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Committee on Import Licensing

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## REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES<sup>1</sup>

### NOTIFICATION UNDER ARTICLE 7.3 OF THE AGREEMENT ON IMPORT LICENSING PROCEDURES (2023)

#### UKRAINE

The following communication, dated 31 August 2023, is being circulated at the request of the delegation of Ukraine.

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

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## **1 OZONE DEPLETING SUBSTANCES AND FLUORINATED GREENHOUSE GASES, GOODS AND EQUIPMENT THAT MAY CONTAIN OZONE-DEPLETING SUBSTANCES AND FLUORINATED GREENHOUSE GASES**

### **Outline of System**

1. Imports of ozone-depleting substances and fluorinated greenhouse gases, goods and equipment that may contain ozone-depleting substances and fluorinated greenhouse gases is subject to licensing. This system for import licensing aims at protecting the environment from ozone-depleting substances and fluorinated greenhouse gases 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 the environment from ozone-depleting substances and fluorinated greenhouse gases. The following imports are subject to licensing:

- ozone-depleting substances and fluorinated greenhouse gases (within the determined annual national quota); and
- goods and equipment that may contain ozone-depleting substances and fluorinated greenhouse gases.

Ozone-depleting substances and fluorinated greenhouse gases, goods and equipment that may contain ozone-depleting substances and fluorinated greenhouse gases are listed in the Resolution of the Cabinet of Ministers No. 1466 of 27 December 2022 "On approval of the lists of goods export and import of which are subject to licensing, and quotas for 2023".

3. The system applies to goods from countries that are Parties to the Montreal Protocol.

4. The purpose of licensing is to protect the environment from ozone-depleting substances and fluorinated greenhouse gases. Licensing of imports of ozone-depleting substances and fluorinated greenhouse gases, goods and equipment that may contain ozone-depleting substances and fluorinated greenhouse gases is carried out in conformity with the 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 Activity" No. 959 of 16 April 1991;
- Law of Ukraine "On Regulation of Economic Activity Related to Ozone-Depleting Substances and Fluorinated Greenhouse Gases" No. 376 of 12 December 2019;
- Resolution of the Cabinet of Ministers of Ukraine No. 1466 of 27 December 2022 "On approval of the lists of goods export and import of which are subject to licensing and quotas for 2023";
- Resolution of the Cabinet of Ministers of Ukraine No. 992 of 23 September 2020 "Some regulatory issues in the sphere of ozone layer protection";
- Order of the Ministry of Ecology and Natural Resources of Ukraine No. 459 of 2 December 2015 "On adoption of the Procedure for issuing approval to import/export of controlled substances, goods and equipment";
- Order of the Ministry of Economy of Ukraine No. 302 of 14 September 2007 "On approval of the regulatory acts relating to licensing of imports of goods and amendments to the Procedure for consideration of applications for issuance of licences related to non-tariff regulation of foreign economic activities in the Ministry of Economic Development and Trade of Ukraine". The Order sets forth a procedure for consideration of applications for issuance of licences, a procedure for preparation and issuance of licences for imports of goods subject to licensing, licence form and procedure for its completion, an application form for obtaining a licence and its completion.

The Cabinet of Ministers of Ukraine may abolish a system of import licensing of goods during the year in question, provided that the goals of the policy have been achieved.

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## Procedures

6. Annual national quota (annual consumption) of ozone-depleting substances and fluorinated greenhouse gases is defined and limited by the Montreal Protocol. Pursuant to the Montreal Protocol, the decisions of the 24<sup>th</sup> meeting of the Parties to the Montreal Protocol and the 49<sup>th</sup> 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 2023 amounts to 0.821 tons.

- I. Information on quota is provided in the Resolution of the Cabinet of Ministers of Ukraine No. 1466 of 27 December 2022 "On approval of the lists of goods export and import of which are subject to licensing, and quotas for 2023". The Resolution of the Government is published in official publications "Uriadovyi Courier", "Ofitsiynyj Visnyk Ukrainy" and available on the Internet sites of government agencies, in particular, the Verkhovna Rada (<https://rada.gov.ua>), the Cabinet of Ministers of Ukraine (<https://www.kmu.gov.ua>) and the Ministry of Economy of Ukraine (<http://www.me.gov.ua>). There is no country specific quota. The legislation does not provide for any exception or derogation from licensing requirements.
  - II. The volume of quota is determined on a yearly 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. To date the Ministry of Economy of Ukraine has never received requests from governments and export promotion bodies of exporting countries regarding the list of importers to whom licences have been allocated.
  - IV. There are no restrictions regarding a period of the time during which it is allowed to submit an application for a licence.
  - V. The period for consideration of applications may not exceed 30 days following the date of receipt of the application. A licence may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.
  - VI. A licence shall be effective for imports of goods from the date it is granted.
  - VII. The authority to grant licences lies with the Ministry of Economy of Ukraine. To issue a licence the Ministry of Economy obtains prior approval for the import of these goods from the Ministry of Environmental Protection and Natural Resources of Ukraine in the order of interagency exchange of information.
  - VIII. Applications to obtain licences are reviewed in order of their receipt. The volume of quota per applicant 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 and fluorinated greenhouse gases. The maximum volume of quota that may be allocated per applicant is 25%. The Procedure for allocation of shares of annual national quota for imports of controlled substances (ozone-depleting substances and fluorinated greenhouse gases) is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 992 of 23 September 2020 "Some regulatory issues in the sphere of ozone layer protection". Such provisions are also set for new entities engaged in foreign economic activities.
  - IX. Yes, import licences are required, they are not issued automatically.
  - X. Not applicable.
  - XI. No.
7. Not applicable.

8. An application for an import licence may be refused if any of the requirements set forth in the legislation is not met. The reason to refuse to issue a licence also includes receiving by the Ministry of Economy information from the Ministry of Environmental Protection and Natural Resources on existence of grounds to refuse the approval for the import of ozone-depleting substances and

fluorinated greenhouse gases or goods/equipment that contain them. A decision to refuse to issue a licence shall be provided to the applicant in writing. A decision to refuse to issue a licence may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur with the status of operator of controlled substances is eligible to apply for licences.

### **Documentation and other requirements for application for licence**

10. An application for a licence shall contain the following information: full name of a legal entity or individual entrepreneur, full name of its manager, description and code of the good (goods) under Ukrainian Classification of Goods of Foreign Economic Activity (UKT ZED), 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 licence, quantity and value of the 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 licence, special terms of the licence.

To obtain a licence for imports of goods the following documents accompanying the application shall be submitted:

- a letter requesting a licence and guaranteeing payment of the state fee for the issuance of the licence;
- a copy of a foreign economic activity contract, all annexes and specifications to it, certified by the manager of a legal entity or individual entrepreneur and seal;
- a copy of the state registration certificate as a legal entity or individual entrepreneur certified by the manager and seal.

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

12. A fee for licence is 780 UAH<sup>2</sup>.

13. No.

### **Conditions of licensing**

14. A licences is valid for the licence period.

15. No.

16. No.

17. Other conditions accompanying issuance of licences are:

- submission of a document verifying payment of the fee for a licence;
- submission of a power of attorney, or of a copy of a power of attorney authorizing receipt of a licence, and submission of a document identifying the person receiving the licence if the licence is issued to the authorized representative of a legal entity or individual entrepreneur.

### **Other procedural requirements**

18. No.

19. Not applicable.

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<sup>2</sup> According to the Resolution of the Cabinet of Ministers of Ukraine No. 241 of 10 March 2022 "On amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 362 of 18 May 2005 "On setting the fee for issuing export (import) licenses" the fee for issuing a license for export (import) of goods is not charged until termination or cancellation of the martial law in Ukraine.

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## 2 RAW CANE SUGAR

### Outline of System

1. Imports 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 fulfil Ukraine's WTO obligations regarding the administration of tariff quota for raw cane sugar. Import of raw cane sugar 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 imports under the established tariff quota.

