

# WORLD TRADE ORGANIZATION

RESTRICTED

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**Working Party on the  
Accession of Ukraine**

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## **ACCESSION OF UKRAINE**

### Compliance of the Draft Laws in the Trade Field with Requirements of WTO Agreements

The Governmental Commission on Ukraine's Accession to the WTO has submitted the following information with the request that it be circulated to members of the Working Party.

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Draft Laws of Ukraine	Compliance of the draft with the WTO Agreements and suggestions regarding the full harmonization of the draft laws
<b>GENERAL AGREEMENT ON TARIFFS AND TRADE 1994</b>	
1. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On Foreign Economic Activity";	1. Complies
2. Draft Law of Ukraine "On Revoking Section II of the Law of Ukraine "On Amendment of Certain Legislative Acts on Issues Related to Taxation of Goods and other Items Imported into Ukraine";	2. Complies
3. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On the Regulation of Barter Transactions in Foreign Economic Activity";	3. Complies
4. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On the Value Added Tax";	4. Complies
5. Draft Law of Ukraine "On Amendment of Article 20 of the Law of Ukraine "On Enterprises in Ukraine";	5. Complies
6. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On Entrepreneurship";	6. Complies
7. Draft Tax Code of Ukraine;	7. Complies in general
8. Draft Law of Ukraine "On Amendment of Certain Legislative Acts of Ukraine on Issues Related to Taxation";	8. Complies in general
9. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On Tax System";	9. Complies
10. Draft Law of Ukraine "On Amendment of Certain Laws of Ukraine on the Excise and Import Duty Rates"; and	10. Complies
11. Draft Customs Code of Ukraine.	11. Complies
12. Draft Law of Ukraine "On the Protection of Economic Competition";	12. Complies
13. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On State Regulation of Import of Agricultural Produce";	13. Complies
14. Draft Law of Ukraine "On Revoking the Law of Ukraine "On Export Duty Rates for Seeds of Certain Oil Crops";	14. Complies
15. Draft Law of Ukraine "On Revoking the Law of Ukraine "On Export Duty for Live Cattle and Leather Raw Materials";	15. Complies
16. Draft Law of Ukraine "On Amendment of Article 5 of the Law of Ukraine "On Privatization of the State-Owned Property" and the Law of Ukraine "On the List of the State-Owned Objects which are not Subject to Privatization";	16. Complies
17. Draft Law of Ukraine "On the State Property Fund";	17. Complies
18. Draft Law of Ukraine "On the State Budget of Ukraine for 2001";	18. Complies
19. Draft Law of Ukraine "On Amendment of the Law of Ukraine "On the Budget System of Ukraine;";	19. Complies
20. Draft Law of Ukraine "On Single Customs Tariff"; and	20. Complies
21. Draft Law of Ukraine "On privatization of small state enterprises".	21. Complies
<b>AGREEMENT ON AGRICULTURE</b>	
1. Draft Law "On Amendment of the Law of Ukraine "On State Regulation of Import of Agricultural Produce";	1. Complies
2. Draft Law of Ukraine "On the Fixed Agricultural Tax";	2. Complies
3. Draft Land Code of Ukraine;	3. Complies
4. Draft Law of Ukraine "On Revoking the Law of Ukraine "On Export Duty Rates for Seeds of Certain Oil Crops";	4. Complies
5. Draft Law of Ukraine "On Revoking the Law of Ukraine "On Export Duty for Live Cattle and Leather	5. Complies

Raw Materials”; and	
6. Draft Law of Ukraine “On Peculiarities of Privatization of the Property in the Agroindustrial Complex”.	6. Complies
7. Draft Law of Ukraine “On Fish, Sea Products and Products Thereof”;	7. Complies
8. Draft Law of Ukraine “On Fish Industry”;	8. Complies
9. Draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Related to Veterinary Medicine”;	9. Complies
10. Draft Law of Ukraine “On Amendment of the Code of Ukraine on Administrative Infringements” (on responsibility for infringements of the laws on issues related to livestock breeding);	10. Complies
11. Draft Law of Ukraine “On Agreements Related to a Land Share”;	11. Complies
12. Draft Decree of the President of Ukraine “On the Main Grounds for Development of the Social Field in the Country”;	12. Complies
13. Draft Law of Ukraine “On Settlement of Indebtedness under the Budget Loans Granted to the Reorganized Agricultural Enterprises Through Servicing, Procuring and Processing Organizations”;	13. Complies
14. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Agricultural Cooperation”;	14. Complies
15. Draft Law of Ukraine “On Stimulation of the Development of Agriculture for 2001-2004”;	15. Complies
16. Draft Concept of the Law of Ukraine “On Grain”;	16. Complies
17. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Seeds”;	17. Complies
18. Draft Law of Ukraine “On Amendment of Article 7 of the Law of Ukraine “On Peculiarities of Privatization of the Property in the Agroindustrial Complex”;	18. Complies
19. Draft Law of Ukraine “On Land Rents in Ukraine”;	19. Complies
20. Draft Law of Ukraine “On Amendment of the Code of Ukraine on Administrative Infringements on the Establishment of Responsibility for Infringements of the Laws on the Bee-keeping”;	20. Complies
21. Draft Law of Ukraine “On Private Peasant Farming”;	21. Complies
22. Draft Law of Ukraine “On Legal Protection of Selection Achievements in Livestock”;	22. Complies
23. Draft Law of Ukraine “On the State Land Cadastre”;	23. Complies
24. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Plant Quarantine”;	24. Complies
25. Draft Law of Ukraine “On Ukraine’s Accession to the International Convention for the Protection of New Varieties of Plants, 1991 Act”;	25. Complies
26. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Protection of Rights to Varieties of Plants”;	26. Complies
27. Draft Law of Ukraine “On Seeds”;	27. Complies
28. Draft Law of Ukraine “On the State Sanitary and Hygienic Expertise”;	28. Complies
29. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Veterinary Medicine”;	29. Complies
30. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Sanitary and Epidemic Safety of the Population”.	30. Complies

