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Майнові права на переклад належать
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Customs Code of Ukraine

As amended under the Laws of Ukraine

No 4915-VI of 07.06.2012, Official Journal, 2012, No 51, p. 2034

No 4999-VI of 21.06.2012, Official Journal, 2012, No 55, p. 2203

No 5018-VI of 21.06.2012, Official Journal, 2012, No 59, p. 2365

No 5043-VI of 04.07.2012, Official Journal, 2012, No 62, p. 2507

No 5076-VI of 05.07.2012, Official Journal, 2012, No 62, p. 2509

No 5210-VI of 06.09.2012, Official Journal, 2012, No 76, p. 3073

No 5288-VI of 18.09.2012, Official Journal, 2012, No 73, p. 2934

No 5406-VI of 02.10.2012, Official Journal, 2013, No 85, p. 3430

No 183-VII of 04.04.2013, Official Journal, 2013, No 34, p. 1200

No 245-VII of 16.05.2013, Official Journal, 2013, No 44, p. 1570

No 405-VII of 04.07.2013, Official Journal, 2013, No 60, p. 2135

No 588-VII of 19.09.2013

Title I GENERAL PROVISIONS

Chapter 1. Scope

Article 1. Customs legislation of Ukraine

1. Ukraine's customs legislation shall consist of the Constitution of Ukraine, this Code and other laws of Ukraine regulating matters referred to in Article 7 of the Code, international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine as well as regulations issued on the basis and in pursuance of the Code, and other legislative acts.
2. Relationships associated with the collection of customs payments shall be regulated by the Code, the Tax Code of Ukraine and other taxation laws of Ukraine.
3. Should an international treaty of Ukraine ratified by the Verkhovna Rada of Ukraine establish any rules other than those provided for in the Code and other laws of Ukraine, the rules of such international treaty of Ukraine shall apply.

Article 2. Validity of customs laws of Ukraine and other customs-related regulations

1. Customs laws of Ukraine, customs-related regulations issued by the Cabinet of Ministers of Ukraine and the central executive authority shall enter into force in 45 days upon their official publication, save as otherwise provided for in the law or regulation, but not earlier than the date of their official publication.
2. The official publication of the Customs Law of Ukraine, customs-related regulations issued by the Cabinet of Ministers of Ukraine, the central executive authority shall constitute publishing their full wording in one of the journals designated as official ones by the legislation of Ukraine. The day of the official publication of the Customs Law of Ukraine, customs-related regulations issued by the Cabinet of Ministers of Ukraine, the central executive authority shall be the day of the issue of such official journal, wherein the full wording of the said Law or regulation was published prior to other official printed editions. If the Customs Law of Ukraine, or the customs-related regulation issued by the Cabinet of Ministers of Ukraine, the central executive authority is published in parts, the day of its official publication shall be the day of the issue of such official journal, wherein the last part of the said Law or regulation was published prior to other official printed editions.
3. The Customs Law of Ukraine or any other customs-related regulation entering into force as of the day of its official publication shall be deemed valid starting with 00:00 on the day following that of the official publication of the said Law or regulation.
4. Should the Customs Law of Ukraine or any other customs-related regulation be set to enter into force after a certain period of time, counted in days, upon its official publication, such period shall begin at 00:00 on the day following that of the official publication of the said Law or regulation and shall end at 24:00 on the last day of such period.

5. If the Customs Law of Ukraine or any other customs-related regulation is set to enter into force on a specific date, this Law or regulation shall be valid starting with 00:00 of such date.

6. *Repealed.*

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Article 3. Application of the customs laws of Ukraine and other customs-related regulations

1. Customs control and customs clearance of goods and means of transport for commercial use crossing the customs border of Ukraine shall be exclusively governed by the provisions of the customs laws of Ukraine and other customs-related regulations in force at the time of acceptance of the customs declaration by the revenue and duties authority of Ukraine.

2. When the performance of customs formalities without lodging a customs declaration is provided for in the legislation of Ukraine, the provisions of the customs laws of Ukraine and other customs-related regulations in force at the time of completion of such formalities shall apply.

3. The provisions of the laws of Ukraine that mitigate or cancel a person's liability for the violation of the customs rules laid down in this Code shall have a retroactive effect in time, i.e. such provisions shall apply to the offenses committed prior to the adoption of these laws. The provisions of the laws of Ukraine that establish or toughen the liability for such offenses shall have no retroactive effect in time.

4. Should the provisions of the customs laws of Ukraine or any other customs-related regulations allow ambiguous (multiple) interpretation of the rights and obligations of entities and citizens moving goods and means of transport for commercial use across the customs border of Ukraine or make any transactions with goods subject to customs control, or the rights and obligations of the revenue and duties officials, that may potentially result in the decision being taken in favour of either such entities and citizens, or the revenue and duties authority, the decision shall be adopted in favour of the said entities and citizens.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 4. Basic definitions

1. For the purposes of this Code, the following definitions shall apply:

(1) 'Currency valuables' means:

(a) the currency of Ukraine including monetary units in the form of banknotes, treasury notes, coins and other forms that are in circulation and constitute legal payment instruments in the territory of Ukraine as well as those withdrawn or being withdrawn that are subject to exchange for the monetary units in circulation,

(b) foreign currency including foreign monetary units in the form of banknotes, treasury notes, coins that are in circulation and constitute legal payment instruments in the territory of foreign country in question as well as those withdrawn or being withdrawn that are subject to exchange for the monetary units in circulation,

(c) payment instruments and securities (shares, bonds, their coupons, promissory notes (drafts), debentures, letters of credit, checks, bank orders, deposit certificates and other financial and banking documents), denominated in the currency of Ukraine, foreign currency or banking metals,

(d) banking metals including gold, silver, platinum group metals brought (affined) to the highest rates in accordance with the international standards, in the form of bullions and powders with the certificate of quality, as well as coins made of precious metals.

(2) 'Freight of an express carrier' means international express shipments under cover of a single transport document or international express shipments not included in those incorporating international express shipments due to their nature, size or for any other reasons, that are transported (shipped) by an express carrier across the customs border of Ukraine.

(3) 'Freight shipment' means the goods that are brought into Ukraine addressed to the persons, or sent by them from Ukraine, or transited through the customs territory of Ukraine other than those the citizens own and carry in their hand luggage, accompanied or unaccompanied baggage.

(4) 'Import of goods and means of transport into the customs territory of Ukraine, export of goods and means of transport outside the customs territory of Ukraine' means the acts related with any carriage of goods, means of transport across the customs border of Ukraine in specific direction.

(5) 'Release of goods' means the act whereby the revenue and duties authorities make goods available for the purposes stipulated by the customs procedure under which they are placed.

(6) 'Free circulation' means the circulation of goods with no limitations on behalf of the revenue and duties authorities of Ukraine.

(7) 'Citizen' means a natural person who is a citizen of Ukraine, foreigner, or stateless individual.

(8) 'Declarant' means the person making the customs declaration in his/her own name or the person in whose name a customs declaration is made.

(9) 'Declaration of customs value' means a document in the prescribed form that is lodged by the declarant and contains the information on the customs value of goods crossing the customs border of Ukraine or placed under another customs procedure.

(10) 'Decision of the revenue and duties authority' means the act whereby the revenue and duties authorities grant the right to the person to take certain actions, orally or in writing (in

hard or soft copy) or by attaching a personal numbered seal to the accompanying documents (declarations, particulars).

(11) 'Precious metals, precious stones, precious stones of organogenic origin, semi-precious stones' shall have the meanings set out in the Law of Ukraine on state regulation of extraction, manufacture and use of precious metals and precious stones and control over their processing.

(12) 'Express carrier' means a carrier that conducts express transportation of international express goods under cover of a single transport document (air waybill (AWB), master airway bill (MAWB), CMR, bill of lading, etc.) by any means of transport as well as arranges for the acceptance, processing, and presentation of such goods to the revenue and duties authorities for customs control and customs clearance at the places of their customs clearance, and their delivery to the consignee (return to senders).

(13) 'Non-tariff regulation of foreign economic activity' means any prohibitions and/or restrictions that are not associated with imposing duties on goods crossing the customs border of Ukraine, laid down by the law, and are aimed at protecting domestic market, public order and safety, public morality, health and safety of humans and animals, protection of environment, the rights of consumers of goods imported into Ukraine as well as protection of national cultural and historical heritage.

(14) 'Customs control area' means a place designated by the revenue and duties authorities at the Ukrainian border checkpoint or elsewhere in the customs territory of Ukraine where the revenue and duties authorities carry out the customs formalities.

(15) 'Foreign goods' means the goods that are not Ukrainian under paragraph (61) of this Article, as well as goods that have lost the status of Ukrainian goods in accordance with the Code.

(16) 'Container' means an article of transport equipment (cage, movable tank or other similar structure):

- (a) fully or partially enclosed to constitute a compartment intended for containing goods,
- (b) of a permanent nature and accordingly strong enough to be suitable for repeated use,
- (c) specially designed to facilitate the carriage of goods, by one or more means of transport, without intermediate reloading,
- (d) designed for ready handling, particularly when being transferred from one mode of transport to another,
- (e) designed to be easy to fill and to empty, and
- (f) having an internal volume of one cubic meter or more.

‘Container’ shall include the accessories and equipment of the container, appropriate for the type concerned, provided that such accessories and equipment are carried with the container. Demountable bodies shall be regarded as containers.

(17) ‘Counterfeit goods’ means the goods that constitute intellectual property items, whose import into or export from the customs territory of Ukraine violates the intellectual property rights laid down by the law.

(18) ‘Cultural valuables’ means the items of material and spiritual culture that have an artistic, historical, ethnographic and scientific value and must be preserved, restored and protected in accordance with the legislation of Ukraine.

(19) ‘Motor road vehicles’ means the engine-driven means of transport.

(20) ‘Customs declaration’ means the act whereby a person indicates in the prescribed form and manner a wish to place goods under a given customs procedure as well as legally established particulars about the goods, terms and conditions of their movement across the customs border of Ukraine, customs charges required for the application of this procedure.

(21) ‘Customs controls’ means specific customs formalities that are carried out according to the purposes of the goods crossing the customs border of Ukraine.

(22) ‘Customs instrumentality’ means single-use numbered locking and sealing devices, seals, stamps, holographic marks, electronic signatures and other identification means used by the revenue and duties authorities to document and confirm the results of customs control and customs clearance.

(23) ‘Customs clearance’ means the customs formalities carried out for the release of goods and means of transport for commercial use.

(24) ‘Customs supervision’ means action taken with a view to ensuring that the provisions of this Code, customs laws and other customs-related regulations, and international treaties of Ukraine are observed as stipulated by the law.

(25) ‘Customs procedure’ means the interrelated legal rules that determine a customs-approved treatment or use to be assigned to the goods, their legal status, terms of taxation in accordance with the declared purposes of their crossing the customs border of Ukraine as well as their post-clearance use.

(26) ‘Customs status of goods’ means the status of goods as Ukrainian or foreign goods.

(27) ‘Customs charge’ means:

(a) a duty,

(b) an excise tax in respect of excisable goods (products) imported into the customs territory of Ukraine,

(c) a value added tax in respect of goods (products) imported into the customs territory of Ukraine.

(28) 'Customs rules' means the rules, established by the Code and other legislative acts of Ukraine, that apply to the movement of goods and means of transport for commercial use across the customs border of Ukraine, their presentation to the revenue and duties authorities for customs control and customs clearance as well as to the processing of operations with goods that are placed under customs control or assigned to the revenue and duties authorities by the Code and other laws of Ukraine for supervision.

(29) 'Customs formalities' means specific acts to be carried out by competent persons and the revenue and duties authorities in order to comply with the requirements of Ukrainian customs legislation.