5. The legislation under which licences are maintained includes:

- Law of Ukraine "On Establishing a Tariff Quota for Imports of Raw Cane Sugar into Ukraine" No. 404 of 30 November 2006;
- Resolution of the Cabinet of Ministers of Ukraine No. 1002 of 12 November 2008 "On approval of the Procedure for allocating the tariff quota on imported raw cane sugar into Ukraine";
- Order of the Ministry of Economy of Ukraine No. 15 of 20 January 2009 "On Procedure for issuing licences to import raw cane sugar into Ukraine within the tariff quota".

### Procedures

6.I. The specified legislative and regulatory acts are published in official publications "Ofitsiynyj Visnyk Ukrainy" and "Uriadovyi Courier" and available on the Internet sites of government agencies, in particular, the Verkhovna Rada (<https://rada.gov.ua>), the Cabinet of Ministers of Ukraine (<https://www.kmu.gov.ua>) and the Ministry of Economy of Ukraine (<http://www.me.gov.ua>). Information relating to administration of tariff quota for imported raw cane sugar, including licensing procedure, was notified to the WTO by document G/AG/N/UKR/48 of 22 March 2023. There is no country specific quota. There is no maximum volume of quota that can 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 volume of tariff quota not used in the current year is not added to the quota set for the following year.

IV. An application for a licence may be submitted on any day after the date of the beginning of acceptance of applications for import licences.

V. A decision on granting a licence for import of raw cane sugar shall be made within a period not longer than 30 days from the date of the registration of the application. A licence may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.

VI. A licence shall be effective for imports of goods from the date it is granted.

VII. The Ministry of Economy of Ukraine considers licence application for import of raw cane sugar to Ukraine. Licence is issued on the approval of the Ministry of Agrarian Policy and Food of Ukraine. The approval should be received by the applicant before applying for licence.

VIII. The decision on granting the licence is made on a first-come, first-served basis. There is no maximum volume of quota that may be allocated per applicant or for quota that is set for new business entities. Examination of applications for import licences is carried out in the order of their receipt.

IX. – XI. Not applicable.

7. Not applicable.

8. An application for a licence may be refused if the applicant does not meet ordinary criteria. The reason to refuse to issue a licence also includes exhaustion of quota. A decision to refuse to issue a licence shall be provided to the applicant in writing. A decision to refuse to issue a licence may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

#### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur is eligible to apply for a licence.

#### **Documentation and other requirements for application for licence**

10. An application for a licence shall contain the following information: full name of a legal entity or individual entrepreneur, its location, phone number, fax number, EDPNOU code (National State Registry of Ukrainian Enterprises and Organizations), 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 UKT ZED, unit of measurement, quantity and value of the goods, 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 licence for imports of goods the following documents accompanying the application shall be submitted:

- a letter requesting a licence and guaranteeing payment of the state fee for the issuance of the licence;
- a copy of a foreign economic activity contract, all annexes and specifications to it;
- a copy of the state registration certificate as legal entity or individual entrepreneur;
- an approval of the relevant state authority.

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

12. A fee for licence is 780 UAH<sup>3</sup>.

13. No.

#### **Conditions of licensing**

14. The term of the validity of the import licence is 90 days from the date of its signing, but it shall be valid only until 31 December of the year for which it has been issued, within the volume of tariff quota. Imports under the licence may be carried out during the term of validity of the licence.

15. No.

16. No.

17. Other conditions accompanying issuance of licences are:

- submission of a document verifying payment of the fee for a licence; and
- submission of a power of attorney, or of a copy of a power of attorney authorizing receipt of a licence, and submission of a document identifying the person receiving the licence if the licence is issued to the authorized representative of a legal entity or individual entrepreneur.

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<sup>3</sup> According to the Resolution of the Cabinet of Ministers of Ukraine No. 241 of 10 March 2022 "On amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 362 of 18 May 2005 "On setting the fee for issuing export (import) licenses" the fee for issuing a license for export (import) of goods is not charged until termination or cancellation of the martial law in Ukraine.

### Other procedural requirements

18. In the period not later than 15 days after the date of import licence validity expiring, legal entity or individual entrepreneur should submit to the Ministry of Economy information on factual import of goods under the licence (indicating amounts).

19. Not applicable.

### 3 PLANT AND ANIMAL SPECIES THAT ARE SUBJECT TO THE REGULATION BY CONVENTION ON INTERNATIONAL TRADE OF ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

#### Outline of system

1. Imports of species of wild fauna and flora that are subject to the regulation by the Convention on International Trade of Endangered Species of Wild Fauna and Flora (CITES) requires a permission. The Ministry of Environmental Protection and Natural Resources of Ukraine is responsible for issue of permissions on imports of wild live animals and certain wild growing plants. Permissions on imports of sturgeon species and products thereof only are issued by the State Agency of Melioration and Fisheries of Ukraine.

#### Purposes and coverage of licensing

2. Import permissions are issued for wild fauna and flora species listed in Appendix I to the CITES. Import permissions are issued separately for each sample or batch of samples.

3. The system applies to goods imported from all countries.

4. The system is based on the requirements of the international treaty and Ukraine's obligations under CITES. The purpose of the permission system is to control imports of species, listed in Appendix I to the CITES under internationally agreed circumstances. The permissions are not intended to restrict the quantity or value of imports of goods.

5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On Flora" No. 591 of 9 April 1999;
- Law of Ukraine "On Fauna" No. 2894 of 13 December 2001;
- Resolution of the Cabinet of Ministers of Ukraine No. 953 of 25 July 2007 "On Approval of the Procedure for issuing permissions for import and export of samples of wild fauna and flora, certificates for mobile exhibitions, re-export and introduction of these samples from the sea, which are subject to the regulation of the Convention on International Trade of Endangered Species of Wild Fauna and Flora, with respect to sturgeon species and products thereof"; and
- Order of the Ministry of Ecology and Natural Resources No. 107 of 29 February 2012 "On approval of forms of permission for import and export of samples of wild fauna and flora, certificate for mobile exhibitions, re-export and introduction from the sea of these samples, which are subject to regulation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and a sample application for their receipt".

This system cannot be abolished without legislative approval.

#### Procedures

6. Not applicable.

7.(a) The decision on issuing a permission or on its refusal shall be made within 30 working days from the date of receipt of the application. If it is necessary to obtain the conclusion of the scientific authority on the existence of a potential threat to the survival of the species as a result of international trade of its samples, the term of consideration of the submitted documents is extended for 30 days.



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- (b) No. In order to reduce the possible negative impact on living samples, the Ministry of Environmental Protection and Natural Resources takes measures to reduce the time of consideration of documents submitted by the applicant for permission.
- (c) No. Applications can be submitted at any period of the year.
- (d) The consideration of the applications for permissions on imports of wild fauna and flora species is effected by the Ministry of Environmental Protection and Natural Resources. The applications for permissions on imports of sturgeon species and products thereof only are considered by the State Agency of Melioration and Fisheries.

If there is a potential threat to survival as a result of international trade of its samples, a permission is issued if there is a positive conclusion of the relevant scientific authority of Ukraine on the issues of the Convention implementation. The conclusion is prepared after receiving the request from the Ministry of Environmental Protection and Natural Resources or the applicant.

8. A permission may not be granted if the applicant fails to meet ordinary criteria. If an application for the permission remains without consideration, the applicant shall be informed on the reasons for that in writing within a week from the date of registration of the application. A decision to refuse to issue a permission may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

#### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur is eligible to apply for a permission.

#### **Documentational and other requirements for application for licence**

10. The requirements for application are contained in the Resolution of the Cabinet of Ministers of Ukraine No. 953 of 25 July 2007 "On Approval of the Procedure for issuing permissions for import and export of samples of wild fauna and flora, certificates for mobile exhibitions, re-export and introduction of these samples from the sea, which are subject to the regulation of the Convention on International Trade of Endangered Species of Wild Fauna and Flora, with respect to sturgeon species and products thereof", available at <https://zakon.rada.gov.ua/laws/show/953-2007-%D0%BF#Text>.

