraine "On the Application of Special Measures as to Imports into Ukraine," No. 332-XIV, dated 22 December 1998. According to the Law of Ukraine "On Foreign Economic Activity" No.959-XII of 16 April 1991 quota application shall be conducted through the introduction of the treatment of individual licenses. At the same time the total amount of imports under such licenses may not exceed the established quota.

The goods determined by the Decision of the Commission at the results of special investigations are imported on the basis of special licenses issued by the Ministry of Economy and European Integration of Ukraine.

II. PURPOSES AND COVERAGE OF LICENSING

1. **Identify each licensing system maintained and state what products, appropriately grouped, are covered.**

The said system covers licensing of imports of the following goods:

- cars (code 870322);
- baking soda (code 2836 30);
- plates, sheets, film, foil and strip of polyurethane (code - 3921 13);
- syringes, with or without needles, of plastic materials with 2, 5, 10 and 20 milliliters in volume (code - 9018 31 100);
- concrete (code - 2523 29);
- artificial fur and pile fabrics (4304 00 00, 6001); and
- electrical lamps (8539 10, 8539 22 90, 8539 29 98 00).

2. **The system applies to goods originating in and coming from which countries?**

The system of special import licensing is applied to goods, originating from the following countries:

cars	from the Russian Federation – 15777 pcs.
baking soda	from the Russian Federation – 2500 tons
plates, sheets, film, foil and strip of polyurethane	Annual volume of the special quota - 315,36 tons, including: From Lithuania - 92,4 tons Russia- 22,15 tons Belarus- 15,06 tons Poland- 35,95 tons Czech Republic- 23,65 tons Hungary - 126,14 tons



syringes, with or without needles, of plastic materials with 2, 5, 10 and 20 milliliters in volume	Annual volume of the special quota - 850918,4 kg, including: from Russia- 68253,4 kg; Slovakia - 113900,6 kg; Belgium- 6896 kg; Poland- 144475,1 kg; Germany - 44941,1 kg; Spain- 472452,2 kg.
concrete	from Russia- 150 thousand tons

If the quota is distributed between exporting countries, such distribution may be agree upon with them. If the agreement is not reached, the quota shall be distributed between exporting countries according to their share of imports into Ukraine, which is an object of a special investigation, during three to five years directly preceding the initiation of investigation, and in consideration of factors that may influence the trade in the said goods.

**3. Is the licensing intended to restrict the quantity or value of imports, and if not, what are its purposes? Have alternative methods of accomplishing the purposes been considered and if so which? Why have they not been adopted?**

The special licensing system is intended to restrict the quantity of imports of the determined goods. The purpose of licensing is the protection of interests of national goods producers from growing imports of such goods.

**4. Cite the law, regulation and/or administrative order under which the licensing is maintained. Is the licensing statutorily required? Does the legislation leave designation of products to be subjected to licensing to administrative discretion? Is it possible for the government (or the executive branch) to abolish the system without legislative approval?**

The system of special licensing is established by the Law of Ukraine "On the Application of Special Measures to Imports into Ukraine," No. 332-XIV, dated 22 December 1998 and the Law of Ukraine "On Foreign Economic Activity" No. 959-XII, dated 16 April 1991 with relevant changes and amendments. Quantitative restrictions of imports under this licensing system are established according to the Decisions of the Interdepartmental Commission for International Trade and orders of the Ministry of Economy and European Integration of Ukraine.

In particular by the Order of the Ministry of Economy and European Integration of Ukraine No. 369 of 16 December 2002 "On the Application of Special Measures as to Import of New Cars Originating from the Russian Federation" according to the Decision of the Interdepartmental Commission for International Trade No. SP-54/2002/52-49 "On the Application of Special Measures as to Imports into Ukraine of New Cars Originating from the Russian Federation".

By the Order of the Ministry of Economy and European Integration of Ukraine No. 234 of 2 August 2002 "On the Application of Special Measures as to Imports of Baking Soda Originating from the Russian Federation" according to the Decision of the Interdepartmental Commission for International Trade No. SP-44/2002/52-46 of 5 July 2002 "On the Application of Special Measures as to Imports into Ukraine of Baking Soda" originating from the Russian Federation".