(30) 'International transport document' means a numbered shipping document constituting an agreement on carrying separate international express goods.

(31) 'International mail' means letters, postcards, parcels, special sacks bearing the "M" mark, small packages, insured mail items, packages, consolidated postal matters bearing the "Consignation" mark, and EMS international express mail packed and drawn up in accordance with the requirements of the Universal Postal Union and the Rules for Postal Services, that are accepted to be sent outside the territory of Ukraine, delivered to Ukraine, or transited by postal operators across the territory of Ukraine.

(32) 'International express shipments' means duly packed international shipments with enclosed documents or goods that are accepted, processed, carried by any means of transport under cover of an international transport document for the purpose of expedited delivery to an addressee within the established time limit.

(33) 'Non-residents' means:

(a) legal entities incorporated under the laws of foreign countries conducting their activity outside the territory of Ukraine as well as their standalone units located in the territory of Ukraine that do not conduct an economic activity under the legislation of Ukraine,

(b) diplomatic missions, consular institutions, other official delegations of foreign countries and international organisations that are located in the territory of Ukraine and have diplomatic privileges and immunity,

(c) natural persons: foreigners or stateless persons, citizens of Ukraine permanently residing outside Ukraine, including those temporarily staying in the territory of Ukraine.

(34) 'Unaccompanied baggage' means the goods shipped by their holders drawing up baggage or other shipping documents and moved across the customs border of Ukraine separately from those citizens.

(34¹) 'Revenue and duties authorities' means a central executive authority responsible for formulating and implementing the state tax and customs policy, customs offices and customs stations.

(35) 'Persons' means legal entities and natural persons.

(36) 'Personal effects' means all articles, new or used, designed for meeting common everyday needs of a natural person that correspond to the said person's purpose of stay in Ukraine or abroad respectively, and moved across the customs border of Ukraine in hand luggage, accompanied or unaccompanied baggage, international mail and express shipments, and are not expected to be used for business activity, assignment or transfer to any other persons.

(37) 'Carrier' means a person carrying goods across the customs border of Ukraine and/or between the revenue and duties authorities within the territory of Ukraine or is responsible for such carriage.

(38) 'Entity' means any legal entity as well as any sole proprietor.

(39) 'Taxpayer' means a person that has to pay customs charges in accordance with the Code, the Tax Code and other laws of Ukraine.

(40) 'Representative' means a person who acts by virtue of an engagement agreement entered into with an express carrier and presents international express goods to the revenue and duties authority at the addressee's (sender's) location.

(41) 'Advance notice' means a prior notification to the revenue and duties authority on the intended import or export of goods into/from the customs territory of Ukraine.

(42) 'Preliminary documentary examination' means specific controls to verify the documents and information, required for the state sanitary and epidemiological, veterinary and sanitary, phytosanitary, ecological control, that are carried out by the revenue and duties authorities at the Ukrainian border checkpoints in respect of goods, including food and raw materials of animal origin, moved across the customs border of Ukraine.

(43) 'Entity's officials' means executives and other employees of entities (residents and non-residents) who are, according to their permanent or recurring job duties, responsible for the compliance with the requirements provided for in the Code, laws and other regulations of Ukraine as well as international treaties of Ukraine signed as stipulated by the law.

(44) 'Officials of foreign delegations and international organisations' means heads of diplomatic missions and members of diplomatic staff, officials of consular institutions, representatives of foreign countries at international organisations, officials of international organisations accredited in Ukraine.

(45) 'Permanent place of residence' means a place in the territory of any country where a citizen, having no permanent residence within the territory of other countries, has resided for at least one year and intend to keep residing in the territory of such country for any pe-

riod of time, whereby such residence is not limited by any certain goal and provided that such residence does not result from such citizen's performing any job duties or contractual obligations.

(46) 'Intellectual property' means copyrights and allied rights, inventions, useful models, industrial models, trademarks, geographical marks (indication of the origin of goods) and species of plants.

(47) 'Rightholder' means a person who owns the intellectual property rights or a person acting on his behalf within the scope of authorities assigned.

(48) 'Stores' means:

(a) the goods intended to be consumed by passengers and crew (team) members onboard means of transport, regardless of whether such goods are sold or not,

(b) the goods required for the operation and maintenance of transport means on their route and at the places of intermediate parking or stops (including fuel and lubrication materials) other than spare parts and equipment located in such transport means at the time of their arrival to the customs territory of Ukraine or delivered to them while staying in such territory,

(c) the goods available for sale to passengers and crew (team) members of transport means and held in such transport means at the time of their arrival to the customs territory of Ukraine or delivered to them while staying in such territory.

(49) 'Release of goods across the customs border of Ukraine' means the act whereby the revenue and duties authority authorises the person in question to move the goods across the customs border of Ukraine taking into account the declared purposes of such movement.

(50) 'Residents' means:

(a) legal entities duly incorporated and validly existing under the laws of Ukraine and located on its territory as well as their standalone units abroad that are not running any economic activity,

(b) diplomatic missions, consular institutions and other official delegations of Ukraine abroad that have diplomatic privileges and immunity,

(c) natural persons: citizens of Ukraine, foreigners and stateless individuals who permanently reside in Ukraine as well as those temporarily staying abroad,

(d) standalone units of foreign legal entities located in the territory of Ukraine that run economic activities under the legislation of Ukraine,

(e) an investor (operator) under the production sharing agreement, including the permanent delegation of a non-resident investor.

(51) 'Repair' means the acts carried out to eliminate the deficiencies of goods, bring them in operating condition, restore resources or properties without inducing any changes in the goods code under the Ukrainian Classification of Goods for Foreign Trade.

(52) 'Hand luggage' means the goods that belong to citizens and are moved across the customs border of Ukraine accompanying those citizens or their authorised persons without drawing up any baggage or other transport documents.

(53) 'Specific-purpose storage (hide)' means a storage designed for illegal movement of goods across the customs border of Ukraine as well as intentionally modified engineering structures or items that were dismantled, mounted, etc. to be fit for such purpose.

(54) 'Foreign going vessel' means a Ukrainian or foreign vessel that conducts the international carriage of goods and/or passengers and enters or leaves the customs territory of Ukraine.

(55) 'Accompanied baggage' means the goods that belong to citizens and are moved across the customs border of Ukraine in special baggage facilities of transport means used by those citizens with relevant baggage or other transport documents accompanying them.

(56) 'Tariff quota' means the stipulated limit on the volume of imports or exports at a preferential or zero duty rate.

(57) 'Goods' means any moveable items, including those placed by the law under the immovable item arrangement (other than means of transport for commercial use), currency valuables, cultural valuables as well as electricity transmitted by power supply lines.

(58) 'Means of transport' refers to means of transport for commercial use, means of transport for private use, pipelines and power supply lines.

(59) 'Means of transport for commercial use' means any vessel (including self-propelled and non-propelled lighters and barges as well as hydrofoils), hovercrafts, aircrafts, motor road vehicles (motive-powered vehicles, trailers, semi-trailers) or railway rolling stock used in international carriage for paid transportation of persons or paid or charge-free industrial or commercial transportation of goods with their common spare parts, equipment and accessories as well as lubrications and fuels contained in their common tanks during their transportation along with means of transport for commercial use.

(60) 'Means of transport for private use' means land vehicles of commodity headings 8702, 8703, 8704 (with total weight up to 3.5 tons), 8711 under the UCGFEA and attached trailers of 8716 commodity heading under UCGFEA, water and aircrafts registered in the territory concerned that are owned or temporarily used by the citizen in question and are imported or exported by this citizen in the maximum quantity of one item per each unit of goods for private use only and not for industrial or commercial transportation of goods or passengers, either paid or charge-free.

(61) 'Ukrainian goods' means the goods:

(a) wholly obtained (produced) in the customs territory of Ukraine and not incorporating goods imported from countries or territories not forming part of the customs territory of Ukraine. Goods wholly obtained (produced) in the customs territory of Ukraine shall not be deemed to have Ukrainian status if they are obtained (produced) from goods that are placed under a suspensive arrangement,

(b) imported into the customs territory of Ukraine and released for free circulation on this territory,

(c) obtained (produced) in the customs territory of Ukraine either from goods referred to in subparagraph (b) alone or from goods referred to in subparagraphs (a) and (b).

(62) 'Conditional relief from customs duties' means an exemption from payment of the tax liability charged if the goods are placed under a customs procedure stipulating the exemption from customs charges provided that the other conditions of the application of customs procedure have been satisfied.

(63) 'Authorised person (representative)' means a person acting by virtue of an agreement or a duly executed order issued by the declarant, who is authorised to take actions relating to the performance of customs formalities in respect of goods, means of transport for commercial use in the name of the declarant.

(64) 'Central executive authority responsible for formulating and implementing the state tax and customs policy' means a central executive authority being a principal body in the system of central executive authorities responsible for formulating the unified state tax and customs policy in terms of administration of taxes, duties, and customs charges, and implementing the unified state tax and customs policy, formulating and implementing the state policy on administration of a unified social contribution (USC), formulating and implementing the state policy in the area of fighting against offenses in the application of the tax and customs laws as well as the USC legislation.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 5406-VI of 02.10.2012,
No 405-VII of 04.07.2013)

Article 5. State customs policy

1. The state customs policy shall comprise a framework of principles and areas of government activity in protecting the customs interests and ensuring the customs security of Ukraine, regulating the foreign trade, protecting the local market, developing the economy of Ukraine and integrating it into the world economy. The state customs policy is an integral part of the state economic policy.

(as worded in the Law of Ukraine
No 405-VII of 04.07.2013)

Article 6. Customs interests and customs security

1. Customs interests of Ukraine shall constitute the national interests of Ukraine that are ensured and implemented by administering the state customs affairs.
2. Customs security is the state whereby the customs interests of Ukraine are protected.

Article 7. State customs affairs

1. State customs affairs shall comprise the established procedure and conditions of the movement of goods across the customs border of Ukraine, their customs supervision and customs clearance, application of tariff and non-tariff regulation of foreign economic activity, collection of customs charges, maintenance of customs statistics, exchange of customs information, maintenance of the Ukrainian Classification of Goods for Foreign Trade, state control over non-food imports into the customs territory of Ukraine as provided by the law, anti-smuggling, prevention of the customs violations, organisation and operation of the revenue and duties authorities and other activities aimed at the implementation of the state customs policy.
2. State customs affairs shall be administered in compliance with internationally accepted forms of declaring goods, methods for determination of customs value, systems of goods classification and coding, system of customs statistics, and other generally accepted practices and standards.
3. The underlying principles of the state customs affairs, namely, the legal status of the revenue and duties authorities, the customs territory and the customs border of Ukraine, customs procedures and the conditions of their application, the imposition of prohibitions and/or restrictions on certain goods entering, leaving and transiting the territory of Ukraine, the conditions and the procedure of collecting customs charges, duty relief shall be provided for in this Code and other laws of Ukraine.
4. Central executive authority responsible for formulating and implementing the state tax and customs policy shall be directly engaged in governance of state customs affairs.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 8. Principles of state customs affairs

1. The underlying principles of the state customs affairs shall include:
 - (1) exclusive jurisdiction of Ukraine within its customs territory;
 - (2) exclusive powers of the revenue and duties authorities of Ukraine pertaining to the state customs affairs;
 - (3) legitimacy and presumption of innocence;

- (4) uniform procedure of the movement of goods and means of transport across the customs border of Ukraine;
- (5) facilitation of legal trade;
- (6) acknowledgement that all economic agents of any ownership form have equal and lawful interests;
- (7) respect of the persons' rights and legally protected interests;
- (8) encouragement of integrity;
- (9) publicity and transparency;
- (10) accountability of all the parties to relations regulated by the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 9. Customs territory of Ukraine

1. The customs territory of Ukraine shall comprise the land territory of Ukraine, the inland maritime waters, the territorial waters and the airspace, as well as the territories of free customs zone, man-made islands, installations and structures created in the exclusive (marine) economic zones of Ukraine covered by the exclusive jurisdiction of Ukraine.