Sample form of the application is specified by the Order of the Ministry of Ecology and Natural Resources No. 107 of 29 February 2012 "On approval of forms of permission for import and export of samples of wild fauna and flora, certificate for mobile exhibitions, re-export and introduction from the sea of these samples, which are subject to regulation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, and a sample application for their receipt", available at <https://zakon.rada.gov.ua/laws/show/z0990-12#Text>.

Documents confirming the origin of the sample and the legality of acquisition to the right of ownership or possession and use of the sample shall also be attached to the application. Depending on the method of acquisition of ownership or possession and use of the sample, the following documents shall be submitted:

- extract from the state book of breeding animals or the register of artificial breeding of animals, cultivation of plants indicating the date and place of breeding or rearing, breeding numbers and proper nicknames of animals (if any), and if the sample belongs to the species included to Appendix I to the CITES, - data on its paternal individuals up to the second generation;
- duly certified copies of civil law contracts, other transactions under which the sample was acquired in the ownership or possession and use.

11. At the time of actual importation the permission on imports of species of wild fauna and flora from the Ministry of Environmental Protection and Natural Resources and the permission on imports of sturgeon species and products thereof from the State Agency of Melioration and Fisheries is required along with other necessary customs documents.

12. The issue of permission is free of charge.



13. No deposit or advance payment is required to obtain a permission.

### Conditions of licensing

14. The validity period of import permission is 12 months. For sturgeon species and products thereof the period of validity of the import permission is up to the end of the year in which it was issued.

15. There is no penalty for non-utilization of a permission. Unused permission shall be returned by the applicant to the administrative body that issued it, not later than 30 days from the date of expiration of its validity with an explanation of the reasons for non-use. If necessary, instead of the returned unused permission, the applicant shall be issued a new permission based on the relevant application.

16. Permissions are not transferable between importers.

17. There are no other conditions accompanying issuance of permission.

### Other procedural requirements

18. There are no other administrative procedures required prior to imports.

19. Not applicable.

## 4 HAZARDOUS WASTE

### Outline of system

1. Imports of hazardous waste is regulated by the Law of Ukraine "On Waste Management" No. 2320 of 20 June 2022 in order to ensure prevention of negative impact of waste on the environment and human health on the territory of Ukraine. The regulatory framework implements Ukraine's obligations under the Basel Convention for the Control of Trans-boundary Movements of Hazardous Waste and their Disposal (Basel Convention).

Imports of hazardous waste requires the consent from the Ministry of Environmental Protection and Natural Resources of Ukraine. The consent is obtained through meeting the requirements of the Resolution of the Cabinet of Ministers of Ukraine No. 1120 of 13 July 2000 "On Approval of the Regulation on the Control of Transboundary Movements of Hazardous Waste and their Utilization/Disposal and "Yellow Waste List" and "Green Waste List".

### Purposes and coverage of licensing

2. As above. The consent system is applied to hazardous waste listed in the schedules of the Basel Convention. "Yellow Waste List" and "Green Waste List" are determined by the Resolution of the Cabinet of Ministers of Ukraine No. 1120 of 13 July 2000.

3. The consent system applies to all transboundary movements of hazardous and other wastes between countries that Parties to the Basel Convention.

4. The system is based on the requirements of the international treaty. The system is not intended to restrict the quantity or value of imports. The consent system aims to ensure that hazardous waste is managed in an environmentally sound and efficient manner and that transboundary movements are conducted in a manner that protects human health and the environment against possible adverse effects. The system is not intended to limit the quantity or value of imports of goods.

5. The legislation under which the consent is maintained includes:

- Law of Ukraine "On Waste Management" of No. 2320 of 20 June 2022;
- Resolution of the Cabinet of Ministers of Ukraine No. 1120 of 13 July 2000 "On Approval of the Regulation on the Control of Transboundary Movements of Hazardous Waste and their Utilization/Disposal and "Yellow Waste List" and "Green Waste List".

This system cannot be abolished without legislative approval.

## **Procedures**

6. Not applicable.

7.(a) The system requires that the consent shall be obtained prior to imports of hazardous waste to Ukraine. The consent is issued within 60 days before the planned date of first transboundary movement of hazardous waste.

(b) The consent may be issued in a shorter time frame if the movement of hazardous waste is carried out between the country of import and the country of export without transit through third countries.

(c) No.

(d) A consent is granted by the Ministry of Environmental Protection and Natural Resources.

8. A consent may not be granted if the applicant fails to meet ordinary criteria. If consent is not granted, the applicant shall be informed on the reasons for that in writing. A decision to refuse to issue a consent may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

## **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur having a licence to carry out the relevant operations with hazardous waste to be imported may apply for a consent.

## **Documentational and other requirements for application for licence**

10. The list of required documents is set out in the Resolution of the Cabinet of Ministers of Ukraine No. 1120 of 13 July 2000 "On Approval of the Regulation on the Control of Transboundary Movements of Hazardous Waste and their Utilization/Disposal and "Yellow Waste List" and "Green Waste List", available at <https://zakon.rada.gov.ua/laws/show/1120-2000-%D0%BF>.

The original consent of the country of export shall also be provided (if transboundary movement of imported waste is not a subject to such control in the country of export, the obligation to obtain consent is assumed by the person responsible for utilization/disposal).

11. At the time of actual importation the consent from the Ministry of Environmental Protection and Natural Resources is required along with other necessary customs documents.

12. The issue of consent is free of charge.

13. No deposit or advance payment is required in connection with the issue of consent.

## **Conditions of licensing**

14. The consent to multiple import of hazardous waste may be given to the same person responsible for utilization/disposal for a maximum period of one year.

15. No.

16. No.

17. There are no other conditions accompanying issuance of consent.

## **Other procedural requirements**

18. The person responsible for utilization/disposal shall, upon receipt of each delivery, inform the Ministry of Environmental Protection and Natural Resources, the competent authority of the country of export and the exporter on the fact of receipt and compliance of the delivered waste with the information contained in the consent (within three working days after receipt of waste, the responsible person shall send copies of the document on transboundary movements to the specified

addressees), as well as on the completion of its utilization/disposal (within 180 days after receipt of waste, the responsible person shall send copies of the document on transboundary movements to the specified addressees).

19. Not applicable.

## 5 NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

### Outline of system

1. Imports of narcotic drugs and psychotropic substances is subject to a permission on the right to import of narcotic drugs and psychotropic substances. Such permissions are issued by the State Service of Ukraine on Medicines and Drugs Control. The permissions are issued to control the imports of specified narcotic drugs and psychotropic substances (controlled substances).

### Purposes and coverage of licensing

2. This system fulfils part of Ukraine's obligation under UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

The list of narcotic drugs and psychotropic substances, the circulation of which is restricted, is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 770 on 6 May 2000 "On Approval of the List of narcotic drugs, psychotropic substances and precursors".

3. The system applies to importers of controlled substances from all countries.

4. The system is based on the requirements of the international treaty. The permission system aims at monitoring trade and authorization of imports of narcotic drugs and psychotropic substances. The permission system is intended to restrict the quantity of imports to quotas determined by the Ministry of Health of Ukraine on information provided by the State Service of Ukraine on Medicines and Drugs Control and approved by the Cabinet of Ministers of Ukraine. Proposals on the required quota for imports of narcotic drugs and psychotropic substances for respective year are submitted by entities to the State Service of Ukraine on Medicines and Drugs Control. Based on information received from entities, the State Service of Ukraine on Medicines and Drugs Control prepares and submits to the Ministry of Health of Ukraine proposals on determining quotas for imports of narcotic drugs and psychotropic substances for corresponding year. The quota is approved annually by the Cabinet of Ministers of Ukraine.

5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On Narcotic Drugs, Psychotropic Substances and Precursors" No. 60/95-BP of 15 February 1995;
- Resolution of the Cabinet of Ministers of Ukraine No. 770 of 6 May 2000 "On Approval of the List of narcotic drugs, psychotropic substances and precursors";
- Resolution of the Cabinet of Ministers of Ukraine No. 146 of 03 February 1997 "On approval of the Procedure for issuing permissions for the right to import into the territory of Ukraine, export from the territory of Ukraine of narcotic drugs, psychotropic substances and precursors".