By the Order of the Ministry of Economy and European Integration of Ukraine No. 48 of 18 February 2002 "On Licensing of Imports into Ukraine of Plates, Sheets, Film, Foil and Strip of Polyurethane Originating from the Russian Federation, Belarus, Lithuania, Poland, Czech Republic and Hungary" according to the Decision of the Interdepartmental Commission for International Trade

No. SP-2/2000 of 2 March 2000 "On the Application of Special Measures as to Imports into Ukraine of Plates, Sheets, Film, Foil and Strip of Polyurethane Originating from the Russian Federation, Belarus, Lithuania, Poland, Czech Republic and Hungary" with changes and amendments made by the decision of the Interdepartmental Commission No. SP-31/2002/52-42 of 29 January 2002.

By the Order of the Ministry of Economy and European Integration of Ukraine No. 200 of 5 July 2002 "On the Application of Special Measures as to Imports into Ukraine of Syringes, with or without Needles, of Plastic Materials, Originating in the Russian Federation, Slovakia, Belgium, Ireland, Poland, Germany and Spain" and No. SP-40/2002/52-44 of 19 June 2002 "On Liberalization of Special Measures Applied according to the Decision of the Interdepartmental Commission for International Trade No. SP-17/2001/52-44 of 8 June 2001".

By the Order of the Ministry of Economy and European Integration of Ukraine No. 296 of 23 October 2002 "On the Application of Special Measures as to Importing Concrete into Ukraine" according to the Decision of the Interdepartmental Commission for International Trade No. SP-49/2002/52-48 of 7 October 2002 "On the Application of Special Measures as to Imports into Ukraine of Concrete Originating From the Russian Federation"-

The Decision of the Interdepartmental Committee for International Trade determines the products subject to licensing. The Government may not cancel the special licensing system without a legislative approval.

### III. PROCEDURES

#### 1. **For products under restriction as to the quantity or value of imports (whether applicable globally or to a limited number of countries or whether established bilaterally or unilaterally):**

- (a) **Is information published, and where, concerning allocation of quotas and formalities of filing applications for licenses? If not, how is it brought to the attention of possible importers? Of governments and export promotion bodies of exporting countries and their trade representatives? Is the overall amount published? The amount allocated to goods from each country? The maximum amount allocated to each importer? How to request any exceptions or derogations from the licensing requirement?**
- (b) **How is the size of the quotas determined: on a yearly, six-monthly or quarterly basis? Are there cases where the size of quota is determined on a yearly basis but licences are issued for imports on a six-monthly or quarterly basis? In the latter case, is it necessary for importers to apply for fresh licence on a six-monthly or quarterly basis?**
- (c) **Are licences allotted for certain goods partly or only to domestic producers of like goods? What steps are taken to ensure that licences allocated are actually used for imports? Are unused allocations added to quotas for a succeeding period? Are the names of importers to whom licences have been allocated made known to governments and export promotion bodies of exporting countries upon request? If not, for what reason? (Indicate products to which replies relate.)**
- (d) **From the time of announcing the opening of quotas, as indicated in I above, what is the period of time allowed for the submission of applications for licences?**
- (e) **What are the minimum and maximum lengths of time for processing applications?**

- (f) **How much time remains, at a minimum, between the granting of licences and the date of opening of the period of importation?**
- (g) **Is consideration of licence applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?**
- (h) **If the demand for licences cannot be fully satisfied, on what basis is the allocation to applicants made? First come, first served? Past performance? Is there a maximum amount to be allocated per applicant and, if so, on what basis is it determined? What provision is made for new importers? Are applications examined simultaneously or on receipt?**
- (i) **In the case of bilateral quotas or export restraint arrangements where export permits are issued by exporting countries, are import licences also required? If so, are licences issued automatically?**
- (j) **In cases where imports are allowed on the basis of export permits only, how is the importing country informed of the effect given by the exporting countries to the understanding between the two countries?**
- (k) **Are there products for which licenses are issued on condition that goods should be exported and not sold in the domestic market?**