2. For the purpose of Sections V and IX of the Code, the territories of free customs zone shall be deemed to be located outside the customs territory of Ukraine.

Article 10. Customs border of Ukraine

1. The customs border of Ukraine shall lie within the boundaries of the customs territory of Ukraine. The customs border of Ukraine shall coincide with the state border of Ukraine, save for the boundaries of man-made islands, installations and structures created in the exclusive (marine) economic zone of Ukraine covered by the exclusive jurisdiction of Ukraine. The boundaries of the territory of the said islands, installations and structures shall constitute the customs border of Ukraine.

Article 11. Confidentiality undertaking

1. The information relating to the state customs affairs obtained by the revenue and duties authorities may be used by the latter solely for the customs purposes and shall not be disclosed, without the express permission of the agent, person or authority providing it, to any third parties including other government authorities, save as otherwise set out in the Code and other laws of Ukraine.

2. The information relating to entities, citizens as well as goods and means of transport for commercial use moving across the customs border of Ukraine that is collected, used and generated by the revenue and duties authorities shall be entered into the databases and used with due consideration of limitations stipulated for the restricted data.

3. The officials of the revenue and duties authorities shall be held liable, as prescribed by the law, for the disclosure of the information referred to in this Article.

4. The provision of impersonalized summary information for the statistic purposes, impersonalized analytical data, information on the common issues of customs operations, information not pertaining to specific natural persons and/or legal entities that cannot constitute a commercial secret, information on offenses as well as public discussions of the state customs problems in mass media or by community shall not be deemed to be the disclosure.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 2. Authorised economic operator

Article 12. Granting the status of authorised economic operator

1. An authorised economic operator (AEO) shall be an entity incorporated under the legislation of Ukraine that complies with the requirements set out in Article 14 of the Code and may benefit from special facilitations under Article 15 of the Code.

2. Customs authorities shall grant the status of ‘authorised economic operator’ to any entity by issuing an Authorised Economic Operator Certificate (AEO Certificate) and entering it into the Unified Register of Authorised Economic Operators.

3. An entity may be issued the following AEO Certificates:

(1) for facilitations with regard to customs controls;

(2) relating to security and safety;

(3) for facilitations with regard to customs controls relating to security and safety.

4. The status of authorised economic operator shall be recognised within the entire customs territory of Ukraine.

5. The relationships between authorised economic operator and the revenue and duties authorities shall be determined by the committee procedure approved by the head of the revenue and duties authority and authorised economic operator that provides for:

(1) the rules of information exchange between the revenue and duties authority and authorised economic operator;

(2) the practices of accounting, storage and verification of the customs instrumentation taken from goods and means of transport for commercial use;

(3) specific performance of customs formalities in benefiting from special simplifications granted to authorised economic operator under the Code.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 13. Application for and issue of an AEO Certificate

1. To obtain the status of authorised economic operator an entity shall file an application form sealed and signed by the executive to the customs office at the place of its state registration. The choice of AEO Certificate type shall be at the applicant's discretion.

2. The AEO Certificate application form shall be accompanied by a questionnaire containing the results of self-evaluation conducted by an applicant based on the following criteria:

(1) an appropriate record of compliance with the requirements of the legislation of Ukraine, including customs requirements;

(2) a satisfactory system of reporting and accounting of goods, means of transport;

(3) proven financial solvency;

(4) appropriate security and safety standards.

3. The information contained in the questionnaire shall cover:

(1) applicant's legal status, date of incorporation, legal and banking details;

(2) organisational and material characteristics of an entity, i.e. headcount, types of foreign economic activity, annual profit;

(3) foreign trading partners;

(4) a satisfactory system of goods accounting enabling to reconcile the information presented to the revenue and duties authorities for customs supervision and customs clearance to the information on economic activities;

(5) an automated system of declaration, control and accounting of customs declarations, including the mandatory use of software solutions compatible with those used by the revenue and duties authorities;

(6) volume of exports and/or imports in quantitative and monetary terms;

(7) engagement of intermediaries in making foreign trade transactions;

(8) compliance of performance with the requirements of the legislation of Ukraine, including customs requirements: the number and types of violations, remedy actions taken;

(9) level of risk exposure of imports and/or exports;

(10) accounting system;

(11) maturity of information security and data protection;

(12) existence or non-existence of the internal security controls and data access system;

(13) audit and control over the level of information security;

(14) existence or non-existence of an intermediary in liaising with the revenue and duties authorities;

(15) availability or lack of protection programs for electronic data exchange system users, special security measures;

(16) a software developer;

(17) availability or lack of security instructions, including workflow in paperback and electronic form;

(18) extent of physical security: entry access procedure (territory and premises), level of their protection, availability or lack of alarm and video surveillance systems;

(19) availability or lack of loading equipment, level of its protection;

(20) availability or lack of own and/or leased storage facilities for goods placed under customs supervision, security systems of such facilities, staff access management system.

4. The AEO Certificate application forms and questionnaire templates containing the results of self-evaluation conducted by an applicant shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

5. In addition to the said mandatory information, an applicant may provide the revenue and duties authority with additional information due to the specific nature of running some foreign economic activities.

6. The customs office shall perform the preliminary (physical and documentary) examination of the information submitted by an applicant and forward it to the central executive authority responsible for formulating and implementing the state tax and customs policy along with an application, a questionnaire and its opinion on eligibility for granting the status of authorised economic operator to the applicant concerned.

If the entity has presented the goods or means of transport for commercial use to another revenue and duties authority for customs control within three years preceding the application date, the customs office an application was filed to shall send a request to such revenue and duties authority to verify the information contained in the questionnaire. The examination (physical and documentary) shall be conducted within the three weeks upon receipt of the request. The findings of examination shall be forwarded in electronic form to the requesting customs office. Upon completion of the examination, the customs office shall forward the application, questionnaire and its opinion on eligibility for granting the status of authorised economic operator to the central executive authority responsible for formulating and implementing the state tax and customs policy.

7. The central executive authority responsible for formulating and implementing the state tax and customs policy shall adopt a decision to grant or reject the status of authorised economic operator and notify the customs office about it within two weeks upon receipt of the opinion referred to in paragraph (6) of this Article. If the status of authorised economic operator is rejected, the reasons for such rejection shall be stated.

8. Specialists and experts of industrial ministries and other central executive authorities may be, once approved by their superiors and head of the central executive authority responsible for formulating and implementing the state tax and customs policy, engaged in validating the compliance of the AEO applicant's foreign economic activity with security standards.

9. A customs office shall adopt a decision on granting or rejecting the status of authorised economic operator within 90 calendar days upon receipt of an application. This term can be prolonged, if needed, for 30 more calendar days. Should the AEO application be rejected, a customs office shall inform an applicant on the reasons of such rejection in writing within the term set out in this Section.

10. The AEO Certificate form and procedure shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

11. If qualified, an entity shall be entered into the Unified Register of Authorised Economic Operators and issued a relevant certificate within three working days since the positive decision date.

12. An entity shall inform the competent revenue and duties authority on any changes in the information included in the AEO Certificate application within five working days after such changes have been made.

13. The procedure and criteria for evaluation of the information included in the AEO Certificate application shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 14. AEO qualification requirements

1. To qualify for AEO Certificate an entity shall meet the following requirements:

- (1) an appropriate record of foreign economic activity for no less than three years prior to the application date;
- (2) clearance of any customs charges and penalties as of the application date;
- (3) tax clearance as of the application date;
- (4) a sufficient proof that its officials were not held administratively liable for the violation of customs rules under Article 472, 482-485 of the Code within three years prior to the application date;
- (5) a satisfactory system of goods accounting enabling to reconcile the documents and information presented to the revenue and duties authorities for customs control and customs clearance to those on economic activities;
- (6) clearance of any financial obligations found in the course of documentary examination as of the application date.

2. Unless the competent revenue and duties authority has at least a 3-year record of an applying entity as of the application date, the application form shall be accompanied with a written consent for the revenue and duties authority to perform unscheduled audits, within six months upon issue of the AEO Certificate, in respect of the accounting of goods and means of transport for commercial use, which are crossing the customs border of Ukraine and/or placed under customs control, where such entity is acting as direct recipient, sender or carrier thereof.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 15. Special facilitations granted to authorised economic operator

1. Special facilitations, which may be granted to authorised economic operator qualified in terms of security and safety, shall include:

- (1) the reduced volume of information to be supplied to the revenue and duties authority before the goods and means of transport for commercial use enter and/or leave the customs territory of Ukraine;
- (2) temporary warehousing of goods, means of transport for commercial use placed under customs control in the premises, open and closed storage facilities of authorised economic operator;
- (3) the removal of customs instrumentality without prior approval of the customs office;
- (4) the shipment of goods from the premises, open and closed storage facilities of authorised economic operator without presenting them to the revenue and duties authority.

2. Special simplifications, which may be granted to authorised economic operator qualified for facilitations with regard to customs controls, shall include:

- (1) preferential customs control;
- (2) placement of goods in temporary storage (closed facilities) without prior approval of the revenue and duties authority;
- (3) exemption from providing guarantees covering the domestic customs transit of goods other than excisable ones if the declarant is authorised economic operator;
- (4) customs clearance of goods at the facilities of authorised economic operator;
- (5) lodging of a single customs declaration when the goods are several times imported into or exported from the customs territory of Ukraine by the same person under the same foreign trade agreement within the period of time agreed with the revenue and duties authority.

3. An authorised economic operator qualified for facilitations with regard to customs controls relating to security and safety may be granted special simplifications referred to both in Section 1 and Section 2 of this Article.

4. Special facilitations and simplifications provided for in this Article shall apply provided that the declaration of goods is made either by authorised economic operator or in his name as prescribed by the law.

5. The status of authorised economic operator shall entitle a person to conduct the types of activity referred to in paragraphs (3), (5), (6) of Article 404 of the Code provided that the requirements with regard to the arrangement of relevant facilities, laid down in Article 407 of the Code, before granting such status have been satisfied.

6. The procedure for the use of special facilitations referred to in Article shall be established by the Cabinet of Ministers of Ukraine.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 16. Suspension of the status of authorised economic operator

1. The customs authority shall suspend the status of authorised economic operator in cases where:

- (1) the revenue and duties authority has reliable facts and findings that refute the information supplied during the self-evaluation;
- (2) an entity requests to terminate the status of authorised economic operator;
- (3) there is a debt in terms of any customs charges incurred or penalties imposed;

(4) applicant's superiors, founders, or majority shareholders are held criminally liable for offenses against property, economic crimes and/or abuse of public office;

(5) a case for applicant's violation of customs rules under Article 472, 482-485 of the Code is instituted;

(6) the requirements of Section 12 of Article 13 of the Code are not met;

(7) there are financial obligations due found by documentary examination.

2. The status of authorised economic operator may be suspended:

(1) for up to 3 months, in the case provided for in paragraph (1) of Section 1 of this Article;

(2) under the request but not more than 3 months, in the case provided for in paragraph (2) of Section 1 of this Article;

(3) until the debt is paid, in the case provided for in paragraph (3) of Section 1 of this Article;

(4) until a judgment in criminal proceedings, a ruling on the imposition of administrative penalties for customs offenses, or a ruling on dismissal of a case takes effect, in the cases provided for in paragraph (4) and (5) of Section 1 of this Article;

(5) for up to 1 month, in the case provided for in paragraph (6) of Section 1 of this Article;

(6) until the financial obligation is discharged, in the case provided for in paragraph (7) of Section 1 of this Article.