This system cannot be abolished without legislative approval.

### Procedures

6.I. Volume of quota for imports of narcotic drugs and psychotropic substances for the respective year is approved by the Cabinet of Ministries of Ukraine. Information on quotas and required documents for obtaining a permission can be viewed at the official website of the State Service of Ukraine on Medicines and Drugs Control: <https://www.dls.gov.ua>. Quotas are set for specific importers, not for the country. The legislation does not provide for any exception or derogation from the permission requirements.

II. Quota is established on an annual basis. The volume of the import quota is determined based on the demand for narcotic drugs and psychotropic substances. Imports of narcotic drugs and

psychotropic substances into Ukraine in an amount exceeding the quota determined by the Cabinet of Ministers of Ukraine is prohibited. Additional quota can be requested from the Ministry of Health, if required, during the year. The permission is issued per consignment. Importers are required to apply for a permission each time they intend to import.

- III. Unused allocations cannot be extended to the next year.
  - IV. Applications are demand driven. Applications can be submitted at any time.
  - V. The decision on issuing a permission or on its refusal shall be made within 30 working days from the date of receipt of the application. A permission may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.
  - VI. A permission is effective for imports from the date it is granted.
  - VII. The State Service of Ukraine on Medicines and Drugs Control considers applications for permission to import of narcotic drugs and psychotropic substances into Ukraine. Such permissions are issued under the approvals from the Security Service of Ukraine. The permission is issued per consignment. Importers are required to apply for a permission each time they intend to import.
  - VIII. Applications are examined and processed in order of their receipt. There is maximum volume of quota that can be allocated per applicant.
  - IX. An import permission is required for all consignments regardless of whether an export permission is also needed.
  - X. Not applicable.
  - XI. Not applicable.
7. Not applicable.
8. A permission may not be granted if the applicant fails to meet ordinary criteria, including not being the holder of the import licence. If the permission is not granted, the applicant shall be informed on the reasons for that in writing. A decision to refuse to issue a permission may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

#### **Eligibility of importers to apply for licence**

9. Legal entity that has a valid import licence (import activity licence) may apply for a permission. A permission is issued only to the licence holder.

#### **Documentational and other requirements for application for licence**

10. The requirements for the application and the necessary documents, as well as their list, are set out in the Resolution of the Cabinet of Ministers of Ukraine No. 146 of 3 February 1997 "On approval of the Procedure for issuing permissions for the right to import into the territory of Ukraine, export from the territory of Ukraine of narcotic drugs, psychotropic substances and precursors", available at <https://zakon.rada.gov.ua/laws/show/146-97-%D0%BF#Text>.

The mentioned Resolution also provides for the Procedure for issuing permissions for imports of narcotic drugs, psychotropic substances and precursors into the territory of Ukraine under the martial law. The Procedure became effective on 11 May 2022 and is valid until the termination or cancellation of martial law in Ukraine.

Information on business entity, which is a seller or a buyer under the contract, can be specified on the reverse side of the permission at the request of the applicant.

11. At the time of actual importation the permission on the right to import of narcotic drugs and psychotropic substances is required along with other necessary customs documents. A certified copy

of the permission is attached to and accompanies each consignment of narcotic drugs and psychotropic substances. Imports of narcotic drugs and psychotropic substances into Ukraine is carried out only through customs points, determined by the Cabinet of Ministers of Ukraine.

12. A fee for issuing the permission is charged in amount of one percent of the value of the import contract.

13. No deposit or advance payment requirement associated with the issue of permission.

### **Conditions of licensing**

14. The permission specifies the period within which narcotic drugs and psychotropic substances shall be imported. The permission validity can be extended once by the State Service of Ukraine on Medicines and Drugs Control up to 31 December of the year in which it was issued, if the declared consignment has not crossed the customs border of Ukraine during the mentioned in the permission period due to justifiable reasons. To extend the term of validity of the permission it is necessary to submit such permission to the State Service of Ukraine on Medicines and Drugs Control not later than the term of its validity expires.

15. There is no penalty for non-utilization of a permission or a portion of a permission.

16. Permissions are not transferable between importers.

17. A permission in case of its loss cannot be restored. The State Service of Ukraine on Medicines and Drugs Control shall be immediately reported on the loss of the permission.

### **Other procedural requirements**

18. Yes, the importer should have a valid import licence (import activity licence for).

19. Not applicable.

## **6 RADIO-ELECTRONIC EQUIPMENT AND RADIATING-EMITTING DEVICES OF SPECIAL PURPOSE**

### **Outline of system**

1. Imports of radio-electronic equipment and radiating-emitting devices of special purpose is carried out under a permission. Such a permission is issued by the General Staff of the Armed Forces of Ukraine, if the type of radio-electronic equipment and radiating-emitting devices of special purpose is included in the register of radio-electronic equipment and radiating-emitting devices that can be used on the territory of Ukraine in special use radio frequency bands.

### **Purposes and coverage of licensing**

2. Radio-electronic equipment and radiating-emitting devices of special purpose listed in Annex 2 to the Resolution of the Cabinet of Ministers of Ukraine No. 1087 of 27 September 2022 "On the approval of the Procedures for issuing permission for import of radio-electronic means and radiating-emitting devices of special purpose from abroad and import from abroad, acquisition, installation and operation of radio-electronic means and radiating-emitting devices of special purpose" are subject to the permission for imports, issued by the General Staff of the Armed Forces of Ukraine.

3. The system applies to goods imported from all countries, except if such goods originate from a country recognized by law as an occupying state and/or an aggressor state against Ukraine or imported from the territory of the occupying state (aggressor) and/or from the occupied territory of Ukraine, defined as such in accordance with the law.

4. The permission is not intended to restrict the quantity or value of imports of goods. The purpose is an efficient and rational use of radio frequency resource of Ukraine to ensure state security.

5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On Electronic Communications" No.1089 of 16 December 2020;
- Resolution of the Cabinet of Ministers of Ukraine No. 1087 of 27 September 2022 "On the approval of the Procedures for issuing permission for import of radio-electronic means and radiating-emitting devices of special purpose from abroad and import from abroad, acquisition, installation and operation of radio-electronic means and radiating-emitting devices of special purpose".

The system cannot be abolished without legislative approval.

### **Procedures**

6. Not applicable.

7. The decision on issuing a permission or on its refusal shall be made within ten working days from the date of receipt of the application. A permission is not issued immediately. There are no restrictions regarding a period of the year during which it is allowed to file an application for the permission and/or imports. The General Staff of the Armed Forces of Ukraine considers the application for a permission.

The General Staff of the Armed Forces of Ukraine issues the permission in the form set out in Annex 1 and in accordance with the list given in Annex 2 to the Resolution of the Cabinet of Ministers of Ukraine No. 1087 of 27 September 2022 "On the approval of the Procedures for issuing permission for import of radio-electronic means and radiating-emitting devices of special purpose from abroad and import from abroad, acquisition, installation and operation of radio-electronic means and radiating-emitting devices of special purpose".

8. The grounds for refusal to issue a permission are set out in the Law of Ukraine No. 2806 of 06 September 2005 "On the Permit System in the Sphere of Economic Activity" and include:

- submission of an incomplete package of documents required to obtain a permission;
- identification of inaccurate information in the documents submitted;
- negative conclusion on the results of examinations and surveys or other scientific and technical assessments required for the issuance of a permission.

### **Eligibility of importers to apply for licence**

9. Special users of radio frequency resource of Ukraine (radio frequency authority) which plans or for which it is planned to import radio electronic means and radiating devices of special purpose into Ukraine are applied for a permission.

### **Documentational and other requirements for application for licence**

10. The form of the application for a permission is set out in Annex 3 to the Resolution of the Cabinet of Ministers of Ukraine No. 1087 of 27 September 2022 "On the approval of the Procedures for issuing permission for import of radio-electronic means and radiating-emitting devices of special purpose from abroad and import from abroad, acquisition, installation and operation of radio-electronic means and radiating-emitting devices of special purpose", available at <https://zakon.rada.gov.ua/laws/show/1087-2022-%D0%BF#Text>.