According to the special import licensing system, which envisages quota allocation, the lists of products are determined by the decisions of the Interdepartmental Committee for International Trade:

- (a) Decision of the Interdepartmental Committee for International Trade regarding the application of special measures as to imports of certain goods with allocation of quotas is published in the official publication of Ukraine, in particular: "Uruadoviy Courier" (Governmental Courier) newspaper. Orders of the Ministry of Economy and European Integration of Ukraine, which are registered with the Ministry of Justice of Ukraine and published in the official publication of Ukraine, in particular: "Offitsiyniy Visnyk Ukrainy" (Official Bulletin of Ukraine), determine allocation of quotas by countries of origin. In addition, information on daily balance of quotas under the said licensing system is placed at the special page of the web-site of the Ministry of Economy and European Integration [www.me.gov.ua](http://www.me.gov.ua). The Ministry of Foreign Affairs of Ukraine notifies governmental organs of exporting countries. To prevent monopolization of the market the total number of applications from the same importer to obtain special licenses within the established quotas may not exceed 35 per cent of the size of the quota period or such other period envisaged by the relevant decision of the Commission. Any exceptions or deviations from the requirements of special licensing are not allowed without amendments of normative and legislative acts.
- (b) The size of the quotas is determined for a one-year period, and according to the decision of the Interdepartmental Commission for International Trade is allocated by relevant six or three-month periods. Special licenses are issued for a period of 90 days.
- (c) Special licenses are not allotted between importers or producers of like goods. A special license is not transferable to other persons. Unutilized quota in the first

semiannual period is added to quota of the second semiannual period. In this case, however, semiannual quota may not exceed 60 per cent of the special quota. Information on a recipient of a special license is not confidential. Therefore, this information can be disclosed upon request.

- (d) There are no restrictions as to period of time allowed for the submission of application.
- (e) The length of time for processing applications is 15 working days.
- (f) The applications for import licenses are accepted starting from 14 days prior to the first day of the relevant quota period.
- (g) The Ministry of Economy and European Integration of Ukraine considers license applications. There is no necessity to pass applications to other organs for visa, note or approval. The importer has to approach one administrative organ only.
- (h) If the demand for a license cannot be fully satisfied, then a license is issued for a part of the demand, i.e., for amount of quota left. Applications for special licenses are considered in the order of their submission, pursuant to dates of registration with the Ministry of Economy and European Integration of Ukraine. To prevent monopolization of the market the total number of applications from the same importer to obtain special licenses within the established quotas may not exceed 35 per cent of the size of the quota period or such other period if envisaged by the relevant decision of the Commission. A maximum amount to be allocated per applicant is not determined. All importers differ only by date of the submission of the application. Applications are considered in the order of their receipt (not simultaneously).
- (i) Issue of special licenses under this scheme does not depend on availability of bilateral quotas or arrangements. Special licenses are not issued automatically.
- (j) There are no such cases.
- (k) There are no such products.

**2. Where there is no quantitative limit on importation of a product or on imports from a particular country:**

- (a) **How far in advance of importation must application for a license be made? Can licenses be obtained within a shorter time-limit or for goods arriving at the port without a license (for example, owing to inadvertency)?**
- (b) **Can a license be granted immediately on request?**
- (c) **Are there any limitations as to the period of the year during which application for license and/or importation may be made? If so, explain.**
- (d) **Is consideration of license applications effected by a single administrative organ? Or must the application be passed on to other organs for visa, note or approval? If so, which? Does the importer have to approach more than one administrative organ?**

- (a) Acceptance of import license applications starts 14 days prior to the first day of the relevant quota period. The term of obtaining license depends only on the technical capabilities of the licensing body.
- (b) The maximum possible term during which the license application may be considered is 15 working days. The license may be issued in a shortest possible term, which depends on the technical opportunities of the relevant competent body.
- (c) The license application may be denied providing the amount of quota established for the relevant period is exhausted.
- (d) The Ministry of Economy and European Integration of Ukraine, considers license applications. There is no necessity to pass applications to other organs for visa, note or approval. The importer has to approach one administrative organ only.