3. If the status of authorised economic operator is suspended, the customs authority shall notify about it in writing within five working days since the suspension date.

(as amended by the Laws of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 17. Withdrawal of the status of authorised economic operator

1. The status of authorised economic operator shall be withdrawn in cases where:

(1) an entity requests to be excluded from the Unified Register of Authorised Economic Operators;

(2) an authorised economic operator discontinues its operation as a legal entity under the legislation of Ukraine;

(3) a judgment of conviction for offenses against property, economic crimes and/or abuse of public office takes effect in respect of the authorised economic operator's executives, founders, or majority shareholders;

(4) the officials of authorised economic operator are held administratively liable, more than twice a year, for violation of the customs rules under Article 472, 482-485 of the Code;

(5) an entity fails to supply the information set out in Section 12 of Article 13 of the Code within the period for which the status of authorised economic operator has been suspended.

2. The decision to withdraw the status of authorised economic operator shall be in the form of the customs order and shall take effect upon its issue. A duly certified copy of the order shall be delivered to the executive of the entity concerned under signed receipt or addressed to this entity by registered mail with return receipt requested not later than on the first working day following the day of its issue.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013)

Article 18. Unified Register of Authorised Economic Operators

1. The Unified Register of Authorised Economic Operators shall consist of three sections subject to the types of AEO Certificates granted to entities.

2. The central executive authority responsible for formulating and implementing the state tax and customs policy shall keep the Unified Register of Authorised Economic Operators and ensure its publication on its official website.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 3. Informing, providing consultation and advance rulings on the application of customs rules

Article 19. Informing on the application of customs rules

1. The revenue and duties authorities shall inform all the persons concerned on the application of customs rules as prescribed by the law.

2. The revenue and duties authorities shall apply information technologies to facilitate the access of the persons concerned to such information.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 20. Information on the Ukrainian customs legislation

1. The information on the Ukrainian customs legislation shall be provided as prescribed by the law.

2. In addition to the information requested by the person concerned, the revenue and duties authorities shall provide any other information relating to the request which they consider necessary to be made known to the said person.

3. The summary information on the underlying provisions of the customs legislation of Ukraine, including those regarding the privileges and benefits granted for the movement of goods across the customs border of Ukraine shall be made available at the locations of the revenue and duties authorities. The summary information shall be published in the Ukrainian language, in the official languages of neighbouring countries as well as other foreign languages recognised as the dominant spoken languages.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 21. Consultation on the application of customs rules

1. Following the requests of entities and citizens moving goods and means of transport for commercial use across the customs border of Ukraine or running an activity, which is subject to the supervision of the revenue and duties authorities (stakeholders) under the Code, the revenue and duties authorities shall provide consultation free of charge on the application of certain provisions of the customs legislation of Ukraine.

2. The consultation on the application of certain provisions of the customs legislation of Ukraine shall be provided by the customs authorities at the places of location of the requesting entities (at the places of residence or temporary stay of the requesting citizens) or the central executive authority responsible for formulating and implementing the state tax and customs policy in oral, written or electronic form upon such person's request within 30 calendar days upon receipt of the request. The consultation shall be provided in the form of the decisions taken by the revenue and duties authorities.

3. The consultation on the application of certain provisions of the customs legislation of Ukraine shall be of an individual nature and may be used solely by the person such consultation was addressed to.

4. The central executive authority responsible for formulating and implementing the state tax and customs policy shall, from time to time, summarise consultation on the application of certain provisions of the customs legislation of Ukraine which deal with a big number of persons or significant amount of customs charges and shall, in the form of its orders, approve such summary consultation to be made public.

5. No person who acted in line with the consultation on the application of certain provisions of the customs legislation of Ukraine provided in written or electronic form as well as summary consultation shall be held liable, in particular if based on the fact that such consultation was subsequently altered or cancelled.

6. The consultation on the application of certain provisions of the customs legislation of Ukraine may be appealed at the supreme authorities as prescribed by Chapter 4 of the Code or in as an individual legal action, if the appealing person believes it is in conflict

with the provisions legislation in question. If the court invalidates such consultation, it shall serve the basis for the provision of a new one with due consideration of the court findings.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 22. Liability for violation of information supply procedure

1. The officials of the revenue and duties authorities shall be held legally liable for (i) the provision of incorrect information, (ii) unlawful refusal to provide the requested information, (iii) failure to provide the information on time and (iv) other offenses in the area of information supply.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 23. Advance rulings

1. Following the written requests made by declarants or in their name, the revenue and duties authorities shall issue advance rulings on the application of certain provisions of the customs legislation of Ukraine. Such rulings shall be issued before the goods start moving across the customs border of Ukraine.

2. An advance ruling shall be enforceable by the revenue and duties authorities.

3. The advance ruling form and procedure shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. Advance rulings may address:

(1) the classification of goods (including complete objects supplied in a disassembled form in several consignments during an extended period of time) under the UCGFEA;

(2) the determination of the country of origin of goods;

(3) the authorisation to place the goods under a customs procedure as provided for in the Code.

5. An advance rulings in respect of the classification of goods under the UCGFEA or an authorisation to place goods under a customs procedure shall be issued within 30 days upon receipt of the request by the revenue and duties authority. This term may be extended by the head of the revenue and duties authority or the person authorised by him for as long as 15 days with an appropriate notice being served to the requesting person. An advance ruling in respect of the determination of the country of origin of goods shall be issued within 150 days upon receipt of the request by the revenue and duties authority provided that the declarant or person authorised by him supplied all the information on the goods required for the purposes of such ruling.

6. The advance ruling shall be valid within three years since its issue date, unless the facts and conditions, including the rules for determination of the country of origin, such ruling was based on remain unchanged.

7. The revenue and duties authority issuing an advance ruling may revoke it. An advance ruling shall be revoked in cases where:

(1) it was issued on the basis on incorrect documents presented by the applicant, incorrect information supplied by the applicant and/or incomplete information required for adopting the said ruling that significantly affected the nature of a ruling;

(2) it came in conflict with the customs legislation of Ukraine due to the amendments made to the latter;

(3) it was adopted in violation of this Code.

8. Should an advance ruling be revoked by the revenue and duties authority for the reason referred to in paragraph (1) of Section 7 of this Article, the declarant or the person authorised by him shall be held liable, as prescribed by the Code and other laws of Ukraine, for any adverse effect produced by the application of such ruling after the date when it was adopted.

9. Should an advance ruling be revoked by the revenue and duties authority for the reasons referred to in paragraph (2) and (3) of Section 7 of this Article, the declarant or the person authorised by him shall not be held liable for any adverse effect produced by the application of such ruling from the date when it was adopted until the date when it was revoked.

10. An advance ruling shall be deemed to be revoked from the date when a decision to revoke it was taken. The person to whom the decision was addressed shall be notified of its revocation.

11. If it is needed to make changes in the advance ruling, it must be first revoked and then replaced by a new one with mandatory reference to the revoked ruling and specifying the reasons of its revocation. A new advance ruling shall be sent to the person to whom the revoked decision was addressed within one working day following the date when the said new ruling was adopted.

12. Advance rulings other than information which is deemed confidential under the Code shall be publicly available and must be published by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 4. Appeals against decisions, acts or omissions by the revenue and duties authorities, officials and other employees, and their accountability

(name is amended under the Law
No 405-VII of 04.07.2013)

Article 24. Right to appeal

1. Any person shall have the right to appeal against the decisions, acts or omissions taken by the revenue and duties authorities, officials and other employees if such person has good reason to believe that such decisions, acts or omissions infringe his rights, freedoms or interests.

2. The appeal may be lodged against:

(1) decisions which means the acts whereby the revenue and duties authorities adopt rulings on the issues stipulated by the customs legislation of Ukraine as well as uphold or dismiss claims, applications, petitions of specific natural persons or legal entities;

(2) acts which means the actions taken by the officials or other employees of the revenue and duties authorities relating to their performance of duties assigned to them by the Code and other legislative acts of Ukraine;

(3) omissions which means the situation whereby the revenue and duties authorities, their officials and other employees fail to perform the duties assigned to them by the Code and other legislative acts of Ukraine or to adopt rulings on the issues falling under their competence within the legally established term.

3. The rules of this Chapter shall apply to all the instances of appeal against decisions, acts or omissions by the revenue and duties authorities, their officials and other employees other than those against rulings in respect of casework for violation of customs rules and save as otherwise stated by the law for appealing against the said decisions, acts or omissions.

4. The complaints or applications for the protection of rights, freedoms or interests of other persons may be lodged by the Ukrainian Parliament Commissioner for Human Rights ('Ombudsman'), prosecutor, public authorities, local governments, citizens and entities as provided for in the law.

5. The appeals against tax rulings of the revenue and duties authorities shall be implemented as set out in the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 25. Appeals against decisions, acts or omissions by revenue and duties authorities, their official and other employees lodged to superior public officials and supreme authorities

1. Superior public officials in respect of the officials and other employees of the revenue and duties authorities shall be the executives of those authorities.

2. The supreme authorities shall include:

(1) where customs stations are concerned, the customs offices that incorporate such customs stations;

(2) where customs offices, specialised customs authorities and customs organisations are concerned, the central executive authority responsible for formulating and implementing the state tax and customs policy.

3. The appeal against decisions, acts or omissions by the official or another employee of the revenue and duties authority (other than deputy head) shall be lodged to the executive of this authority, or organisation.

4. The appeal against decisions, acts or omissions by the head of a customs station shall be lodged to the customs office incorporating such customs station.

5. The appeal against decisions, acts or omissions by the head of a customs office, specialised customs authority, or customs organisation shall be lodged to the central executive authority responsible for formulating and implementing the state tax and customs policy.

6. Section 6 is repealed.

7. The implementation of the disputed decision may be suspended in whole or in part by an official or an authority proceeding the appeal. An official or an authority proceeding the appeal shall provide a person, who lodged an appeal, with a duly substantiated written reply within the legally established term. The disputed tax ruling shall be implemented as set out in the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 26. Requirements to the form and content of appeals, and appeals procedure

1. The requirements to the form and content of appeals lodged by citizens, the terms and procedure for lodging and proceeding appeals as well as liability for any unlawful actions relating to the lodging and proceeding of appeals shall be laid down in the Law of Ukraine on requests of citizens.

2. The appeal lodged by an entity must contain all the necessary particulars of this entity and signed by its current or acting executive. Save as otherwise stated by the law, the appeals of entities shall be lodged and proceeded following the same procedure and within the same terms as those lodged by citizens.

3. The appeal must contain specific information on the subject matter of the appeal and be duly substantiated. When a person is unable to provide relevant evidences while lodging an appeal, they may be provided later but within the legally established term for proceeding such appeal.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 27. Upholding appeals against decisions, acts or omissions by revenue and duties authorities or their officials

1. If the upholding of an appeal against the decisions, acts or omissions by the revenue and duties authorities or their officials relates to the payment of monetary amounts, they shall be paid at the expense of the state budget by the competent treasury authorities on the basis of the judgment issued by court, body or official to uphold the appeal in whole or in part as prescribed by the law.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 28. Verifying the legality and reasonability of decisions, acts or omissions by revenue and duties authorities or their officials as part of oversight role

1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall, as part of its oversight role, have the right to annul or alter the unlawful decisions taken by its subordinate revenue and duties authorities or their officials as well as take legally established actions against such unlawful decisions, acts or omissions.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 29. Court appeals against decisions, acts or omissions by revenue and duties authorities and their officials

1. The decisions, acts or omissions by the revenue and duties authorities or their officials may be appealed directly in court as prescribed by the law.

2. If the decisions, acts or omissions by the revenue or duties authority or its officials are appealed both at a supreme authority (superior public official) and in court and the court initiates a legal proceeding, such appeal shall no longer be proceeded by the said supreme authority (superior public official).

