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Committee on Import Licensing

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES¹

NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT
ON IMPORT LICENSING PROCEDURES (2019)

UKRAINE

The following communication, dated 27 September 2019, is being circulated at the request of the delegation of Ukraine.

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¹ See document G/LIC/3, Annex, for the Questionnaire.

1 OZONE DEPLETING SUBSTANCES AND PRODUCTS THAT MAY CONTAIN OZONE-DEPLETING SUBSTANCES

Outline of System

1. The import of ozone-depleting substances and products that may contain ozone-depleting substances is subject to licensing. This system for import licensing aims at protecting the environment from ozone-depleting substances to comply with the requirements of the Montreal Protocol on the substances that deplete the ozone layer.

Purposes and coverage of licensing

2. The goal of licensing is to protect environment from ozone-depleting substances. The following imports are subject to licensing:

- ozone depleting substances (within the determined annual national quota);
- products that may contain ozone-depleting substances.

The following goods are covered by the licensing system:

Ozone-depleting substances	UKTZRD code
Carbon tetrachloride	2903 14 00 00
1,1,1-Trichloroethane (methylchloroform)	2903 19 10 00
Bromomethane (methyl bromide)	2903 39 11 00
Chlorodifluoromethane (GHFV -22)	2903 71 00 00
Dichlorotrifluoroethanes (GHFV -123)	2903 72 00 00
Dichlorofluoroethanes (GHFV -141), 2-dichlorofluoroethanes (GHFV -141-b)	2903 73 00 00
Chlorodifluoroethane(GHFV-142). Chlorodifluoroethane (GHFV -142-b)	2903 74 00 00
Dichloropentafluoropropane (GHFV -225)	2903 75 00 00
Bromochlorodifluoromethane	2903 76 10 00
Bromotrifluoromethane	2903 76 20 00
Dibromotetrafluoroethane	2903 76 90 00
Chlorotrifluoromethane	2903 77 10 00
Dichlorodifluoromethane	2903 77 20 00
Trichlorotrifluoroethanes	2903 77 30 00
Dichlorotetrafluoroethanes	2903 77 40 00
Chloropentafluoroethane	2903 77 50 00
Trichlorotrifluoroethanes Pentachlorofluoroethane Heptachlorofluoropropanes Hexachlorodifluoropropanes Pentachlorotrifluoropropanes Tetrachlorotetrafluoropropanes Trichloropentafluoropropanes Dichlorohexafluoropropanes Chloroheptafluoropropanes Tetrachlorodifluoroethanes	2903 77 90 00
Dibromodifluoromethane	2903 78 00 00

Ozone-depleting substances	UKTZRD code
<p>Dichlorofluoromethane(GHFV-21). chlorofluoromethane(GHFV-31). tetrachlorofluoroethane(GHFV-121). trichlorodifluoroethane(GHFV -122), chlorotetrafluoroethane(GHFV -124), trichlorofluoroethane(GHFV -131), dichlorotrifluoroethane(GHFV -132), chlorotrifluoroethane(GHFV -133), chlorofluoroethane (GHFV -151), hexachlorofluoropropane (GHFV -221), hexachlorofluoropropane(GHFV -222), tetrachlorotrifloropropane (GHFV -223), trichlorotetrafluoropropane(GHFV -224), 1-trifluoro-2-difluoro-3-dichloropropane(GHFV-225ca).1-chlorodifluoro-2-difluoro-3-chlorofluoropropane (GHFV-225-cb) chlorohexafluoropropane(GHFV -226), pentachlorofluoropropane(GHFV -231), tetrachlorodifluoropropane(GHFV-232), trichlorotrifluoropropane(GHFV-233), dichlorotetrafluoropropane(GHFV-234), chloropentafluoropropane(GHFV-235), tetrachlorofluoropropane(GHFV-241), trichlorodifluoropropane(GHFV-242), dichlorotrifluoropropane (GHFV-243), chlorotetrafluoropropane(GHFV-244), trichlorofluoropropane(GHFV-251), dichlorodifluoropropane(GHFV-252), chlorotrifluoropropane(GHFV-253), dichlorofluoropropane (GHFV-261), chlorodifluoropropane(GHFV-262), chlorofluoropropane (GHFV-271)</p>	<p>2903 79 11 00 2903 79 19 00</p>
<p>dibromofluoromethane,bromodifluoromethane, bromofluoromethane,tetrabromofluoroethane, 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,</p>	<p>2903 79 21 00 2903 79 29 00 2903 90 00</p>