The application shall be submitted in paper or electronic form using a qualified electronic signature.

The application shall be submitted with the following documents:

- a copy of the business entity's state registration certificate;
- technical characteristics of the equipment (radio technology, operating frequency range, transmitter power, radiation class, etc.);
- a copy of the equipment conformity document.

If necessary, the application may be attached with information and reference materials (copies of contracts, invoices), which contain the name of the equipment, commodity code under UKT ZED,

quantity, purpose and term of imports, the name of the manufacturer, the name of the country of production and the country from which the equipment is imported).

11. At the time of actual importation the original of the permission to import of radio-electronic equipment and radiating-emitting devices of special purpose is required along with other necessary customs documents. The requisites of the permission for imports of radio-electronic equipment and radiating-emitting devices of special purpose shall also be indicated in the preliminary customs declaration.

Along with this the importer need to present the document on conformity issued by the General Staff of the Armed Forces on whether the radio-electronic equipment and radiating-emitting devices of special purpose belong to those that are allowed for use on the territory of Ukraine.

12. No fee is charged for issuing the permission.

13. No deposit or advance payment requirement associated with the issue of permission.

### **Conditions of licensing**

14. The permission is valid for specified period of time.

15. There is no penalty for non-utilization of a permission or a portion of a permission.

16. Permissions are not transferable between importers.

17. No.

### **Other procedural requirements**

18. No.

19. Not applicable.

## **7 RADIOACTIVE MATERIALS: SOURCES OF IONIZING RADIATION, RADIONUCLIDE, NUCLEAR MATERIALS, RADIOACTIVE RESIDUES**

### **Outline of system**

1. Imports of radioactive materials is carried out on the basis of the permission to conduct international transportation of radioactive materials issued by the State Nuclear Regulatory Inspectorate of Ukraine.

The import of ionizing radiation sources is permitted under the condition that the consignee has a licence to use such sources. The permission to import of ionizing radiation sources is issued on condition that these sources are returned to the consignor (manufacturer) after their use, as provided for in the contract under which the import is carried out.

### **Purposes and coverage of licensing**

2. The permission to conduct international transportation of radioactive materials are issued by the State Nuclear Regulatory Inspection for the goods under UKT ZED codes 2844, 2845, 9022, 9026, 9027, 9030, 9031, 9033001000, 9033009000, ex9620001090.

3. The system applies to goods imported from all countries. In case of international transportation of radioactive materials, the State Nuclear Regulatory Inspectorate pre-approves such transportation with the competent authorities of all countries through whose territory the transportation will be carried out.

4. The permission of the State Nuclear Regulatory Inspectorate is not intended to restrict the quantity or the value of imports of goods and applies to ensure the safety and security of radioactive sources, protect national security and pursue obligations under international treaties.



5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On the Use of Nuclear Energy and Radiation Safety" No. 39 of 8 February 1995;
- Law of Ukraine "On Permitting Activity in the Sphere of the Use of Nuclear Energy and Radiation Safety" No. 1370 of 11 January 2000;
- Resolution of the Cabinet of Ministers of Ukraine No. 1196 of 3 October 2007 "Some issues related to the transportation of radioactive materials";
- Order of the State Nuclear Regulatory Inspectorate of Ukraine No. 153 of 6 August 2012 "On approval of the Regulation on the list and requirements for the form and content of documents submitted for obtaining a licence for certain types of activities in the sphere of nuclear energy use".

The procedure for issuing permission for transportation of radioactive materials, including approval of the relevant documents for applying for a permission, issuing a permission, confirming the receipt of such a permission, is established by the Cabinet of Ministers of Ukraine.

The system cannot be abolished without legislative approval.

### **Procedures**

6. Not applicable.

7.(a) The decision on issuing a permission or on its refusal shall be made within 30 working days from the date of receipt of the application. If it is necessary to obtain information from the central executive authority on the possible impact on the state of nuclear and radiation safety, physical protection of radioactive materials during their transportation, the term of consideration of submitted documents is extended by 30 days. If the application for issuing a permission for transportation of radioactive waste or spent nuclear fuel is approved by the competent authorities, the decision on issuing the permission or its refusal shall be made within four months from the date of receipt of the application.

(b) A permission is not granted immediately.

(c) Permissions may be issued at any period of the year.

(d) The consideration of the application for permission is carried out by the State Nuclear Regulatory Inspectorate.

8. The grounds for refusal to issue a permission are set out in the Resolution of the Cabinet of Ministers of Ukraine No. 1196 of 03 October 2007 "Some issues related to the transportation of radioactive materials" and include:

- submission of an incomplete package of documents required to obtain a permission;
- identification of inaccurate information in the documents submitted;
- determination, based on the results of the review of the submitted documents of failure to ensure compliance with nuclear and radiation safety norms, rules and standards in the performance of the declared types of work.

### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur carrying out activities in the sphere of nuclear energy use for which the Law of Ukraine "On Permitting Activity in the Sphere of the Use of Nuclear Energy and Radiation Safety" establishes requirements for mandatory licensing, certification or registration are allowed to apply for a permission. A permission is issued to the holder of the licence to carry out the relevant type of activity in the sphere of nuclear energy use.

### **Documentational and other requirements for application for licence**

10. To obtain a permission to conduct international transportation of radioactive materials the following documents shall be submitted:

- an application for a permission to conduct international transportation of radioactive materials;
- a copy of the contract between the consignor or consignee and the carrier, which has a licence to carry out activity for the transportation of radioactive materials;
- copy of the agreement on compulsory civil liability insurance for nuclear damage, signed in accordance with the legislation, and insurance policy (insurance certificate, insurance certificate);
- a copy of the agreement on insurance of the liability of entities transporting dangerous goods in case of the negative consequences during their transportation, signed in accordance with the legislation, and a document confirming the payment of the insurance payment;
- a copy of the document confirming the consent of the competent authority of the country of destination to import of ionizing radiation sources;
- a copy of a document confirming the consent of the country of destination to import of nuclear materials or radioactive waste;
- a copy of the document, regulating initial operational actions in case of an accident during transportation of radioactive materials (emergency card);
- a copy of the contract under which radioactive materials are exported, imported or transited;
- a copy of the licence to carry out the relevant type of activity in the sphere of nuclear energy use;
- a copy of the certificate required by the IAEA Regulations on the Safe Transport of Radioactive Material.

11. All of the above documents, including the permission issued by the State Nuclear Regulatory Inspection, are required along with other necessary customs documents.

12. Yes, there is a fee for obtaining a permission. The amount of fee is approved by the Resolution of the Cabinet of Ministers of Ukraine No. 591 of 1 June 2011 "On approval of the list of fee-based administrative services provided by the State Nuclear Regulatory Inspectorate and the amount of fee for their provision and repealing the amount of the fee for carrying out licensing procedures in the sphere of the use of nuclear energy", available at <https://zakon.rada.gov.ua/laws/show/591-2011-%D0%BF#Text>.

13. No deposit or advance payment requirement associated with the issue of permissions.

### **Conditions of licensing**

14. The validity of the permission is determined in accordance with the date specified in the application, but no longer than one year. Extension of the term of validity of the permission is carried out on the basis of application specifying the reasons for refusal of transportation, changes in the information on transportation, on the basis of which the permission was issued, the period for which the permission is extended. Consideration of the application for extension of the validity period and adoption of the relevant decision is carried out in accordance with the procedure and within the time limits provided for the issuance of the permission. Extension of the validity period of the permission shall be formalized by amending the permission.

15. There is no penalty for non-utilization of a permission or a portion of a permission.

16. Permissions are not transferable between importers.

17. Other condition accompanying issuance of permission is submission of a document confirming the payment of the fee for a permission.

### **Other procedural requirements**

18. No.

19. Not applicable.

## **8 AQUATIC BIORESOURCES AND PRODUCTS THEREOF (TOOTHFISH)**

### **Outline of system**

1. Imports/exports of aquatic bioresources and products thereof requires obtaining a catch (re-export) registration form for Antarctic and Patagonian Toothfish, which is issued by the State Agency of Melioration and Fisheries of Ukraine, the authorized body for implementing the requirements of the Conservation Measure "Catch Documentation Scheme for *Dissostichus* spp."