(as amended by the Laws of Ukraine
No 405-VII of 04.07.2013)

Article 30. Liability of the revenue and duties authorities, their officials and other employees

1. The officials and other employees of the revenue and duties authorities who took unlawful decisions, unlawful acts or omissions, including those taken for personal gain or for the benefit of third parties shall be subject to criminal, administrative, disciplinary and other liability in accordance with the law.

2. The damage caused to the persons or their property by the unlawful decisions, acts or omissions taken by the revenue and duties authorities or their officials and other employees on duty shall be reimbursed by those authorities and organisations as prescribed by the law.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 5. Information technologies and information resources relating to customs supervision

Article 31. Application of information, telecommunication and information telecommunication systems and their supporting tools

1. Customs supervision and customs clearance of goods and means of transport for commercial use provided for in the Code shall be carried out using the information technologies, including those based on information, telecommunication and information telecommunication systems, and their supporting tools.
2. The implementation of information, telecommunication and information telecommunication systems shall be carried out in accordance with international standards and local standards of Ukraine. During the said implementation the revenue and duties authorities shall consult with all the stakeholders.
3. The customs controls may be carried out by using all the information, telecommunication and information telecommunication systems and their supporting tools developed, produced or purchased by the revenue and duties authorities.
4. The information, telecommunication and information telecommunication systems and their supporting tools developed, produced or purchased by the revenue and duties authorities shall constitute the state-owned property and assigned to the relevant revenue and duties authorities.
5. The possibility of using the information, telecommunication and information telecommunication systems and their supporting tools in the customs controls as well as the procedure and conditions of their application shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 32. Compliance of information, telecommunication and information telecommunication systems and their supporting tools with national standards

1. The compliance of information, telecommunication and information telecommunication systems and their supporting tools with national standards shall be confirmed in accordance with the law.

Article 33. Information resources of the revenue and duties authorities

1. The information resources of the revenue and duties authorities shall consist of the information contained in the documents submitted for customs supervision and customs clearance of goods and means of transport for commercial use, and other documentation.
2. The information resources of the revenue and duties authorities shall comprise all electronic information, including electronic data created, processed or stored in the information systems of the revenue and duties authorities.

3. The documents required for customs supervision and customs clearance of goods and means of transport for commercial use, which are to be presented to the revenue and duties authorities under the Code, shall be submitted to them in electronic form by other public authorities using electronic signature facilities. The procedure for information exchange between revenue and duties authorities and other public authorities using electronic transmission media shall be established by the Cabinet of Ministers of Ukraine.

4. The procedure for using the information resources operated by the revenue and duties authorities shall be established by the Code and other legislative acts of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 34. Information, telecommunication and information telecommunication systems and their supporting tools used by entities engaged in foreign trade

1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall establish the requirements to the information, telecommunication and information telecommunication systems and their supporting tools used by:

(1) the entities engaged in foreign trade while using the special simplified procedures;

(2) the holders of temporary storage facilities and customs warehouses, customs brokers, other economic agents at their own will for supplying documents and information stipulated by the Code.

2. The use of the said systems for the customs purposes shall be allowed only after they have been verified for compliance with established standards (requirements) and all the stakeholders have been consulted with. The verification shall be arranged by the central executive authority responsible for formulating and implementing the state tax and customs policy.

3. The revenue and duties authorities and the entities engaged in foreign trade may exchange any information, the sharing of which is not directly envisaged by the customs legislation of Ukraine, in particular for the purpose of establishing cooperation in respect of risk identification and response. Such exchange may be carried out under a written agreement and provide for the access of the revenue and duties authorities to the electronic information systems of an economic agent. Any information provided by the parties in the course of cooperation shall be confidential, unless otherwise agreed by the parties.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 35. Protection of electronic information contained in the information systems of revenue and duties authorities and entities involved in information relations

1. The protection of electronic information contained in the information systems of the revenue and duties authorities and entities involved in information relations shall be ensured as prescribed by the law.

2. The supervision over protection of electronic information contained in the information systems of the revenue and duties authorities as well as over compliance with the terms of use of data protection tools shall be carried out by the central executive authority responsible for formulating and implementing the state tax and customs policy and other competent public authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title II COUNTRY OF ORIGIN OF GOODS

Chapter 6. Country of origin and criteria for substantial processing of goods. documents of origin of goods

Article 36. Determining the country of origin of goods

1. The country of origin of goods shall be determined for the purpose of taxation of the goods moved across the customs border of Ukraine, application of non-tariff regulation of foreign economic activity, restrictions and/or limitations in respect of the movement across the customs border of Ukraine as well as appropriate record of those goods in foreign trade statistics.
2. The country of origin of goods shall be considered the country where goods were wholly produced or underwent substantial processing in accordance with the criteria set out in the Code.
3. The country of origin of goods may refer to the group of countries, customs unions, region or part of a country if it is needed to differentiate them for the purpose of determining the origin of goods.
4. The origin of power, machinery and tools used for the production or processing of goods shall be disregarded for the purpose of determining the country of origin of goods.
5. The fittings, spare parts and tools used in machinery, equipment, installations or means of transport shall be deemed to originate from the same country as such machinery, equipment, installations or means of transport provided that they are imported and sold along with the said machinery, equipment, installations or means of transport, and their configuration and quantity comply with commonly used fittings, spare parts and tools.
6. The provisions of the Code shall apply for determining the origin of goods that are benefiting from the most favourable customs procedure (non-preferential origin) when entering the customs territory of Ukraine for the purpose of applying the legally established tariff and non-tariff regulation of foreign economic activity.
7. Goods of preferential origin that were wholly obtained or underwent substantial processing shall be determined under the laws of Ukraine as well as international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.
8. Should the established rules of direct transportation of goods from their country of origin exist, it shall be allowed to depart from them in cases where such transportation is impractical due to geographic location and/or the goods are placed under customs control in third countries.
9. The procedure for determining the country of origin of goods imported from the territories of special (free) economic zones located within the territory of Ukraine shall be established by the law.

Article 37. Confidentiality undertaking when determining the country of origin of goods

1. The information of confidential nature or the information supplied in confidence for the purposes of determining the country of origin of goods may not be disclosed without special consent of the supplying person or government except where it is required for a court trial.

Article 38. Goods wholly produced in a country

1. The expression 'goods wholly produced in a country' means:

- (1) mineral products extracted within that country, its territorial waters or seabed;
- (2) vegetable products grown or harvested therein;
- (3) live animals born and raised therein;
- (4) products derived from live animals raised therein;
- (5) products of hunting or fishing carried on therein;
- (6) products of sea-fishing and other products taken from the sea by vessels registered or recorded in the country concerned and flying the flag of that country;
- (7) goods obtained or produced on board factory ships exclusively from the products referred to in paragraph (6) of this Article;
- (8) products taken from the seabed or subsoil beneath the seabed outside the territorial sea provided that that country has exclusive rights to exploit that seabed or subsoil;
- (9) waste and residue products derived from manufacturing or any other processing operations and used articles, if they were collected therein and are fit only for the recovery of raw materials;
- (10) electric power produced therein;
- (11) goods which are produced therein exclusively from the products referred to in paragraphs (1) to (10) of this Article.

Article 39. Determining the origin of goods wholly produced or substantially processed in free customs zones located within the territory of Ukraine to release them for free circulation within the customs territory of Ukraine

1. The goods wholly produced in free customs zones located within the territory of Ukraine shall be those referred to in Article 38 of the Code.

2. The goods shall be deemed to be substantially processed in free customs zones in cases where:

- (1) the tariff classification of the declared goods differs from that of raw materials or products that originate in third countries and were used for their production;
- (2) the added value accounts for no less than 50 per cent in the value of the declared goods.

3. The criteria for substantial processing of land (road) vehicles classified under 8702, 8703, 8704 commodity headings in accordance with UCGFEA shall include mandatory performance of the following production operations and processes:

- (1) the production of a body (cab) of a vehicle, where it is produced from separate components, parts or joints using the unreleasable connection methods for further painting and assembling. In so doing, the body (cab) is produced from at least its six basic components to include a roof, left side, right side, and floor;
- (2) the painting of a body (cab);
- (3) the equipping of a body (cab);
- (4) the assembling of a vehicle.

4. The processes referred to in Section 6 of Article 40 of the Code shall not be deemed to meet the criteria for substantial processing in free customs zones located within the territory of Ukraine.

Article 40. Criteria for substantial processing of goods

1. Goods whose production involved more than one country shall be deemed to originate in the country where they underwent their last, substantial processing resulting in the goods having key features of those wholly produced that meet the criteria for substantial processing under this Article.

2. The criteria for substantial processing shall include:

- (1) the performance of production operations and processes that result in the change of the goods classification code under UCGFEA on the level of any of the first four digits;
- (2) the change in the value of goods resulting from their processing where the percentage share in the value of the materials used or value added reaches a fixed share in the value of final goods (ad valorem rule);
- (3) the performance of production operations and processes where the processing of goods does not result in any change of their classification code under UCGFEA or

their value under the ad valorem rule, but, provided that certain conditions are met, shall be deemed substantial to admit that such goods originate in the country where such operations and processes took place.

3. The criteria for substantial processing referred to in paragraphs (2) and (3) of Section 2 of this Article applicable to specific goods shall be established and applied as prescribed by the Cabinet of Ministers of Ukraine.

4. Should such criteria for substantial processing as the ad valorem rule or the performance of production operations and processes not be established in respect of specific goods, the rule, whereunder the goods whose processing results in the change of their classification code under UCGFEA on the level of any of the first four digits will be deemed those that underwent substantial processing, shall apply.

5. Where the ad valorem rule is applicable, the value of goods obtained from processing in that country shall be determined on the basis of ex works price of goods. The value of the constituents of those goods originating in other countries shall be determined on the basis of their customs value, and the value of those whose origin was not determined shall be determined on the basis of the established price of their first sale in that country.

6. Notwithstanding any provisions of this Article, the criteria for substantial processing shall not be met by:

- (1) operations related to ensuring the integrity of goods at the time of their storage or transportation;
- (2) the preparation of goods for sale and transportation (fragmentation and formation of consignments, sorting, re-packing);
- (3) common assembly operations, i.e. those performed by assembling products through common dunnage (nails, nuts, pins, etc.) or riveting, gluing or mounting of preassembled groups by means of welding (other than manufacture of engineered products by welding), as well as other operations (regulation, control, filling with a power fluid, etc.), required for assembly and not related to the re-processing (processing) of goods, irrespective of the number and complexity of such operations;
- (4) the mixing of goods that originate in different countries unless the features of final products significantly differ from those of the goods mixed;
- (5) slaughter;
- (6) a combination of two or more of the above operations.

Article 41. Determining the country of origin of goods supplied in consignments

1. The disassembled or non-assembled goods supplied in several consignments, where their production or transportation conditions make it impossible to deliver them in a single consign-

ment, or a consignment was fragmented on account of an error, shall be treated by the declarant or person authorised by him as a whole for the purposes of determining their country of origin.

2. This rule shall apply provided that:

(1) the revenue and duties authorities are notified in advance of the fragmentation of the consignment of disassembled or non-assembled goods indicating the reason for such fragmentation, a detailed specification of each consignment specifying the goods codes under UCGFEA, value and the country of origin of goods included in each consignment;

(2) there is a documented proof a consignment was fragmented on account of an error;

(3) all the consignments are supplied from the same country by the same supplier;

(4) the customs clearance of all the consignments is carried out by the same revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 42. Determining the country of origin of pack

1. The pack of the goods, which enter the customs territory of Ukraine, shall be deemed to originate in the country of origin of such goods, unless it must be declared separately for tariff purposes as prescribed by the law of Ukraine. If this is the case, the country of origin of pack shall be determined separately from that of goods.