Ozone-depleting substances	UKTZRD code
bromodifluoropropane, bromofluoropropane	

Goods which may contain ozone-depleting substances (except goods transported in containers with personal articles)	UKTZED code
Medicaments (excluding goods of heading № 3002, 3005 or 3006) consisting of mixed or products for therapeutic or prophylactic uses, put up in measured doses (including medicines in the form of transdermal systems) or in forms or packings for retail sale	3004*
Synthetic organic colouring matter, whether or not chemically defined; preparations as specified in Note 3 to Chapter 32 based on synthetic organic colouring matter; synthetic organic products of a kind used as fluorescent brightening agents or as luminophores, whether or not chemically defined	3204 *
Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers, dispersed or dissolved in a non-aqueous medium; solutions as defined in Note 4 to Chapter 32	3208*
Paints and varnishes (including enamels and lacquers) based on synthetic polymers or chemically modified natural polymers dispersed or dissolved in an aqueous medium	3209*
Glaziers' putty, grafting putty, resin cements, caulking compounds and other mastics; painters' fillings; non-refractory surfacing preparations for facades, indoor walls, floors, ceilings or the like	3214*
Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or sun tan preparations; manicure or pedicure preparations	3304 *
Preparations for use on the hair:	3305*
Preparations for oral or dental hygiene, including denture fixative pastes and powders; yarn used to clean between the teeth (dental floss), in individual retail packages	3306*
Pre-shave, shaving or after-shave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorisers, whether or not perfumed or having disinfectant properties	3307*
Organic surface-active products and preparations for washing the skin, in the form of liquid or cream and put up for retail sale, whether or not containing soap	3401 30 00 00*
Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading 3401	3402*
Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, antirust or anticorrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70 % or more by weight of petroleum oils or of oils obtained from bituminous minerals	3403*
Polishes and creams for footwear, putty, polishing preparations to care for furniture, floors, coachwork, glass or metal, scouring pastes and powders and similar preparations (whether or not in the form of paper, wadding, felt, non-wovens, cellular plastics or cellular rubber, impregnated, coated or covered with such preparations), excluding waxes of heading 3404	3405*
Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulfur-treated bands, wicks and candles, and fly-papers	3808 *

* Products in aerosol packaging only.

Goods which may contain ozone-depleting substances (except goods transported in containers with personal articles)	UKTZED code
Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included	3809*
Prepared rubber accelerators; compound plasticisers for rubber or plastics, not elsewhere specified or included; anti-oxidizing preparations and other compound stabilizers for rubber or plastics	3812*
Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades and bombs	3813 00 00 00*
Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers	3814 00*
Anti-freezing preparations and prepared de-icing fluids	3820 00 00*
Fire-proofing, water-proofing and similar protective preparations used in the building industry	3824 90 70 00*
Mixtures containing halogenated derivatives of methane, ethane or propane	3824 72 00 00 3824 73 00 00 3824 74 00 00 3824 78 00 00 3824 79 00 00
Products of chemical or related production containing ozone-depleting substances	2852 90 00 00 3824 75 00 00 3824 76 00 00 3824 77 00 00 3824 81 00 00 3824 82 00 00 3824 83 00 00 3824 90 87 00 3824 90 97 10 3824 90 97 90 3826 00 10 00 3826 00 90 00
Simple polyether alcohols with a hydroxyl number of more than 100	3907 20 20 90
Silicones in primary forms	3910 00 00*
Air-conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated:	8415
Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air-conditioning machines of heading 8415	8418
Cooling towers and similar plant for direct cooling (without a separating wall) by means of recirculated water	8419 89 10 00
Charged fire extinguishers	8424 10 00
Automatic goods-vending machines incorporating heating or refrigerating devices	8476 21 00 00 8476 81 00 00
Air humidifiers and dehumidifiers	8479 89 97 90
Arms and individual protection devices in aerosol packaging	9304 00 00 00*

3. The system applies to goods from all countries-parties of the Montreal Protocol.

4. The purpose of licensing is to protect environment from ozone-depleting substances. Licensing of import of ozone-depleting substances and goods that can contain ozone-depleting substances is

carried out in conformity with requirements of the Montreal Protocol on the substances that deplete the ozone layer.