**3. Under what circumstances may an application for a license be refused other than failure to meet the ordinary criteria? Are the reasons for any refusal given to the applicant? Have applicants a right of appeal in the event of refusal to issue a license and, if so, to what bodies and under what procedures?**

A special license application is accepted in all cases except for cases of inconsistency of the filed application with provisions of the contract, submission of the application in an inappropriate form, or submission of incomplete set of required documents.

License may be denied due to the following reasons:

- the submitted documents are inconsistent with current Ukrainian legislation;
- the amount of the special quota is exhausted; and
- the agent of entrepreneurial activity violates provisions of Ukrainian legislation.

The applicant has the right to appeal a decision refusing the issue of a special import license in court, according to the norms of the Civil and Procedural and the Economic and Procedural Codes of Ukraine.

**IV. ELIGIBILITY OF IMPORTERS TO APPLY FOR LICENCE**

**1. Are all persons, firms and institutions eligible to apply for licences:**

- (a) under restrictive licensing systems?
- (b) under non-restrictive systems?

**If not, is there a system of registration of persons or firms permitted to engage in importation? What persons or firms are eligible? Is there a registration fee? Is there a published list of authorized importers?**

Any individual or legal entity registered as an agent of entrepreneurial activity registered in Ukraine, regardless of its ownership types, is eligible to apply for the special import license.

**VI. DOCUMENTATION AND OTHER REQUIREMENTS FOR APPLICATION FOR LICENCE**

**1. What information is required in applications? Submit a sample form. What documents is the importer required to supply with the application?**

The established application form determines the information required in such applications. A sample of such application form is attached (Annex 4).

The following documents, along with the application, are submitted in order to obtain a license:

- a request letter regarding the issue of a license, with guarantee of the payment of the official fee for the issue of such license;
- a copy of the contract, all annexes and specification thereto certified by the Head of the agent of entrepreneurial activity;
- a copy of state registration certificate certified by the Head of the agent of entrepreneurial activity;
- a copy of the certificate for attributing an identification number of a taxpayer;
- the original a certificate of origin of foreign goods issued by the authorized body of foreign country of origin and its copy; and
- a certificate of goods examination issued by the Chamber of Commerce and Industry of Ukraine or its regional department, with determination of the code of goods.

The applicant – upon submission of the documents – is notified that he/she may be granted an import quota in the size specified in the special license application.

**2. What documents are required upon actual importation?**

The following documents are required upon actual importation:

- special license original;
- certificate of origin of goods; and
- cargo customs declaration.

**3. Is there any licensing fee or administrative charge? If so, what is the amount of the fee or charge?**

State fee in the amount of 255 Ukrainian Hryvnias (about US\$45.00), is established for the issue of a special import license, which corresponds to the cost of issuing.

**4. Is there any deposit or advance payment requirement associated with the issue of licenses? If so, state the amount or rate, whether it is refundable, the period of retention and the purpose of the requirement.**

There is no deposit or advance payment requirement. During the submission of an application for a license, confirmation of the payment of state fee is not required. A document confirming the payment of state fee is submitted upon receipt of a license.

**VII. CONDITIONS OF LICENSING**

**1. What is the period of validity of a licence? Can the validity of a licence be extended? How?**

Validity term of a special license is 90 days.

If the amount of the established quota for relevant goods is not exhausted, the importer may file an application for a new license. Normative and legislative acts do not provide for the extension of validity of a special license.

**2. Is there any penalty for the non-utilization of a license or a portion of a license?**

There are no penalties for the non-utilization of a license or a portion thereof.

**3. Are licenses transferable between importers? If so, are any limitations or conditions attached to such transfer?**

Licenses are not transferable between importers.

**4. Are any other conditions attached to the issue of a licence:**

**(a) for products subject to quantitative restriction?**

**(b) for products not subject to quantitative restriction?**

Other conditions attached to license issuing are the following:

(a) submission of a document, confirming payment of the state fee for license issuing with the original stamp of the bank;

(b) submission of a power of attorney for the right to obtain a license and a document identifying a person that obtains a license.