2. For the purposes of determining the country of origin of goods, including when the ad valorem rule is applied, where the pack of the goods, which enter the customs territory of Ukraine, is deemed to originate in the country of origin of such goods, it shall only refer to the pack in which goods are generally sold in retail trade.

Chapter 7. Proof of the origin of goods

Article 43. Documents of origin

1. The documents of origin of goods shall include a certificate of origin (CO), a certified declaration of origin, a declaration of origin, and a regional appellation certificate.

2. The country of origin of goods shall be indicated (declared) to the revenue and duties authority by filing the original documents of origin.

3. The 'certificate of origin' means a document that clearly states a country of origin of goods issued by the competent authority of that country or the country of export where it is issued in the country of export on the basis of the certificate issued by the competent authority of the country of origin.

4. The officially certified duplicate certificate shall be accepted if the original one is lost.
5. The 'certified declaration of origin' means a declaration of origin of goods certified by a duly authorised public authority or a competent authority.
6. The 'declaration of origin' means a written statement of the country of origin of goods made in connection with their export by producer, buyer, exporter (supplier) or other competent person on the commercial invoice or any other document accompanying them.
7. The 'regional appellation certificate' means a document confirming that the goods do comply with the definition, which is common for the relevant region of the country, issued by the competent authority in accordance with the legislation of the country of export of goods.
8. If there is any varying information on the origin of goods in the documents of origin or when the revenue and duties authority ascertains any information on the country of origin other than that stated in the documents, the declarant or person authorised by him shall have the right to supply additional information to the revenue and duties authorities to confirm the information on the stated country of origin.
9. The additional information on the country of origin of goods shall include the particulars contained in the consignment notes, packing lists, shipping specifications, certificates (conformity, quality, phytosanitary, veterinary, etc.), customs declaration issued by the country of export, dossiers, technical documentation, conclusions and findings of relevant authorities, other materials that may be used to confirm the country of origin of goods.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 44. Confirmation of the country of origin

1. Where prescribed by the law the revenue and duties authorities shall have the right to request and obtain documents of origin of goods for the purposes of confirming their country of origin.
2. When goods are imported into the customs territory of Ukraine, a documented proof of the country of origin shall be mandatory provided only insofar as it is required to apply duty and tariff regulation of foreign economic activity, quotas, other measures of economic or commercial nature applied on a unilateral basis or under bilateral or multilateral international treaties signed in accordance with the law, or measures established by the law to ensure public health or public order, as well as where the revenue and duties authorities have grounds for doubt concerning the origin of goods and suspect that the goods originate in the country whose exports are banned to cross the customs border of Ukraine under the legislation of Ukraine.
3. In the event of imports into the customs territory of Ukraine, the certificate of origin of goods shall be presented in respect of:
 - (1) the goods benefitting from the preferential rates of import duty established by the Customs Tariff of Ukraine;

(2) the goods whose import is subject to quotas or measures applied by the state regulator of foreign trade within the powers established by the Laws of Ukraine On Protection of the National Producer Against Dumped Imports, On Protection of the National Producer Against Subsidised Imports, On Application of Safeguard Measures Against Imports to Ukraine, and On Foreign Economic Activity;

(3) where prescribed by the laws of Ukraine and international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

4. The documents of origin of goods shall not be requested where:

(1) the goods moved across the customs border of Ukraine are not subject to the written declaration under the Code;

(2) the goods are imported by citizens and are taxed under the flat duty rate under Title XII of the Code;

(3) the goods enter the customs territory of Ukraine under temporary import procedure with full conditional exemption from customs charges;

(4) the goods are transiting the customs territory of Ukraine;

(5) it is laid down by an international treaty ratified by the Verkhovna Rada of Ukraine;

(6) the samples of flora, fauna, soils, stones, etc. located in polar regions or on islands in the World's neutral waters and taken for the purposes of scientific research are moved across the customs border of Ukraine provided that they were selected at the facilities of Ukraine and are in scientific focus of Ukraine.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 45. Verification of documents of origin of goods

1. In the event of any doubts concerning the validity of documents of origin or the correctness of information contained therein, including the information on the country of origin of goods, the revenue and duties authority may request the relevant authority, which issued the document, or the competent institutions of the country, indicated as the country of origin of goods, to verify the documents of origin or supply additional information.

2. The verification request shall contain the description of grounds for doubt concerning the correct indication of the country of origin, references to the rules governing the determination of country of origin of goods applicable in Ukraine as well as any other required information.

3. The request shall be accompanied by a document to be verified or its copy, and any other information that might be useful for verification, where needed.

4. The verification request shall be sent within 1,095 days from the day when the document of origin was filed, except where such verification is initiated in connection with criminal proceedings.

5. In the cases referred to in this Article the goods shall be deemed to originate in a given country from the date when the revenue and duties authorities receive appropriate documents of origin of goods or additional information requested by them.

(as amended by the Laws of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 46. Issue of certificates of Ukrainian origin

1. When goods are exported from the customs territory of Ukraine, the certificate of Ukrainian origin shall be issued by an authority or an organisation duly authorised by the law, where needed and applicable under the national regulations of the country of import or the international treaties of Ukraine signed in accordance with the law.

2. The issuing authorities shall keep a copy of the certificate of Ukrainian origin of goods and any other documents confirming the Ukrainian origin of goods for no less than 1,095 days upon its issue.

Article 47. Verification of certificates of Ukrainian origin

1. The verification of the certificates of Ukrainian origin of goods shall be carried out by the revenue and duties authorities as prescribed by the Cabinet of Ministers of Ukraine.

2. The authorities and/or organisations authorised to issue the certificates of Ukrainian origin of goods shall, free of charge, provide the revenue and duties authorities, upon their request, with the information relating to the issue of such certificates and required for verification.

3. For the purpose of checking whether the data indicated in the certificate of Ukrainian origin of goods is correct, the revenue and duties authorities may request and obtain from the entities that produce goods or the entities that were issued the certificates of Ukrainian origin of goods any documents required for verification of the data indicated therein, and may conduct the on-site inspection of the production and supporting documentation in a legally established manner.

4. For the purpose of checking whether the data indicated in the certificate of Ukrainian origin of goods is correct, the revenue and duties authorities may conduct a research (analysis, independent assessment) of the samples of such goods in a legally established manner.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 48. Grounds for refusal to release goods

1. The revenue and duties authorities shall refuse to release goods, if they originate in the country whose exports are banned to cross the customs border of Ukraine under the legislation of Ukraine.

2. The revenue and duties authority shall release the goods, whose origin was not reliably determined, for free circulation within the customs territory of Ukraine provided that the import duty at full rates under the Customs Tariff of Ukraine has been paid.

3. The goods subject to special types of duty (anti-dumping, countervailing or special one), which country of origin can not be reliably determined, shall be released for free circulation within the customs territory of Ukraine provided that such special types of duty have been paid.

4. The most favourable customs procedure shall be assigned (reactivated) to goods provided that the revenue and duties authority has received an appropriate document of their origin within 365 from the date of their customs clearance.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title III
VALUE OF GOODS FOR CUSTOMS PURPOSES AND
VALUATION TECHNIQUES

Chapter 8. General provisions regarding the customs value

Article 49. Customs value of goods

1. The customs value of goods moved across the customs border of Ukraine shall be the value of goods for customs purposes, that is, the price actually paid or payable for those goods.

Article 50. Purposes of using the information on customs value

1. The information on customs value of goods shall be used for:

- (1) charging customs duties;
- (2) applying other measures of the state regulation of foreign trade of Ukraine;
- (3) keeping customs statistics;
- (4) calculating the tax liability as per findings of documentary examination.

Article 51. Customs valuation of goods moved across the customs border of Ukraine

1. The declarant shall indicate the customs value of goods moved across the customs border of Ukraine as prescribed by the provisions of the Code.
2. The customs value of goods imported into the customs territory of Ukraine under a customs procedure of import shall be determined as prescribed by Chapter 9 of the Code.
3. The customs value of goods moved across the customs border of Ukraine under a customs procedure other than that of import shall be determined as prescribed by the provisions of Articles 65, 66 of the Code.
4. In determining the customs value of the imported carrier media bearing software for use in data processing equipment, only the value of carrier medium itself shall be taken into account provided that the cost of software and/or such medium is shown separately from the price actually paid or payable for goods valued. The information on software and/or medium cost must be based on the documented proof.

For the purpose of this paragraph:

- (1) the expression ‘carrier media’ does not cover microelectronic integrated circuits, semiconductors or other similar devices or products incorporating such microelectronic integrated circuits or devices;

(2) the expression ‘software’ does not cover sound, motion-picture and video recordings.

5. The charges for interest under financial arrangements (e.g. financial lease agreements) entered into by the buyer and relating to the purchase of imported goods shall not be included in the customs value provided that:

(1) the interest is shown separately from the price actually paid or payable for goods;

(2) the financial arrangement has been made in writing;

(3) the buyer can demonstrate that:

(a) such goods are actually sold at the price declared as the price actually paid or payable;

(b) the claimed rate of interest does not exceed the level for such transactions prevailing in the country where, and at the time when, the finance was provided.

These provisions shall apply whether the finance was provided by the buyer, bank or any other natural person or legal entity. They shall also apply where goods are valued by the method other than that based on the transaction value.

6. The customs value may, where provided for in the Code, be determined prior to goods crossing the customs border of Ukraine.

Article 52. Declaration of customs value of goods

1. The customs value of goods shall be stated by the declarant or the person authorised by him when declaring goods in the manner laid down in Title VIII of the Code and this Chapter.

2. The declarant or the person authorised by him declaring the customs value of goods shall:

(1) declare the customs value determined by hem, including upon consultation with the revenue and duties authority;

(2) provide the revenue and duties authority with reliable information on determination of the customs value that is to be based on objective, verifiable and quantifiable data;

(3) bear all extra costs relating to the adjustment of the customs value or supply of any additional information to the revenue and duties authority.

3. The declarant or the person authorised by him declaring the customs value of goods shall have the right to:

(1) provide the customs authority with additional data, if any, where it is needed to clarify some information;

- (2) have the declared goods released for free circulation in cases where:
- the revenue and duties authority accepts the declared customs value of goods provided that the customs charges are paid on the basis of the declared customs value;
 - the declarant or the person authorised by him agrees with the decision taken by the revenue and duties authority to adjust the customs value of goods provided that the customs charges are paid on the basis of the customs value determined by the revenue and duties authority;
 - the declarant or the person authorised by him disagrees with the decision taken by the revenue and duties authority to adjust the customs value of goods provided that the customs charges are paid on the basis of the declared customs value and guarantees are provided in accordance with Title X of the Code to the extent determined by the revenue and duties authority under Section 7 of Article 55 of the Code;
- (3) conduct the transaction value examination by engaging experts at his own expense;
- (4) appeal against the decision taken by the revenue and duties authority to adjust the customs value of goods being valued as prescribed by Chapter 4 of the Code and failure of the revenue and duties authority to adopt a decision on acceptance of the customs value of goods being valued within the terms set out in Article 255 of the Code;
- (5) take a decision at his own discretion to adjust the customs value upon the release of goods;
- (6) obtain from the revenue and duties authority the information on their grounds for considering that the relationship between the buyer and the seller influenced the price actually paid or payable for the goods being valued;
- (7) request the revenue and duties authority where and in the manner laid down in the Code to communicate the reasons in writing for not accepting the declared customs value;
- (8) request the revenue and duties authority where and in the manner laid down in the Code to provide written information on the procedure and methods for determination of the customs value applied to adjust the declared customs value and the grounds for such adjustment.

4. Where provided for in the Code, in declaring the customs value of goods crossing the customs border of Ukraine under the customs procedure of import, the revenue and duties authority such goods were presented to shall be provided with the customs declaration and other documents required for the customs clearance accompanied by an appropriate declaration of customs value.