5. The legislation under which licences are maintained includes:

- Law of Ukraine "On foreign economic activities" No. 959-XII of 16.04.1991 as amended;
- Resolution of the Cabinet of Ministers of Ukraine No. 1136 of 27.12.2018 "On approval of the lists of goods export and import of which are subject to licensing and quotas for 2019";
- Order of the Ministry of Economy No. 302 of 14.09.2007 "On approval of the regulatory –legal acts relating to licensing of importation of goods and amendments to the Procedure for consideration of applications for issuance of licenses in the sphere of non-tariff regulation of foreign economic activities in the Ministry of Economic Development and Trade of Ukraine" (as amended). The Order sets forth a procedure for consideration of applications for issuance of licenses, a procedure for preparation and issuance of licenses for importation of goods subject to licensing, license form and procedure for filling it out, an application form for obtaining a license and its filling out.

The Cabinet of Ministers of Ukraine may abolish a regime of licensing of importation of goods during the year in question provided that the goals of the regime have been achieved.

Procedures

6. Annual national quota (annual consumption) of ozone-depleting substances is determined by and limited through the Montreal Protocol. Pursuant to the Montreal Protocol, the decisions of the 24th meeting of the Parties to the Montreal Protocol and the 49th meeting of the Committee on the Implementation of the Montreal Protocol on Substances that Deplete the Ozone Layer, the estimated level for consumption of ozone-depleting substances for Ukraine in 2019 amounts to 16.42 tons of ozone-depleting potential.

- I. Information on volume of quota is provided in the Resolution of the Cabinet of Ministers of Ukraine No. 1136 of 27.12.2018 "On approval of the lists of goods export and import of which are subject to licensing, and quotas for 2019". The Resolution of the Government is published in official print media of Ukraine (Uriadoviy Courier, Ofitsiyniy Visnyk Ukrainy) and is also available on the Internet sites of government agencies (Verkhovna Rada of Ukraine /www.rada.gov.ua/, Cabinet of Ministers of Ukraine /www.kmu.gov.ua/ and Ministry of Economy of Ukraine /www.me.gov.ua/). There is no quota on amount to be imported from specific countries, but imports of ozone depleting substances must be from countries that are Parties to the Montreal Protocol. The legislation does not provide for any exception or derogation from licensing requirements.
- II. The volume of quota is determined on a year basis without any six-month or quarterly breakdown.
- III. Quota not used in the previous period is not added to the volume of quota for the next period. So far the Ministry of Economy has never received any requests from foreign exporting countries to provide them with information regarding a list of importers which have been issued relevant licenses.
- IV. There are no restrictions regarding a period of the time during which it is allowed to submit an application for a license.
- V. The period for consideration of applications may not exceed 30 days following the date of receipt of the application. A license may be issued within the shortest term possible and depending only on technical capacity of the relevant competent body.
- VI. A license shall be effective for importation of goods from the date it is granted.
- VII. To issue a license for importation of ozone-depleting substances and goods that can contain ozone-depleting substances Ministry of Economy obtains prior approval of importation of these goods from the Ministry of Ecology and Natural Resources in the order of interagency exchange of information without the engagement of business entity.

VIII. Applications to obtain licenses are reviewed in order of their receipt. The maximum amount of quota that may be allocated per applicant corresponds to the share of annual national quota for import of ozone-depleting substances which is determined by the results of the electronic auction for the purchase of the share of annual national quota for import of ozone-depleting substances. The provisions of the Temporary procedure for electronic auctions for the distribution of shares of annual national quotas for imports of ozone-depleting substances is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 756 of 04.10.2017 "On implementation of the pilot project on implementation of electronic auctions on distribution of shares of annual national quota for import of ozone-depleting substances". Such provisions are also set for new entities engaged in foreign economic activities.