AGREEMENT ON THE APPLICATION OF SANITARY AND PHYTOSANITARY MEASURES	
1. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Protection of Rights to Varieties of Plants”;	1. Complies
2. Draft Law of Ukraine “On the State Sanitary and Hygienic Expertise”;	2. Complies
3. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Veterinary Medicine”;	3. Complies
4. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Sanitary and Epidemic Safety of the Population”.	4. Complies
AGREEMENT ON TECHNICAL BARRIERS TO TRADE	
1. Draft Law of Ukraine “On Confirmation of Conformity”;	1. Complies
2. Draft Law of Ukraine “On Standardization”;	2. Complies
3. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On the Quality and Safety of Food Products and Food Raw Materials”;	3. Complies
4. Draft Law of Ukraine “On Safety of Industrial Products”;	4. Complies
5. Draft Law of Ukraine “On the Responsibility of Suppliers for the Output and Sale of Low Quality and Hazardous Products”.	5. Complies
AGREEMENT ON TRADE-RELATED MEASURES	
1. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Foreign Investment Regime”;	1. Complies
2. Draft Law of Ukraine “On Amendment of Certain Laws of Ukraine On the Regulation of Cars Market in Ukraine”.	2. Complies
AGREEMENT ON THE APPLICATION OF ARTICLE VI OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994, AGREEMENT ON SUBSIDIES AND COUNTERVAILING MEASURES AND AGREEMENT ON SAFEGUARDS	
1. Draft Customs Code of Ukraine; and	1. Complies
2. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Foreign Economic Activity”.	2. Complies
AGREEMENT ON THE APPLICATION OF ARTICLE VII OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE 1994	
Draft Customs Code of Ukraine.	Complies
AGREEMENT ON RULES OF ORIGIN	
Draft Customs Code of Ukraine.	Complies
AGREEMENT ON IMPORT LICENSING PROCEDURES	
Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Foreign Economic Activity”.	Complies

**GENERAL AGREEMENT ON TRADE IN SERVICES**

1. Draft Law of Ukraine “On Amendment of Article 6 of the Law of Ukraine “On Insurance”;	1. Complies
2. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Insurance”;	2. Complies
3. Draft Law of Ukraine “On Currency Regulation”;	3. Complies
4. Draft Law of Ukraine “On Banks and Banking” (the new wording);	4. Complies
5. Draft Law of Ukraine “On Financial Transactions”;	5. Does not comply in a part of presence of restrictions on national treatment. Violation of Article XVII GATS.
6. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Foreign Economic Activity”;	6. Complies
7. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Information”;	7. Complies
8. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Radio-Frequency Resource of Ukraine”;	8. Complies
9. Draft Law of Ukraine “On Amendment of Certain Legislative Acts of Ukraine on Issues Related to Commercial Navigation.”	9. Complies
10. Draft Law of Ukraine “On Circulation of Bills of Exchange in Ukraine”;	10. Complies
11. Draft Law of Ukraine “On Payment Systems and Transfer of Money in Ukraine”;	11. Complies
12. Draft Law of Ukraine “On Telecommunications”;	12. Complies
13. Draft Law of Ukraine “On Postal Services”;	13. Complies
14. Draft Law of Ukraine “On the Protection of Personal Data”; and	14. Complies
15. Draft Law of Ukraine “On Electronic Circulation of the Documents”.	15. Complies

**AGREEMENT ON TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS**

<b>General Provisions and Basic Principles (Articles 1-8)</b>	
1. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”;	1. Complies
2. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Copyright and Related Rights”;	2. Complies
3. Draft Civil Code of Ukraine (Book Four “Intellectual Property Rights”);	3. Complies
4. Draft Law of Ukraine “On Ukraine’s Accession to the WIPO Agreements “On Copyright” and “On Performance and Phonograms” approved by the Diplomatic Conference on 20 December 1996”;	4. Complies
5. Draft Law of Ukraine “On Ukraine’s Accession to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations”; and	5. Complies
6. Draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Related to Intellectual Property in Order to Ensure the Comprehensive Functioning of the State System for Intellectual Property Protection”.	6. Complies
<b>Copyright and Related Rights (Articles 9-14)</b>	
1. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Copyright and Related Rights”; and	1. Complies
2. Draft Law of Ukraine “On Peculiarities of the State Regulation of Entrepreneurial	2. Complies