5. The declaration of customs value shall be filed in cases where:

(1) the costs referred to in Section 10 of Article 58 of the Code are added to the price actually paid or payable for goods being valued and where they were not included in the price;

(2) the costs referred to in Section 11 of Article 58 of the Code are shown separately from the price actually paid or payable for goods being valued;

(3) the buyer and the seller are related.

6. Otherwise the declarant or the person authorised by him may file the declaration of customs value at their own discretion.

7. The declaration of customs value shall not be filed, including in the cases provided for in Section 5 of the Article, if the customs value of goods being declared does not exceed 5,000 Euros.

8. The declaration of customs value shall contain the information on the method for determination of the customs value of goods, quantification of the customs value of goods and its components, terms and conditions of a foreign economic agreement relating to determination of the customs value of goods and documents confirming the aforesaid.

9. The information referred to in Section 8 of this Article is the information for customs purposes.

10. The declaration of customs value form and fill-in guide shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

11. The customs value of goods moved across the customs border of Ukraine under the customs procedure other than that of import shall be declared when declaring those goods by indicating the information on quantified customs value and on the documents confirming it in the customs declaration.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 53. Documents filed by the declarant to confirm the declared customs value

1. The declarant shall file the documents that confirm the declared customs value of goods and its valuation technique applied along with the customs declaration to the revenue and duties authority in the cases provided for in the Code.

2. The documents confirming the customs value of goods shall include:

- (1) a declaration of customs value filed in the cases referred to in Sections 5 and 6 of Article 52 of the Code, and the documents that confirm the quantified components of the customs value underlying the estimation of the customs value;
- (2) a foreign economic agreement (contract) or a substituent document and any exhibits thereto, if any;
- (3) an invoice or a pro-forma invoice where goods are not in sale and purchase;
- (4) banking payment documents related to the goods being valued when an invoice is paid;
- (5) other payment and/or accounting documents, if any, that confirm the value of goods and contain the particulars required for the identification of imported goods;
- (6) shipping (transport) documents where the shipment costs are not included in the value of goods under the terms and conditions of supply, as well as documents containing the information on the shipment cost of goods being valued;
- (7) a copy of the import license where such import is subject to licensing;
- (8) insurance documents and other documents containing the information on the cost of insurance where the goods are insured.

3. If the documents referred to in Section 2 of the Article contain any discrepancies, indications of forgery or incomplete information to confirm the quantified components of the customs value of goods or lack the information on the price actually paid or payable for goods, the declarant or the person authorised by him shall provide the following additional documents, if any, within 10 calendar days upon receipt of a written request from the revenue and duties authority:

- (1) an arrangement (agreement, contract) entered into with third parties relating to the arrangement (agreement, contract) for supply of goods being valued;
- (2) invoices on payments made to third parties for the seller's benefit, when such payments are made under the arrangement (agreement, contract);
- (3) invoices on payments made for commissions and brokerage relating to the arrangement (agreement, contract);
- (4) a bordereau;
- (5) a buyer's license or copyright agreement that relates to goods being valued and is the condition of sale of such goods;
- (6) producer's catalogues, specifications, and price lists;
- (7) a copy of the customs declaration issued by the country of departure;

(8) observations of the quality and cost characteristics of goods provided by specialised expert organisations and/or the information of stock exchanges on the value of goods or raw materials.

4. If the revenue and duties authority has substantiated grounds to believe that the existing relation between the buyer and the seller affected the declared customs value, the declarant or the person authorised by him shall, upon the written request of the revenue and duties authority, file the following documents, if any, other than those referred to in Sections 2 and 3 of this Article:

(1) an extract from the buyer's accounting or banking documents relating to the alienation of goods being valued, identical and/or similar goods within the territory of Ukraine;

(2) reference information on the value of goods being identical and/or similar in the exporting country to those being evaluated;

(3) price calculation.

5. It is forbidden to request the declarant or the person authorised by him any documents other than those referred to in this Article.

6. The declarant or the person authorised by him may, at their own discretion, file any available additional documents to confirm the declared customs value of goods.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 54. Oversight of correct customs valuation

1. The revenue and duties authority shall oversee the correct determination of the customs value of goods as part of customs supervision and customs clearance of goods by verifying the quantified customs value that is declared.

2. The revenue and duties authority shall oversee the correct determination of the customs value of goods using the common method, i.e. based on the transaction value of goods imported into the customs territory of Ukraine under the customs procedure of import by verifying the calculation made by the declarant unless there are some reservations laid down in Section 1 of Article 58 of the Code with regard to the application of the said method.

3. Based on findings of such oversight the revenue and duties authority shall either accept the customs value stated by the declarant or the person authorised by him, or take a written decision to adjust it under the provisions of Article 55 of the Code.

4. In overseeing the correct determination of the customs value of goods the revenue and duties authority shall:

- (1) oversee the customs value of goods declared by the declarant or the person authorised by him through verifying the quantified customs value, availability of all the information confirming the quantified components of the customs value of goods or the information on the price actually paid or payable for such goods contained in the documents filed by the said persons;
- (2) provide the declarant or the person authorised by him with the written information on the grounds for not accepting the customs value declared thereby;
- (3) provide the declarant or the person authorised by him with the written information on the procedure and method for determination of the customs value applied where the customs value is adjusted as well as grounds for such adjustment;
- (4) release the declared goods for free circulation in cases where:
 - the revenue and duties authority accepts the declared customs value of goods provided that the customs charges are paid on the basis of the declared customs value;
 - the declarant or the person authorised by him agrees with the decision taken by the revenue and duties authority to adjust the customs value of goods provided that the customs charges are paid on the basis of the customs value determined by the revenue and duties authority;
 - the declarant or the person authorised by him disagrees with the decision taken by the revenue and duties authority to adjust the customs value of goods provided that the customs charges are paid on the basis of the declared customs value and guarantees are provided in accordance with Title X of the Code to the extent determined by the revenue and duties authority under Section 7 of Article 55 of the Code.

5. For the purpose of overseeing the correct determination of the customs value of goods the revenue and duties authority shall have the right to:

- (1) make sure that any application, document or calculation filed for the purposes of determining the customs value is correct and accurate;
- (2) where set out in the Code, request the declarant or the person authorised by him in writing to provide additional documents or data referred to in Article 53 of the Code if they are required for decision-making on the acceptance of the declared customs value;
- (3) adjust the declared customs value of goods where provided in the Code;
- (4) conduct a post-clearance verification of the correct determination of the customs value of goods in the manner set out in Articles 345-354 of the Code;

(5) send requests to the foreign revenue and duties authorities for information to confirm that the declared customs value is correct;

(6) apply other customs controls provided for in the Code.

6. The revenue and duties authority may refuse to clear goods under the customs value stated by the declarant or the person authorised by him even when they have good reason to believe that the information on the declared customs value of goods incomplete and/or incorrect and the determination of the customs value of goods is inappropriate, in cases where:

(1) the calculation of the customs value made by the declarant or the person authorised by him is incorrect;

(2) the declarant or the person authorised by him failed to provide documents in line with the list and conditions referred to in Sections 2-4 of Article 53 of the Code or where documents contain incomplete information to confirm the quantified components of the customs value of goods or lack the information on the price actually paid or payable for goods;

(3) a method applied by the declarant or the person authorised by him to determine the customs value of goods does not comply with the conditions referred to in Chapter 9 of the Code;

(4) verifiable official information of the foreign revenue and duties authorities confirming that the declared customs value is incorrect is made known to the revenue and duties authority.

7. If the revenue and duties authority can not provide well-grounded proof arguing that the information on the declared customs value of goods is incomplete and/or incorrect or the determination of the customs value of goods is inappropriate, the customs value stated by the declarant or the person authorised by him shall be deemed to be tacitly accepted.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 55. Adjusting the customs value of goods

1. The decision to adjust the declared customs value of goods imported into the customs territory of Ukraine being placed under the customs procedure of import shall be adopted by the revenue and duties authority in writing as part of overseeing the correct determination of the customs value of such goods both before and after their release should the revenue and duties authority reveal as provided in Section 6 of Article 54 of the Code that the information on the declared customs value of goods is incomplete and/or incorrect or the determination of the customs value of goods is inappropriate.

2. The written decision adopted by the revenue and duties authority to adjust the declared customs value of goods shall contain:

(1) the substantiation of reasons why the customs value stated by the declarant can not be accepted;

(2) the information made available to the revenue and duties authority, including that on the quantified components of the customs value, the customs value of the identical or similar goods, other conditions that could have affected the price of goods, that gave rise to doubts concerning the correct determination of the customs value and to the adoption of the decision to adjust the customs value stated by the declarant;

(3) the exhaustive list of requirements to the provision of additional documents referred to in Section 3 of Article 53 of the Code that, once provided, may cause the customs value to be accepted by the revenue and duties authority;

(4) the substantiation of the quantified customs value of goods adjusted by the revenue and duties authority and the circumstances that triggered such adjustment;

(5) the information on:

(a) the right of the declarant or the person authorised by him to have the declared goods released for free circulation in cases where:

— the declarant or the person authorised by him agrees with the decision taken by the revenue and duties authority to adjust the customs value of goods provided that the customs charges are paid on the basis of the customs value determined by the revenue and duties authority;

— the declarant or the person authorised by him disagrees with the decision taken by the revenue and duties authority to adjust the customs value of goods provided that the customs charges are paid on the basis of the declared customs value and guarantees are provided in accordance with Title X of the Code to the extent determined by the revenue and duties authority under Section 7 of this Article.

(b) the right of the declarant or the person authorised by him to appeal against the decision to adjust the declared customs value to a supreme authority as provided for in Chapter 4 of the Code or in court.

3. The form of the decision to adjust the customs value of goods shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. When the revenue and duties authority adopts a written decision to adjust the customs value of goods as part of customs supervision, the declarant or the person authorised by him may adjust the declared customs value within the term set out in Section 2 of Article 263 of the Code.

5. The declarant may consult with the revenue and duties authority for the purpose of the substantiated selection of customs valuation technique on the basis of information made available to the revenue and duties authority.

6. Upon the declarant's request the consultation can be provided in writing.

7. Should the declarant or the person authorised by him disagree with the decision taken by the revenue and duties authority to adjust the declared customs value, the revenue and duties authority shall, upon request of the declarant or the person authorised by him, release the declared goods for free circulation provided that the customs charges are paid on the basis of the customs value of such goods stated by the declarant or the person authorised by him and the payment of the difference between the amount of customs charges calculated on the basis of the customs value determined by the declarant or the person authorised by him and that calculated on the basis of the customs value determined by the revenue and duties authority is ensured by providing guarantees under Section X of this Code. The validity term of such guarantees shall not exceed 90 calendar days from the date when the goods were released.

8. The declarant or the person authorised by him may provide the revenue and duties authority with additional documents to confirm the customs value of goods declared by them within 80 days from the date when the goods were released.

9. If the declarant or the person authorised by him provide any additional documents, the revenue and duties authority shall consider them and, within 5 working days from the date when they were provided, adopt a written decision to accept the declared customs value and revoke the adjustment or substantiate the refusal to accept it after due consideration of additional documents. In this case the provided financial guarantee shall be returned (released) or enforced following the procedure and within the terms prescribed by the Code.

10. If the revenue and duties authority fails to provide the substantiated refusal to accept the declared customs value of goods after due consideration of additional documents within the term set out in Section 9 of this Article, the declarant or the person authorised by him shall be deemed to have determined the correct customs value of goods. In this case the revenue and duties authority shall annul the decision to adjust the declared customs value, and the provided financial guarantee shall be returned (released) following the procedure and within the terms prescribed by the Code.