IX. There are no such cases.

X. There are no such cases.

XI. There are no such cases.

7. Applications for licenses may be filed on any working day before the customs clearance of the goods. A license may be issued within the shortest term possible and depending only on technical capacity of the relevant competent body. There are no restrictions regarding a period of the year during which it is allowed to file an application for a licence.

8. An application for an import license may be refused if any of the requirements set forth in the legislation is not met. Reasons to refuse to issue a license are also include receiving by the Ministry of Economy information from the Ministry of Ecology and Natural Resources on existence of grounds to refuse the approval for the import of ozone-depleting substances or goods that contain them. A decision to refuse to issue a license must be provided to the applicant in writing. A decision to refuse the issue of a license may be appealed to the district administrative court with the jurisdiction over the place of the state registration of business entity (plaintiff) in conformity with provisions of the Code of Administrative Proceedings of Ukraine.

Eligibility of importers to apply for licence

9. All business entities (legal entity or individual entrepreneur) are eligible to apply for licences.

Documentation and other requirements for application for licence

10. An application for a license must contain the following information: full name of business entity, full name of its manager, description and code of the good (goods) under Ukrainian classification of goods of foreign economic activities (UKTZED), name of the producer, consumer of the good (goods), code and name of the state (states) of origin and destination/departure, term of validity of the license, quantity and value of the good (goods), code and name of the customs point, full names and addresses of the seller and customer, nature of the contract, currency of payment, principal and additional unit of measurement for the good (goods), approval of executive bodies (if required), basis for request for a license, special terms of the license.

To obtain a license for importation of goods it is necessary to submit the following documents accompanying the application:

- a letter requesting a license and guaranteeing payment of the state fee for the issuance of the license;
- a copy of a foreign economic activity contract, all annexes and specifications for this contract, certified by the manager of the subject of entrepreneurial activity and verified with his seal;
- a copy of the state registration certificate as the subject of entrepreneurial activity certified by the manager of the subject of entrepreneurial activity and verified with his seal.

11. At the time of actual importation the following documents are required: foreign economic agreement (contract); shipment customs declaration; certificate of origin; import license.

12. A fee for licence is 780 UAH.

13. There is no requirement to make a deposit or an advance payment to be issued an import license.

Conditions of licensing

14. A license is issued for the period of effectiveness of the license specified.

15. No penalties are imposed for a failure to use a license or a portion of a license.

16. Licenses are not transferable between importers.

17. Other conditions accompanying issuance of licenses are:

- submission of a document verifying payment of the fee for a license;
- submission of a power of attorney, or of a copy of a power of attorney authorizing receipt of a license, and submission of a document identifying the person receiving the license if the license is issued to the authorized representative of the subject of entrepreneurial activity.

Other procedural requirements

18. There are no other administrative procedures, apart from import licensing required prior to importation.

19. Payments for goods that are being imported are made pursuant to terms and conditions of the foreign economic agreement (contract). Foreign exchange is automatically provided through the banking system for goods to be imported. A licence is not required as a condition to obtain foreign exchange.

2 RAW CANE SUGAR

Outline of System

1. The import of raw cane sugar within the tariff quota is subject to licensing. This system for import licensing aims at ensuring the implementation of international agreements.

Purposes and coverage of licensing

2. The goal of licensing is to fulfill of Ukraine's obligations under the WTO regarding the administration of tariff quota for raw cane sugar. Raw cane sugar (UKTZED code - 1701.11) is subject to licensing.

3. The system applies to goods originating in and coming from all countries.

4. Import licensing is used for the purpose of administering import under the established tariff quota.

5. The legislation under which licences are maintained includes:

- Law of Ukraine of 30.11.2006 No. 404-V "On establishment of a tariff quota for importation of raw cane sugar in Ukraine";
- Resolution of the Cabinet of Ministers of Ukraine No. 1002 of 12.11.2008 "On approval of the procedure for allocation of tariff quotas for importation of raw cane sugar in Ukraine" (as amended);
- Order of the Ministry of Economy No. 15 of 20.01.2009 "On procedure for issuance of licenses for importation of raw cane sugar in Ukraine within the set tariff quotas" (as amended).