### **Purposes and coverage of licensing**

2. The system applies according to Catch Documentation Scheme for *Dissostichus* spp.
3. All countries.
4. The system is based on Ukraine's obligations to prevent illegal, unregulated and unreported fisheries for toothfish and intended to control fish landed or transhipped to Ukraine. The system is not intended to restrict the quantity or value of imports of goods.
5. The corresponding legislation includes:
  - Law of Ukraine "On Fishery, Industrial Fishery and Protection of Aquatic Bioresources" No. 3677 of 8 July 2011;
  - Resolution of the Cabinet of Ministers of Ukraine No. 760 of 15 August 2012 "On approval of the Procedure for issuing catch (re-export) registration forms for Antarctic and Patagonian Toothfish".

This system cannot be abolished without legislative approval.

### **Procedures**

6. Not applicable.
- 7.(a) The consideration of the request for obtaining a catch (re-export) registration form shall be made within ten calendar days from the date of receipt of the request.
- (b) A catch (re-export) registration form may be obtained in a shorter time frame and depends only on technical capacity of the relevant authority.
- (c) The request shall be submitted to the State Agency of Melioration and Fisheries before the vessel with the toothfish catch enters the landing port in Ukraine or before the date when the Antarctic and Patagonian toothfish are exported from the territory of Ukraine.
- (d) The request to obtain a catch (re-export) registration form is considered by the State Agency of Melioration and Fisheries.
8. The grounds for refusal to issue a catch (re-export) registration form include:
  - inaccurate information specified in the request;
  - negative conclusion on the results of examinations and surveys or other scientific and technical assessments required for the issuance of a catch (re-export) registration form.

In case of refusal to issue a catch (re-export) registration form, the applicant shall be informed about the reasons for that in writing within ten calendar days from the date of receipt of the request. The decision on refusal may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur (shipowner) whose vessel has caught the specified fish species or importer of Antarctic and Patagonian Toothfish to Ukraine has the right to apply for a catch (re-export) registration form.

### **Documentational and other requirements for application for licence**

10. The request to obtain a catch (re-export) registration form shall be completed as described in Annex to the Resolution of the Cabinet of Ministers of Ukraine No. 760 of 15 August 2012 "On approval of the Procedure for issuing catch (re-export) registration forms for Antarctic and Patagonian Toothfish", available at <https://zakon.rada.gov.ua/laws/show/760-2012-%D0%BF#Text>.

11. At the time of actual importation/exportation the catch (re-export) registration form is required along with other necessary customs documents.

12. The issue of a catch (re-export) registration form is free of charge.

13. No.

### **Conditions of licensing**

14. The catch (re-export) registration form is valid until the foreign trade transactions with the shipment of Antarctic and Patagonian Toothfish are completed.

15. No.

16. No.

17. No.

### **Other procedural requirements**

18. No.

19. Not applicable.

## **9 CIGARETTE TISSUE AND FILTERS FOR INDUSTRIAL CIGARETTE PRODUCTION**

### **Outline of system**

1. The Law of Ukraine "On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products and Fuel" contains requirements for obtaining a licence for manufacture of tobacco products and imports of certain products used for cigarette manufacturing.

### **Purposes and coverage of licensing**

2. Imports of cigarette tissue and filters for industrial cigarette production can be conducted only by holders of a tobacco production licence. The system is intended to prevent illegal supply of counterfeit products for cigarette manufacture and further protection of public health.

3. All countries.

4. The system does not restrict the quantity or value of imports of goods for cigarette production.

5. The system of licensing is established by the Law of Ukraine "On State Regulation of Production and Circulation of Ethyl, Cognac and Fruit Alcohol, Alcoholic Beverages, Tobacco Products and Fuel" No. 481/95-BP of 19 December 1995.

This system cannot be abolished without legislative approval.

### **Procedures**

6. Not applicable.

- 7.(a) The period for consideration of application for obtaining a tobacco production licence may not exceed 30 calendar days following the date of receipt of required documents.
- (b) A licence may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.
- (c) Applications can be submitted at any period of the year.
- (d) The consideration of the applications for a licence is effected by the State Tax Service of Ukraine.

8. An application for a licence may be refused if an incomplete package of documents is submitted, inaccurate information is provided in the documents, the annual licence fee is not paid. A decision to refuse to issue a licence shall be provided to the applicant in writing. A decision to refuse to issue a licence may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

### **Eligibility of importers to apply for licence**

9. Legal entities (including foreign entities operating through registered permanent establishments), which have a full technological cycle of tobacco production, including the production of tobacco mixture, cigarette production facilities.

The licence is issued after the certification of the factory (production facilities, areas, laboratories and other units used in the manufacturing and control over the manufacture of tobacco products) to meet the requirements established by the current legislation of Ukraine for ensuring human life and health, environmental protection, the full technological cycle of tobacco production, as well as compliance with sanitary, fire, environmental standards and regulations.

### **Documentational and other requirements for application for licence**

10. To obtain a licence for the production of tobacco products the following documents shall be submitted:

- an application (optional form);
- copies of foundation documents;
- a production certificate issued by authorized central executive body;
- a contract with an accredited laboratory (in case if there is no own accredited laboratory);
- a document confirming payment of the licence fee.

If these documents are issued to a person other than the applicant, such person shall additionally submit documents confirming his/her right to use the relevant facility.

Documents shall be submitted in one sample in copies, notarized or certified by the body that issued the original document, or by an official of the licensing authority.

11. At the time of actual importation a valid licence for the production of tobacco products is required along with other necessary customs documents.

12. The annual licence fee is 780 UAH.

13. No.

### **Conditions of licensing**

14. A licence is issued for an unlimited period.

15. No.

16. No.

17. Other conditions accompanying issuance of licences are:

- submission of a document confirming payment of the licence fee ;
- submission of a document identifying the person receiving the licence.

#### **Other procedural requirements**

18. No.

19. Not applicable.

### **10 UNREGISTERED PESTICIDES AND AGROCHEMICALS USED FOR STATE TESTING AND SCIENTIFIC RESEARCH**

#### **Outline of system**

1. Imports of unregistered pesticides and agrochemicals used for state testing and scientific research requires a permission. The Ministry of Environmental Protection and Natural Resources of Ukraine is responsible for issuing permissions to import and use of unregistered pesticides and agrochemicals for state testing and scientific research, as well as seed (planting) material processed thereby.

#### **Purposes and coverage of licensing**

2. The system is aimed at the safe use of pesticides and agrochemicals for human health and the environment. Permission to imports of unregistered pesticides and agrochemicals, as well as seed (planting) material processed thereby, is granted if such a product is included in the state testing plan approved by Ministry of Environmental Protection and Natural Resources or to the research plans of scientific institutions and organizations. Permission is not required for imports of standard analytical samples of preparations intended for control and analytical measurements, development of techniques for determining residual quantities of preparations, preparation of calibration or reference solutions.

3. All countries.

4. The system does not restrict the quantity or value of imports of goods.

5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On Pesticides and Agrochemicals" No. 86/95-BP of 2 March 1995;
- Resolution of the Cabinet of Ministers of Ukraine No. 288 of 4 March 1996 "On approval of the Procedure for issuing permission to imports of unregistered pesticides and agrochemicals used for state testing and scientific research, as well as seed (planting) material processed thereby";
- Order of the Ministry of Environment No. 491 of 8 November 2006 "On approval of the sample permission to imports and use of unregistered pesticides and agrochemicals for state testing and scientific research, as well as seed (planting) material processed thereby";
- Order of the Ministry of Environment No. 234 of 18 May 2009 "On approval of the application form submitted by an entity to obtain a permission to imports of unregistered pesticides and agrochemicals used for state testing and scientific research, as well as seed (planting) material processed thereby".

This system cannot be abolished without legislative approval.