**VIII. OTHER PROCEDURAL REQUIREMENTS**

**1. Are there any other administrative procedures, apart from import licensing and similar administrative procedures, required prior to importation?**

There are no other administrative procedures, apart from import licensing and similar administrative procedures, prior to importation.

**2. Is foreign exchange automatically provided by the banking authorities for goods to be imported? Is a license required as a condition to obtaining foreign exchange? Is foreign exchange always available to cover licenses issued? What formalities must be fulfilled for obtaining the foreign exchange?**

Please refer to the information provided under this point in Section I, "Licensing System of Imports of Goods the List of Which is Approved by the Cabinet of Ministers Annually."

## ANNEX 1

### The List of Ozone-Depleting Substances, Exports and Imports of which are Subject to Licensing in 2003

Article Description	Code under UCC FEA
Carbon tetrachloride or tetramethane	2903 14 0000
Methylchloroform or 1, 1, 1-chloroethane	2903 19 1000
Methyl bromide	2903 30 3300
Trichlorofluoromethane	2903 41 0000
Dichlorodifluoromethane	2903 42 0000
1, 1, 2-trichlorotrifluoroethane	2903 43 0000
Chloropentafluoromethane	2903 44 9000
Chlorotrifluoromethane	2903 45 1000
Tetrachlorodifluoroethane	2903 45 1000
Heptachlorofluoropropane	2903 45 2500
Hexachlorodifluoropropane	2903 45 3000
Pentachlorotrifluoropropane	2903 45 3500
Tetrachlorotetrafluoropropane	2903 45 4000
Trichloropentafluoropropane	2903 45 4500
Dichlorohexafluoropropane	2903 45 5000
Chloroheptafluoropropane	2903 45 5500
1, 1, 2, 2-Dichlorotrifluoroethane	2903 44 10 00
Tetrachlorodifluoroethane	2903 45 90 00
Bromochlorodifluoromethane (Gallon 1211)	2903 46 10 00
Bromotrifluoromethane (Gallon 1301)	2903 46 20 00
1, 1, 2, 2- Dibromotetrafluoromethane (Gallon 2402)	2903 46 90 00
Dichlorofluoromethane, chlorodifluoromethane, chlorofluoromethane, tetrachlorofluoroethane, trichlorodifluoroethane, dichlorotrifluoroethane, chlorotetrafluoroethane, trichlorofluoroethane, dichlorotrifluoroethane, chlorotrifluoroethane, dichlorofluoroethane, 2-dichlorofluoroethane, chlorodifluoroethane, chlorodifluoroethane, chlorofluoroethane, hexachlorofluoropropane, pentachlorodifluoropropane, tetrachlorotrifluoropropane, trichlorotetrafluoropropane, dichloropentafluoropropane, 1-trifluoro-2-difluoro-3-dichloropropane, 1-chlorodifluoro-2-difluoro-3-chlorofluoropropane, chlorohexafluoropropane, pentachlorofluoropropane, tetrachlorodifluoropropane, trichlorotrifluoropropane, dichlorotetrafluoropropane, chloropentafluoropropane, tetrachlorofluoropropane, trichlorodifluoropropane, dichlorotrifluoropropane, chlorotetrafluoropropane, trichlorofluoropropane, dichlorodifluoropropane, chlorotrifluoropropane, dichlorofluoropropane, chlorodifluoropropane, chlorofluoropropane	2903 49 10 00
Dibromofluoromethane, bromodifluoromethane, bromofluoromethane, dibromofluoroethane, tribromodifluoroethane, dibromotrifluoroethane, bromotetrafluoroethane, tribromofluoroethane, dibromodifluoroethane, bromotrifluoroethane, dibromofluoroethane, bromodifluoroethane, bromofluoroethane, hexabromofluoropropane, pentabromodifluoropropane, tetrabromotrifluoropropane, tribromotetrafluoropropane, dibromopentafluoropropane, bromohexafluoropropane, pentabromofluoropropane, tetrabromodifluoropropane, tribromotrifluoropropane, dibromotetrafluoropropane, bromopentafluoropropane, tetrabromofluoropropane, tribromodifluoropropane, dibromotrifluoropropane, bromotetrafluoropropane, tribromofluoropropane, dibromodifluoropropane, bromotrifluoropropane, dibromofluoropropane, bromodifluoropropane, bromofluoropropane	2903 49 30 00
Chemical substances or products of chemical production or related productions, not included into other categories:	3824 710000
mixtures with content of perhalogen derivatives of acyclic carbons with two or more different halogens:	