Procedures

6.I. The specified legislative and regulatory acts are published in official publications "Ofitsiynyj Visnyk Ukrainy" and "Uriadoviy Courier" and available on the Internet sites of government agencies, in particular, of Verkhovna Rada (<https://rada.gov.ua/>), of the Cabinet of Ministers of Ukraine (<https://www.kmu.gov.ua/ua>) and of the Ministry of Economy

(<http://www.me.gov.ua>). Information relating to quota and procedures for licensing importation of raw cane sugar within the tariff quota for 2019 has also been notified to the WTO by document G/AG/N/UKR/34 of 23.08.2019. There is no quota on amount to be imported from specific countries. There is no maximum amount set for quotas that may be allocated to each importer. The legislation does not provide for any exception or derogation from licensing requirements.

- II. A tariff quota for import of raw cane sugar is the annual one and is set once a year, without any six-month or quarterly break-down.
- III. The amount of the tariff quota not used in the current year is not to be added to the quota set for the following year. So far the Ministry of Economic Development and Trade has never received any requests from foreign exporting countries to provide them with information regarding a list of importers which have been issued relevant licenses.
- IV. An application for a license may be submitted on any day after the date of the beginning of acceptance of applications for import licenses.
- V. A decision on granting a license for import of raw cane sugar must be passed within a period not longer than 30 days from the date of the registration of the application. A license may be issued within the shortest term possible and depending only on technical capacity of the relevant competent body.
- VI. A license shall be effective for importation of goods from the date it is granted.
- VII. The Ministry of Economy considers license applications for import of raw cane sugar to Ukraine. Licenses are issued under the approvals from the State Reserve Agency and the Ministry of Agrarian Policy and Food. Such approvals are made by business entity prior the filing of applications to obtain a license.
- VIII. If the demand for licenses cannot be fully satisfied, the decision on granting the licenses is made on the basis of the "first come, first served". There are no maximum amounts set for quotas that may be allocated per applicant or for quotas set for new business entities. Examination of applications for import licenses is carried out on their receipt.
- IX. There are no such cases.
- X. There are no such cases.
- XI. There are no such cases.

7. Not applicable.

8. An application for a license may be refused if the applicant does not meet ordinary criteria. The reason to refuse to issue a license is also include exhaustion of quota. A decision to refuse to issue a license must be provided to the applicant in writing. A decision to refuse the issue of a license may be appealed to the district administrative court with the jurisdiction over the place of the state registration of business entity (plaintiff) in conformity with provisions of the Code of Administrative Proceedings of Ukraine.

Eligibility of importers to apply for licence

9. All business entities are eligible to apply for licences.

Documentation and other requirements for application for licence

10. An application for a license must contain the following information: full name of business entity, its location, phone, fax, EDRPOU Code (DRFO number), number of the current account in national currency, bank name, MFO, bank location, number of the current account in foreign currency, bank name, MFO, bank location, consumer/seller of the product, commodity code under UKTZED, unit of measurement, quantity and value of the good, value (in the contract currency), additional name of the commodity, country of destination/seller, country of origin, basic conditions for delivery of the commodity imported by Incoterms, contract currency code, special terms.

To obtain a license for importation of goods it is necessary to submit the following documents accompanying the application:

- a letter requesting a license and guaranteeing payment of the state fee for the issuance of the license;
- a copy of a foreign economic activity contract, all annexes and specifications for this contract, certified by the manager of the subject of entrepreneurial activity and verified with his seal;
- a copy of the state registration certificate as the subject of entrepreneurial activity certified by the manager of the subject of entrepreneurial activity and verified with his seal;
- approvals of the relevant authorized agencies.

11. At the time of actual importation the following documents are required: foreign economic agreement (contract); shipment customs declaration; certificate of origin; import license.

12. A fee for licence is 780 UAH.

13. There is no requirement to make a deposit or an advance payment to be issued an import license.

Conditions of licensing

14. The term of the validity of the import license is 90 days from the date of its signing but shall be valid only till December 31 of the year for which it has been issued, within the amount of tariff rate quota. Importation under a license may be carried out during the period of effectiveness of the license.