Activity in the Field of Production, Export and Import of Discs for Laser Playback Systems”.	
<b>Protection of Trademarks (Articles 15-21)</b>	
<ol style="list-style-type: none"> <li>1. Draft Law of Ukraine “On Ratification of the Agreement on Measures on the Prevention and Cessation of Use of Untrue Trademarks and Geographical Indications”;</li> <li>2. Draft Law of Ukraine “On Ratification of the Agreement on Cooperation on Cessation of Infringements in the Field of Intellectual Property”;</li> <li>3. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringement in the Field of Intellectual Property”; and</li> <li>4. Draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Related to Intellectual Property in Order to Ensure the Comprehensive Functioning of the State System for Intellectual Property Protection”.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies</li> <li>2. Complies</li> <li>3. Complies</li> <li>4. Complies</li> </ol>
<b>Protection of Geographical Indications (Articles 22-24)</b>	
<ol style="list-style-type: none"> <li>1. Draft Law of Ukraine “On Ratification of the Agreement on Measures Regarding Prevention and Cessation of Use of Untrue Trademarks and Geographical Indications”;</li> <li>2. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”; and</li> <li>3. The draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Related to Intellectual Property Rights in Order to Ensure the Comprehensive Functioning of the State System for Intellectual Property Protection”.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies</li> <li>2. Complies</li> <li>3. Complies</li> </ol>
<b>Protection of Industrial Designs (Articles 25-26)</b>	
<ol style="list-style-type: none"> <li>1. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Protection of Rights to Industrial Designs”;</li> <li>2. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”; and</li> <li>3. Draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Related to Intellectual Property Rights in Order to Ensure the Comprehensive Functioning of the State System for Intellectual Property Protection”.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies with the requirements of Articles 25 and 26 of TRIPS and the provisions of the Geneva Act of the Hague Agreement on International Deposition of Industrial Designs</li> <li>2. Complies</li> <li>3. Complies</li> </ol>
<b>Protection of Patents (Articles 27-34)</b>	
<ol style="list-style-type: none"> <li>1. Draft Civil Code of Ukraine;</li> <li>2. Draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Related to Intellectual Property Rights in Order to Ensure the Comprehensive Functioning of the State System for Intellectual Property Protection”; and</li> <li>3. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies</li> <li>2. Complies</li> <li>3. Complies</li> </ol>

Protection of Varieties of Plants (Article 27)	
<ol style="list-style-type: none"> <li>1. Draft Law of Ukraine “On Amendment of the Law of Ukraine “On Protection of Rights to Varieties of Plants”; and</li> <li>2. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies with the requirements of the UPOV Convention of 1991 (the requirement of TRIPS) (on extension of the list of varieties of plants subject to protection in Ukraine).</li> <li>2. Complies</li> </ol>
Protection of Layout-designs (Topographies) of Integrated Circuits (Articles 35-38)	
<ol style="list-style-type: none"> <li>1. Draft Law of Ukraine “On Amendment of Certain Legislative Acts on Issues Of Intellectual Property in Order to Ensure the Comprehensive Functioning of the State System for Intellectual Property Protection”; and</li> <li>2. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies</li> <li>2. Complies</li> </ol>
Protection of Undisclosed Information (Article 39)	
	The Cabinet of Ministers of Ukraine suggested to draft the Law of Ukraine on amendment and supplement to certain legislative acts related to protection of undisclosed information.
Enforcement of Intellectual Property Rights (Articles 41-61)	
<ol style="list-style-type: none"> <li>1. Draft Law of Ukraine “On Amendment of Some Legislative Acts on the Reinforcement of Responsibility for Infringements in the Field of Intellectual Property”;</li> <li>2. Draft Civil Code of Ukraine;</li> <li>3. Draft Criminal Code of Ukraine; and</li> <li>4. Draft Customs Code of Ukraine.</li> </ol>	<ol style="list-style-type: none"> <li>1. Complies. The laws has been amending the Criminal Code of Ukraine, the Criminal Procedural Code of Ukraine, the Code of Ukraine on Administrative Violations and the Customs Code of Ukraine. In particular, the Criminal Code of Ukraine has been included the provisions on sanctions for unlawful use of a patent, useful model, industrial design, firm name, trademark for goods and services, qualified indication of the origin of goods, topography of an integrated circuit, variety of plants, if such actions caused material damage in significant amount.</li> <li>2. Complies</li> <li>3. Complies</li> <li>4. Complies</li> </ol>
Special Requirements Related to Border Measures (Articles 51-60)	
Draft Customs Code of Ukraine.	Complies