#### **Procedures**

6. Not applicable.

7.(a) The period for consideration of application is ten working days following the date of receipt of required documents.

(b) A permission may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.

- (c) Applications can be submitted at any period of the year.
- (d) Consideration of the applications for a permission is effected by the Ministry of Environmental Protection and Natural Recourses.

8. An application for a permission may be refused if an incomplete package of documents is submitted, inaccurate information is provided in the documents. A decision to refuse to issue a permission shall be provided to the applicant in writing. A decision to refuse to issue a permission may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

#### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur is eligible to apply for a permission.

#### **Documentational and other requirements for application for licence**

10. To obtain a permission the following documents shall be submitted:

- an application in the form approved by the Order of the Ministry of Environment No. 234 of 18 May 2009 "On approval of the application form submitted by an entity to obtain a permission to imports of unregistered pesticides and agrochemicals used for state testing and scientific research, as well as seed (planting) material processed thereby", available at <https://zakon.rada.gov.ua/laws/show/z0520-09#Text>;
- copies of quality and conformity certificates of unregistered products, safety data sheet of unregistered products (Hazard Data Card);
- a copy of the mandatory liability insurance agreement for the transportation of dangerous goods.

Legal entities that have granted the permission shall submit a report on the use of imported unregistered products to the Ministry of Environmental Protection and Natural Recourses and the Ministry of Health by 31 December of the current year.

11. At the time of actual importation a permission from the Ministry of Environmental Protection and Natural Recourses is required along with other necessary customs documents.

12. The issue of a permission is free of charge.

13. No.

#### **Conditions of licensing**

14. The permission is valid until December 31 of the year in which it was issued.

15. No.

16. No.

17. Submission of a document identifying the person receiving the permission.

#### **Other procedural requirements**

18. No.

19. Not applicable.

### **11 UNREGISTERED GMOS USED FOR STATE APPROBATION (TESTS)**

#### **Outline of system**

1. Prior to state registration, GMOs may be released into the environment only for the purpose of state approbation (testing). State approbation (testing) of GMOs in the open system is carried out exclusively on the basis of a permission issued by the Ministry of Environmental Protection and Natural Recourses of Ukraine. The permission is issued on a one-off basis for state approbation



(testing) of a particular GMO and only after an assessment of the safety of GMO for human health and the environment being conducted.

### **Purposes and coverage of licensing**

2. The system is aimed to ensure biological and genetic safety, an appropriate level of protection for the safe transfer, handling and use of GMOs derived from the latest biotechnology, which may have adverse effects on the conservation and sustainable use of biological diversity.

GMOs used in an open system shall meet the requirements of biological and genetic safety, provided that the intended technology of use is followed. A prerequisite for the use of GMOs in an open system is the availability of methods and techniques for their identification. It is prohibited to release GMOs into the environment without an environmental impact assessment and prior to their state registration.

3. All countries.

4. The system does not restrict the quantity or value of imports of goods.

5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On the State Biosafety System for the Establishment, Testing, Transport and Use of Genetically Modified Organisms" No. 1103 of 31 May 2007;
- Resolution of the Cabinet of Ministers of Ukraine No. 308 of 2 April 2009 "On approval of the Procedure for issuing permission for state approbation (testing) of genetically modified organisms in the open system".

This system cannot be abolished without legislative approval.

### **Procedures**

6. Not applicable.

7.(a) The permission for state approbation (testing) of GMOs in the open system is issued within 45 calendar days following the date of receipt of application. Information on the decision to issue a permission is provided to the applicant in writing within ten working days.

(b) A permission may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.

(c) Applications can be submitted at any period of the year.

(d) Consideration of applications for a permission is effected by the Ministry of Environmental Protection and Natural Recourses. A working group consisting of representatives of state authorities and relevant scientific institutions may be established to verify the information on the safety of GMOs contained in the submitted documents.

8. An application for a permission may be refused if:

- scientifically based information on the risk of GMOs to human health or the environment in their intended use is obtained;
- there is no positive conclusion of the state environmental and state sanitary and epidemiological expertise, protocols of public hearings regarding the state approbation (testing);
- there are no methods and techniques for identification of GMOs, developed in accordance with international standards and duly approved in Ukraine;
- an incomplete package of documents is submitted,
- requirements regarding the form and content of the application have been violated;
- the documents contain inaccurate information.

A decision to refuse to issue a permission shall be provided to the applicant in writing within 10 working days. A decision to refuse to issue a permission may be appealed to the district

administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

#### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur, whose activities are related to the handling of GMOs, is eligible to apply for a permission.

#### **Documentational and other requirements for application for licence**

10. To obtain a permission it is required to submit an application in the form set out in Annex 2 to the Resolution of the Cabinet of Ministers of Ukraine No. 308 of 2 April 2009 "On approval of the Procedure for issuing permission for state approbation (testing) of genetically modified organisms in the open system", and relevant documents listed in the Annex 2 to this Resolution, available at <https://zakon.rada.gov.ua/laws/show/308-2009-%D0%BF#Text>.

11. At the time of actual importation a permission from the Ministry of Environmental Protection and Natural Recourses is required along with other necessary customs documents.

12. The issue of a permission is free of charge.

13. No.

#### **Conditions of licensing**

14. The permission is valid for the period of conducting of state approbation (testing), but not longer than five years.

15. No.

16. No.

17. Submission of a document identifying the person receiving the permission.

#### **Other procedural requirements**

18. No.

19. Not applicable.

## **12 TRANSIT OF UNREGISTERED GMOS**

#### **Outline of system**

1. Transit of GMOs not registered in Ukraine is carried out on the basis of a permission issued by the Ministry of Environmental Protection and Natural Recourses.

The permission for transit of GMOs not registered in Ukraine is issued for each consignment containing one or more genetically modified organisms and intended for simultaneous transit by the same vehicle.

#### **Purposes and coverage of licensing**

2. The system aims to ensure biological and genetic safety, an appropriate level of protection for the safe transfer, handling and use of GMOs derived from the latest biotechnology, which may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health and the environment with particular attention to cross-border movement.

3. All countries.

4. The system does not restrict the quantity or value of imports of goods.

5. The legislation under which the permission is maintained includes:

- Law of Ukraine "On the State Biosafety System for the Establishment, Testing, Transport and Use of Genetically Modified Organisms" No. 1103 of 31 May 2007;
- Resolution of the Cabinet of Ministers of Ukraine No. 423 of 28 April 2009 "On approval of the Procedure for issuing permissions for transit of genetically modified organisms not registered in Ukraine".

This system cannot be abolished without legislative approval.

### **Procedures**

6. Not applicable.

7.(a) The permission for transit of GMOs not registered in Ukraine is issued within 45 calendar days following the date of receipt of application. Information on the decision to issue a permission shall be provided to the applicant in writing within ten working days.

(b) A permission may be issued in a shorter time frame and depends only on technical capacity of the relevant authority.

(c) Applications can be submitted at any period of the year.

(d) Consideration of applications for a permission is effected by the Ministry of Environmental Protection and Natural Recourses. A working group consisting of representatives of state authorities and relevant scientific institutions may be established to verify the information on the safety of GMOs contained in the submitted documents.

8. An application for a permission may be refused if:

- scientifically based information on the risk of GMOs to human health or the environment in their intended use is obtained;
- an incomplete package of documents is submitted,
- requirements regarding the form and content of the application have been violated;
- the documents contain inaccurate information.

A decision to refuse to issue a permission shall be provided to the applicant in writing within ten working days. A decision to refuse to issue a permission may be appealed to the district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

### **Eligibility of importers to apply for licence**

9. Legal entity or individual entrepreneur, whose activities are related to the transit of GMOs through the territory of Ukraine, is eligible to apply for a permission.

### **Documentational and other requirements for application for licence**

10. To obtain a permission it is required to submit an application in the form set out in Annex 2 to the Resolution of the Cabinet of Ministers of Ukraine No. 423 of 28 April 2009, along with documents listed in the Annex 2 to this Resolution.

In order to obtain a permission to transit consignments containing several GMOs, information materials on each of such organisms shall be submitted along with the application.