15. No penalties are imposed for a failure to use a license or a portion of a license.

16. Licenses are not transferable between importers.

17. Other conditions accompanying issuance of licenses are:

- submission of a document verifying payment of the fee for a license;
- submission of a power of attorney, or of a copy of a power of attorney authorizing receipt of a license, and submission of a document identifying the person receiving the license if the license is issued to the authorized representative of the subject of entrepreneurial activity.

Other procedural requirements

18. There are no other administrative procedures, apart from import licensing required prior to importation.

19. Payments for goods that are being imported are made pursuant to terms and conditions of the foreign economic agreement (contract). Foreign exchange is automatically provided through the banking system for goods to be imported. A licence is not required as a condition to obtain foreign exchange.

3 SULFURIC ACID AND OLEUM

Outline of System

1. Special licensing system using quotas for imported goods is established by the Law of Ukraine "On the application of special measures regarding imports to Ukraine" No. 332-XIV of 22.12.1998 (as amended) and the Law of Ukraine "On foreign economic activity" No. 959-XII of 16.04.1991 (as amended). Quantitative restrictions on imports are applied to goods with respect to which Interdepartmental Commission of Foreign Trade (further – Commission) has adopted a decision to apply safeguard measures. Importation of goods specified by a decision of the Commission is carried out on the basis of special licenses.

Purposes and coverage of licensing

2. Special licensing system using quotas for imported goods (established under separate decisions of the Interdepartmental Commission of Foreign Trade) covers the licensing of imports of sulfuric acid and oleum (UKTZED code 2807.00.00.00).

Information on decision of Commission No. SP-391/2018/4411-05 on application of safeguard measures on imports into Ukraine of sulfuric acid and oleum regardless of country of origin and export has also been notified to the WTO by document G/SG/N/8/UKR/6, G/SG/N/10/UKR/6, G/SG/N/11/UKR/4.

3. Special licensing system applies on import of the sulfuric acid and oleum regardless of country of origin and export.

4. 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.

5. The system of special licensing is established by the Law of Ukraine "On the application of special measures regarding Imports to Ukraine" No. 332-XIV of 22.12.1998 and the Law of Ukraine "On foreign economic activity" No. 959-XII of 16.04.1991 with relevant changes and amendments as well as Order of the Ministry of Economy and European Integration of Ukraine No. 232 of 01.08.2002 "On procedures of licensing of import to Ukraine of goods subject to special measures"(as amended). The Order sets forth a procedure for consideration of applications for issuance of special licenses, a procedure for issuance of special licenses, special license form and procedure for filling it out, an application form for obtaining a special license and its filling out. Quantitative restrictions of imports under special licensing system are established according to the Decisions of the Commission, in particular the decision of the Commission of 02.07.2018 No. SP-391/2018/4411-05 "On application of safeguard measures on imports into Ukraine of sulfuric acid and oleum regardless of country of origin and export".

The Decision of the Commission determines the products subject to licensing. The Government may not cancel the special licensing system without a legislative approval.

Procedures

6.I. According to the special import licensing system, which envisages quota allocation, the lists of products are determined by the decisions of the Commission. Decisions of the Commission regarding the application of special measures as to imports of certain goods with allocation of aggregate level of quotas and allocation of quotas by countries of origin/export are published in the official publication "Uriadoviy Courier" and are available on the Internet sites of the Cabinet of Ministers of Ukraine /www.kmu.gov.ua/ and of the Ministry of Economy /www.me.gov.ua/.

The Ministry of Foreign Affairs of Ukraine notifies governmental bodies of exporting countries. In case of allocation of quotas between the exporting countries, such allocation may be agreed with such countries. If no such agreement has been reached, the quotas will be allocated between the exporting countries depending on their shares of imports in Ukraine subject to special investigation during the previous representative period.

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.

Any exceptions or deviations from the requirements of special licensing are not allowed without amendments of normative and legislative acts.