Article Description	Code under UCC FEA
with content of acyclic carbonhydrates, perhalogen only with fluorine and chlorine	
Chemical substances or products of chemical production or related productions, not included into other categories:	3824 909500
other	

## ANNEX 2

### The List of Products which may Contain Ozone-Depleting Substances and Exports and Imports of which are subject to Licensing in 2003

Description of Goods	Code under UCC FEA
Products shipped in spray packaging	2106, 3208, 3209, 3210 00, 3212, 3213, 3214, 3304, 3305, 3306, 3307, 3402, 3403, 3405, 3506 91 00 00, 3808, 3809, 3811, 3812, 3813 00 00 00, 3814 00, 3820 00 00 00, 3824 90 70 00, 3824 90 95 00, 3910 00 00
Products not included into other categories, with 70% content of petroleum or petroleum product oils:	
- oils and lubes, other	2710 009800
Air conditioning machines comprising motor-driven fans and devices for changing the air temperature and humidity, including conditioning machines in which humidity is not separately regulated	8415
Refrigerators, freezers and other refrigerating or freezing equipment, electric or other types; heat-pumps, except devices for air conditioning, goods position 8415	8418
Fire extinguishers, charged	8424 10
Automatic goods-vending machines, incorporating heating or refrigerating devices	8476 21 00 00 8476 81 00 00
Weapons and devises of personal protection in spray packaging	9304 00 00 00

### ANNEX 3

#### Application For Import License No.

Valid till \_\_\_\_ \_\_\_\_ \_\_\_\_ (incl.)

1. Applying organization, location			Code under EDRPOU ( <i>Unified State Register of Enterprises and Organizations of Ukraine</i> )		
Telephone		Fax			
Current account					
Current account in foreign currency					
2. Incoming number			Date of registration		
3. Purchaser of goods, location			4. Seller, location		
5. Code under Commodity Nomenclature of Foreign Economic Activity	6. Unit of measurement	7. Quantity	8. Value (in thousands US\$)	9. Value (currency of the contract)	10. Additional name
11. Country of destination 12. Country of the seller 13. Country of origin			14. Delivery terms 15. Currency of the contract 16. Currency of the payment		
17. Customs office			18. Nature of the agreement		
19. Grounds to ask for a license			20. Approved Surname, name and patronymic  Position Signature Place of Stamp Date		
21. Surname, name and patronymic of the Head of the applying organization Position  Place of Stamp Signature Date					
22. Special conditions					

# ANNEX 4

## Application for Special License No.

1. Applicant, location			Code under EDRPOU ( <i>Unified State Register of Enterprises and Organizations of Ukraine</i> )		
Telephone			Fax		
Current account					
Current account in a foreign currency					
2. Incoming number			Date of registration		
3. Purchaser of goods, location			4. Seller, location		
5. Code under the Ukrainian Classification of Commodities of Foreign Economic Activity or Commodity Nomenclature of Foreign Economic Activity	6. Unit of measurement	7. Quantity	8. Value (in thousands US\$)	9. Value (currency of the contract)	10. Additional name
11. Country of destination code _____			14. Delivery terms		
12. Country of export code _____			15. Currency of the contract code _____		
13. Country of origin code _____			16. Currency of the payment code _____		
17. Customs office code _____			18. Nature of the agreement		
19. Grounds to ask for a special license					
20. Surname, name and patronymic of the Head of the applicant					
Position					
Place of Stamp					
Signature					
Date					
21. Special conditions					