11. At the time of actual importation a permission from the Ministry of Environmental Protection and Natural Recourses is required along with other necessary customs documents.

12. The issue of a permission is free of charge.

13. No.

**Conditions of licensing**

14. The period of validity of the permission shall not exceed the period of validity of the permission for import of GMOs not registered in Ukraine, issued in the state of import, or the permission for transit of GMOs issued in another state (in case of transit not only through the territory of Ukraine).

15. No.

16. No.

17. Submission of a document identifying the person receiving the permission.

**Other procedural requirements**

18. No.

19. Not applicable.

**13 SULFURIC ACID AND OLEUM****Outline of System**

1. Special licensing system using quotas for imported goods is established by the Law of Ukraine "On Application of Special Measures on Imports to Ukraine" No. 332 of 22 December 1998 and the Law of Ukraine "On Foreign Economic Activity" No. 959 of 16 April 1991. Quantitative restrictions on imports are applied to goods with respect to which Interdepartmental Commission for International Trade (further – Commission) has adopted a decision to apply safeguard measures. Imports of goods specified by a decision of the Commission is carried out on the basis of special licence.

**Purposes and coverage of licensing**

2. Special licensing system using quotas for imported goods (established under separate decisions of the Commission) covers the licensing of imports of sulfuric acid and oleum (UKT ZED code 2807 00 00 00).

Information on Decision of the 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 documents G/SG/N/8/UKR/6; G/SG/N/10/UKR/6; G/SG/N/11/UKR/4; G/SG/N/8/UKR/6/Suppl.1; G/SG/N/10/UKR/6/Suppl.1; G/SG/N/11/UKR/4/Suppl.1; G/SG/N/8/UKR/6/Suppl.2; G/SG/N/10/UKR/6/Suppl.2; G/SG/N/8/UKR/6/Suppl.3; and G/SG/N/10/UKR/6/Suppl.3.

3. Special licensing system applies on imports 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 to protect the interests of domestic goods producers from growing imports of such goods.

5. The system of special licensing is established by the Law of Ukraine "On Application of Special Measures on Imports to Ukraine" No. 332 of 22 December 1998, the Law of Ukraine "On Foreign Economic Activity" No. 959 of 16 April 1991 and the Order of the Ministry of Economy and European Integration of Ukraine No. 232 of 1 August 2002 "On Procedures of licensing of imports to Ukraine of goods subject to special measures".

The Order establishes the procedure for reviewing applications for a special licence, the procedure for issuing a special licence, the form of a special licence and the procedure for filling it out, the form of an application for a special licence and the procedure for filling it out.

Quantitative restrictions of imports under special licensing system are established according to the decisions of the Commission, in particular No. SP-391/2018/4411-05 of 2 July 2018 "On application of safeguard measures on imports into Ukraine of sulfuric acid and oleum regardless of country of

origin and export", No. SP-500/2021/4411-03 of 27 August 2021 "On extension 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 goods subject to licensing. The special licensing system cannot be abolished without a legislative approval.

### Procedures

6.I. According to the special import licensing system, which envisages quota allocation, the lists of goods are determined by the decisions of the Commission. The Commission's decisions regarding the application of special measures on 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 "Uriadovyi Courier" and are available on the Internet sites of the Cabinet of Ministers of Ukraine <https://www.kmu.gov.ua> and of the Ministry of Economy of Ukraine <http://www.me.gov.ua>.

The Ministry of Foreign Affairs of Ukraine notifies governmental bodies of exporting countries.

In case of allocation of quotas among the exporting countries, such allocation may be agreed with such countries. If no such agreement is reached, the quotas are allocated among the exporting countries depending on their shares of imports of goods to Ukraine subject to special investigation during the previous representative period.

In order to prevent market monopolization, the total number of applications from one importer for special licences within the established quotas may not exceed 35% of the volume of the quota period or another period, if it is provided for by the relevant decision of the Commission.

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

- II. The volume 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 established by the relevant decision of the Commission. The total volume of imports under special licences may not exceed the established quota.
- III. Licensing procedures apply to all importers of goods subject to special measures under the decisions of the Commission. In case 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 per cent of the quota volume set for the quota period, unless otherwise provided by the relevant decision of the Commission. Information on holders of the special licence may be provided upon request.
- IV. The applications for import licences are accepted 14 days prior to the first day of the relevant quota period.
- V. The term during which the licence application may be considered is 15 working days. Applications are reviewed in order of their receipt.
- VI. A special licence shall be effective for imports of goods as of the date of its issuance.
- VII. The Ministry of Economy of Ukraine considers licence 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 the application.
- VIII. If the demand for a licence cannot be fully satisfied, a licence is issued for a part of the demand, i.e., for volume of quota left. To prevent market monopolization the total number of applications from one importer to obtain special licences within the established quotas may not exceed 35% of the volume of the quota period or another period if it is provided for 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 applicant shall be informed in writing of the fact that the special quota has been exhausted.

- IX. Issue of special licences does not depend on availability of bilateral quotas or arrangements. Special licences are not issued automatically.
- X. Not applicable.
- XI. Not applicable.
7. Not applicable.
8. A special licence application is accepted in all cases, unless the application is inconsistent with the terms of the contract and/or is submitted incorrectly and/or an incomplete package of required documents is submitted.

Exhaustion of the quota is also a ground for refusal to issue a special licence. The decision to refuse to issue a licence shall be provided to the applicant in writing. A decision to refuse to issue a licence may be appealed to a district administrative court in accordance with the provisions of the Code of Administrative Proceedings of Ukraine.

#### **Eligibility of importers to apply for licence**

9. Legal entities or individual entrepreneurs are eligible to apply for special import licence.

#### **Documentation and other requirements for application for licence**

10. An application for a special licence shall contain the following information: full name of the importer, its location, phone number, fax number, EDPNOU code (National State Registry of Ukrainian Enterprises and Organizations), 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 UKT ZED, 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 licence, special conditions.

To obtain a special licence the following documents accompanying the application shall be submitted:

- a request letter on issue of a licence, with a guarantee of the payment of the official licence fee;
- a copy of the contract, all annexes and specification thereto, verified by the manager of the legal entity;  
a copy of the state registration certificate verified by the manager of the legal entity;
- a copy of the certificate of assignment of the taxpayer identification number;
- the original certificate of origin of the foreign goods issued by the authorized body of foreign country of export and its copy;
- a certificate of goods examination issued by the Chamber of Commerce and Industry of Ukraine or its regional branch, with the definition of the commodity code.

After submitting the documents, the applicant shall be informed that it may be granted an import quota in the volume specified in the application for a special licence.

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

- original of the special licence;
- certificate of origin of goods;
- cargo (shipment) customs declaration.

12. A fee for licence is 780 UAH.<sup>4</sup>

13. No deposit or an advance payment is required to obtain a special import licence.

### **Conditions of licensing**

14. The period of validity of a special licence is 90 days, except for cases of expiry of relevant quota period. If the legal entity under the granted special licence fails to import the specified volume of goods within the period specified in the licence, based on the customs authority's verification of the actual volume of imports of these goods and their remaining quantity under the special licence, the Ministry of Economy of Ukraine shall issue a new licence for the remaining quantity of goods. In such case, the importer is required to fill in an application for a new licence for the remaining quantity of goods.

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

16. Licences are not transferable between importers.

17. Other conditions accompanying issuance of licences are:

- submission of a document verifying payment of the licence fee;
- submission of a power of attorney, or of a copy of a power of attorney authorizing receipt of a licence, and submission of a document identifying the person receiving the licence if the licence is issued to the authorized representative of the legal entity.

### **Other procedural requirements**

18. No.

19. Not applicable.

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<sup>4</sup> According to the Resolution of the Cabinet of Ministers of Ukraine No. 241 of 10 March 2022 "On amendments to the Resolution of the Cabinet of Ministers of Ukraine No. 362 of 18 May 2005 "On setting the fee for issuing export (import) licenses" the fee for issuing a license for export (import) of goods is not charged until termination or cancellation of the martial law in Ukraine.