II. The size of the special quota is determined for a quota period and may not exceed the amount specified by the relevant decision of the Commission. The quota period and allocation of quotas during the quota period shall be set by the relevant decision of the Commission. The total amount of import under special licenses may not exceed the established quota.

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- III. Licensing procedures apply to all importers of goods subject to special measures under the decisions of the Commission. In case if the special quota is not used fully in the quota period, it is allowed to carry over the remaining quota for the next quota period within 6 percent of the quota size set for the quota period, unless otherwise is provided by applicable decision of the Commission. Information regarding holders of a special license may be provided upon request.
 - IV. The applications for import licenses are accepted starting from 14 days prior to the first day of the relevant quota period.
 - V. The term during which the license application may be considered is 15 working days. Applications are reviewed in order of their receipt.
 - VI. A special license shall be effective for importation of goods as of the date of its issuance.
 - VII. The Ministry of Economy considers license applications. Applications shall not be submitted to other bodies for approval, commenting or endorsement. An importer does not have to apply to any other administrative bodies for approval of one's application.
 - VIII. 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. 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. All importers differ only by date of the submission of the application. Applications are considered in the order of their receipt. If at the time of submission of an application the set volumes for special quotas have been used up, such application shall not be accepted for consideration. The fact that special quota has been exhausted is notified in writing to the entity engaged in foreign economic activities that has submitted the application
 - IX. Issue of special licenses does not depend on availability of bilateral quotas or arrangements. Special licenses are not issued automatically.
 - X. There are no such cases.
 - XI. There are no such cases.
 - 7. Not applicable.
 - 8. A special license application is accepted in all cases except for cases of inconsistency of the filed application with provisions of the contract and/or submission of the application in an inappropriate form, and/or submission of incomplete set of required documents.

The reason to refuse to issue a special license is also include exhaustion of quota. A decision to refuse to issue a license must be provided to the applicant in writing. A decision to refuse the issue of a license may be appealed to the district administrative court with the jurisdiction over the place of the state registration of the subject of business entity (plaintiff) in conformity with provisions of the Code of Administrative Proceedings of Ukraine.

Eligibility of importers to apply for licence

- 9. All business entities are eligible to apply for special import licences.

Documentation and other requirements for application for licence

10. An application for a special license must contain the following information: full name of the importer, its location, phone, fax, EDRPOU Code (DRFO number), number of the current account in national currency, bank name, MFO, bank location, number of the current account in foreign currency, bank name, MFO, bank location, consumer/seller of the product and its location, commodity code under UKTZED , unit of measurement, quantity and value of the good, value (in the contract currency), additional name of the commodity, country of destination/seller, country of origin, basic conditions for delivery of the commodity imported by Incoterms, contract currency code, customs code, nature of the agreement, basis for requesting a special license, special conditions.

The following documents, along with the application, are submitted in order to obtain a special 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 export 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.

11. At the time of actual importation the following documents are required:

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

12. A fee for licence is 780 UAH.

13. There is no requirement to make a deposit or an advance payment to be issued a special import license.

Conditions of licensing

14. The period of validity of a special license is 90 days, except for cases of expiry of relevant quota period. If an entity engaged in the foreign economic activities of Ukraine under the granted special license fails to import the specified quantity of goods within the period specified in the license, then, based on the verification by the customs body of the actual size of the import of these goods and their remaining quantity under the special license, the Ministry of Economy will issue a new license for the remaining goods. In such a case the importer is required to file an application for the new license for the remaining goods.

15. No penalties are imposed for a failure to use a license or part of a license.

16. Licenses are not transferable between importers.

17. Other conditions accompanying issuance of licenses are:

- submission of a document verifying payment of the fee for a license;
- submission of a power of attorney, or of a copy of a power of attorney authorizing receipt of a license, and submission of a document identifying the person receiving the license if the license is issued to the authorized representative of the subject of entrepreneurial activity.

Other procedural requirements

18. There are no administrative procedures prior to importation other than the licensing procedure for importation of goods.

19. Payments for goods that are being imported are made pursuant to terms and conditions of the foreign economic agreement (contract). Foreign exchange is automatically provided through the banking system for goods to be imported. A licence is not required as a condition to obtain foreign exchange.