(as amended by the Laws of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 56. Confidentiality undertaking relating to customs value of goods

1. The information relating to the customs value of goods moved across the customs border of Ukraine may not be disclosed or transferred to any third parties, including other public authorities, without the prior special consent of the person or authority supplying it save as otherwise stated by the Code or other laws of Ukraine.

Chapter 9. Methods of customs valuation of goods imported into the customs territory of Ukraine under the import procedure and their application

Article 57. Methods of customs valuation of goods imported into the customs territory of Ukraine under the customs procedure of import

1. The customs value of goods imported into Ukraine under the customs procedure of import shall be determined:

- (1) by using a basic method, i.e. on the basis of the transaction value of the imported goods;
- (2) by using secondary methods, i.e. on the basis of:
 - (a) the transaction value of identical goods;
 - (b) the transaction value of similar goods;
 - (c) the subtraction of value;
 - (d) the addition of value (computed value);
 - (e) fall-back method.

2. The basic method for determining the customs value of goods imported into the customs territory of Ukraine under the customs procedure of import shall be the first method to apply, i.e. on the basis of the transaction value.

3. Where the customs value cannot be determined under paragraph (1) hereof, it is to be determined by proceeding sequentially through subparagraphs (a), (b), (c), (d) and (e) of second indent of paragraph (1) to the first subparagraph under which it can be determined.

4. The application of secondary methods shall be preceded by consultation between the revenue and duties authority and the declarant for the purpose of determining the underlying value in accordance with the provisions of Articles 59 and 60 of the Code. As part of such consultation the revenue and duties authority and the declarant may exchange information available to them provided that its confidentiality is observed.

5. Where the customs value cannot be determined under Articles 59 and 60 of the Code, it shall be determined on the basis of either the transaction value of identical or similar goods sold in Ukraine to the buyer that is not related to the seller under Article 62 of the Code, or the value of goods computed under Article 63 of the Code.

6. It is only when such value cannot be determined under a particular subparagraph that the provisions of the next subparagraph in a sequence established by virtue of this paragraph can be applied.

7. Methods based on the subtraction or addition of value (computed value) shall be applied in the order requested of the declarant or the person authorised by him.

8. Where the customs value cannot be determined under any of the methods above, it shall be determined by the fall-back method in accordance with the requirements of Article 64 of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 58. Method of customs valuation based on the transaction value of the imported goods

1. The method for determining the customs value under the transaction value of the goods imported into the customs territory of Ukraine under the customs procedure of import shall be applied provided:

(1) that there are no restrictions as to the use of the goods by the buyer (importer), other than restrictions which:

(a) are imposed or required by a law or by the public authorities in Ukraine,

(b) limit the geographical area in which the goods may be resold,

(c) do not substantially affect the value of the goods;

(2) that the sale or price is not subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued;

(3) that no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with Section 10 of this Article;

(4) that the buyer and seller are not related, or, where the buyer and seller are related, it does not affect the value of goods.

2. The method for determining the customs value of goods under the transaction value of imported goods shall not be applied where the information used by the declarant or the person authorised by him is not verifiable, quantifiable or correct and/or where at least one of the customs value components, which is needed for its calculation, is missing.

3. Where the customs value cannot be determined under the basic method, it shall be determined by using the secondary methods referred to in paragraph (2) of Section 1 of Article 57 of the Code.

4. The customs value of the goods imported into the customs territory of Ukraine under the customs procedure of import shall be the price actually paid or payable for the goods when sold for export to Ukraine, adjusted, where necessary, in accordance with Section 10 of this Article.

5. The price actually paid or payable is the total payment made or to be made by the buyer of the goods being valued to or for the benefit of the seller through third parties and/or the persons related to the seller to satisfy an obligation of the seller.

6. The payments may be made directly or indirectly. The example of an indirect payment can be a full or partial settlement of the seller's debt by the buyer.

7. The payment need not necessarily take the form of a transfer of money (including without limitation). Payment may be made by way of letters of credit, collection or other negotiable instruments (promissory note, transfer of securities, etc.).

8. The expression 'price actually paid or payable' covers only the price of the goods being valued. Dividends or other payments made by the buyer to the seller, which do not relate to the goods being valued, shall not be included in the customs value. Additions shall be made under this Article only on the basis of objective, verifiable and quantifiable data, unless they are included in the price actually paid or payable.

9. Computations under this Article shall be made on the basis of objective, verifiable and quantifiable data only.

10. In determining the customs value, there shall added to the price actually paid or payable for the goods being valued the following costs (customs value components), unless they are included in the price actually paid or payable:

(1) the costs incurred by the buyer:

(a) commissions and brokerage, except buying commissions, i.e. fees paid by an importer to his agent for the service of representing him in the purchase of the goods being valued,

(b) the cost of containers the goods are packed into or other packaging which are treated as being one, for customs purposes, with the goods in question,

(c) the cost of packing, whether for labour or materials;

(2) the value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the buyer free of charge or at reduced cost for use in connection with the production and sale for export to Ukraine of the goods being valued, to the extent that such value has not been included in the price actually paid or payable:

(a) materials, components, parts, semi-finished products and similar items incorporated in the goods being valued,

(b) tools, dies, moulds and similar items used in the production of the goods being valued,

(c) materials consumed in the production of the goods being valued (lubricants, fuels and similar items),

(d) engineering, development, artwork, design work, and plans and sketches undertaken elsewhere than in Ukraine and necessary for the production of the goods being valued;

(3) royalties and licence fees related to the goods being valued that the buyer must pay, either directly or indirectly, as a condition of sale of the goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable.

The said payments may include the payments related to the literature or artwork rights, inventions, useful models, industrial models, trademarks and other intellectual property rights.

The charges for the right to reproduce the goods being valued in Ukraine shall not be added to the price actually paid or payable for the goods being valued.

The procedure for adding royalty and license fees to the price shall be established by the Cabinet of Ministers of Ukraine;

(4) the value of any part of the proceeds of any subsequent resale, disposal or use of the goods being valued within the customs territory of Ukraine that accrues directly or indirectly to the seller;

(5) the cost of transport of the goods being valued to an airport, port or any other place of introduction into the customs territory of Ukraine;

(6) the cost of loading and handling charges associated with the transport of the goods being valued to an airport, port or any other place of introduction into the customs territory of Ukraine;

(7) the cost of insurance of such goods.

11. In determining the customs value no costs other than those set out in this Article shall be added to the price actually paid or payable. Provided that they are shown separately from the price actually paid or payable for the goods being valued, the following, that is verifiable and quantifiable, shall not be included in the customs value:

(1) charges for construction, erection, assembly, maintenance or technical assistance, undertaken after importation of imported goods such as industrial plant, machinery or equipment;

(2) charges for the transport of goods after their importation;

(3) taxes imposed in Ukraine.

12. The fact that the buyer and the seller are related shall not in itself be sufficient grounds for regarding the transaction value as unacceptable. Where necessary, the circumstances surrounding the sale shall be examined and the transaction value shall be accepted provided that the relationship did not influence the price of the goods being valued.

13. If the revenue and duties authorities have sufficient grounds for considering that the relationship referred to in Section 12 of this Article influenced the price of the goods being valued, they shall communicate their grounds, in writing, to believe that such influence took place to the declarant or the person authorised by him.

14. If such grounds are not communicated by the revenue and duties authorities, it shall be considered that the relationship referred to in Section 12 of this Article did not influence the price of the goods being valued.

15. The declarant shall have the right to respond and prove that the relationship between the seller and the buyer did not influence the price actually paid or payable for the goods being valued.

16. For the purposes of the Code persons shall be deemed to be related in the cases provided for in Article 15 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (1994).

17. The persons where one of them acts as a sole agent, sole distributor or sole concessionary of the other person, as it may be called, shall be deemed to be related for the purposes of the Code, if they meet at least one of the criteria defined in Article 15 of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade (1994).

18. In a sale between related persons, the transaction value shall be accepted and the goods valued under the first method wherever the declarant demonstrates that such value closely approximates to one of the following occurring at or about the same time:

- (1) the transaction value in sales, between buyers and sellers who are not related in any particular case, of identical or similar goods for export to Ukraine;
- (2) the customs value of identical or similar goods, as determined under Article 62 of the Code;
- (3) the customs value of identical or similar goods, as determined under Article 63 of the Code.

19. In applying the foregoing tests, due account shall be taken of information, available to the revenue and duties authorities or supplied by the declarant or the person authorised by him, on differences in commercial levels, quantity levels, the elements and costs referred to in Section 10 of this Article and costs incurred by the seller in sales in which he and the buyer are not related and where such costs are not incurred by the seller in sales in which he and the buyer are related.

20. The tests of the value of transactions set forth in paragraphs (1) to (3) of Section 18 of this Article are to be used at the initiative of the declarant or the person authorised by him. The value of those transactions may not be used as a substituent value of transactions in the goods being valued.

21. The information used by the declarant or the person authorised by him shall be objective, verifiable and quantifiable.

22. Authorised economic operators shall have the right for tacit application of the transaction value in determining the customs value of imported goods.

To confirm the declared information on the customs value of goods in such instances the following shall be provided in the manner prescribed by the Code:

- (1) a declaration of customs value (where provided for in Article 52 of the Code);
- (2) a foreign economic agreement (contract) and exhibits thereto;
- (3) an invoice or a pro-forma invoice;
- (4) banking payment documents (if an invoice is paid), as well as any other payment and/or accounting documents that confirm the value of goods and contain the particulars required for the identification of imported goods;
- (5) documents that confirm the charges for the importation and insurance provided that such charges are not included in the value of goods under the conditions of supply.

23. In the cases provided for in Section 22 of this Article, the oversight of correct determination of the customs value of goods shall be performed solely upon completion of the customs clearance and release of goods across the customs border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 59. Method of customs valuation based on the transaction value of identical goods

1. Where the customs value of the goods being valued cannot be determined under Article 58 of the Code, the customs value shall be the transaction value of identical goods sold for export to Ukraine from the same country and exported at or about the same time as the goods being valued.

2. In applying this method for determining the customs value, the customs value shall be the transaction value of identical goods accepted by the revenue and duties authority provided that the conditions laid down in this Article are met. The expression 'identical goods' means goods that are the same as those being valued by all features, including:

- (1) physical characteristics,

- (2) quality and market standing,
- (3) country of origin,
- (4) producer.

3. Minor exterior differences may not be the ground for refusing to treat goods as identical, if such goods generally meet the requirements of Section 2 of this Article.

4. The customs value shall be the transaction value of identical goods provided that such goods are imported in about the same quantity and in the same commercial levels as the goods being valued.

5. If there are no such sales, the customs value shall be the transaction value of identical goods sold in Ukraine in another quantity and/or in another commercial levels. Their price is to be adjusted taking into account the said difference, whether it causes the value to go up or down. The information used for adjustment shall be verifiable.

6. If the costs and charges referred to in paragraphs (5) to (7) of Section 10 of Article 58 of the Code are included in the transaction value, the adjustment shall be made to account for significant difference in such costs and charges between the goods being valued and identical goods in question resulting from the difference in distances and ways of transport.

7. The customs value shall be the lowest of the transaction values of identical goods.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 60. Method of customs valuation based on the transaction value of similar goods

1. Where the customs value of the goods being valued cannot be determined under Articles 58 and 59 of the Code, the customs value shall be the transaction value of similar goods sold for export to Ukraine and exported at or about the same time as the goods being valued, that is accepted by the revenue and duties authorities.

2. The expression 'similar goods' means goods that are not the same as those being valued by all features, but have some characteristics alike and some components alike and, because of that, perform the functions as those being valued and are deemed to be commercially substitutable.

3. In determining whether goods are similar the following shall be considered: quality, existence of trademark and market standing.

4. The customs value shall be the transaction value of similar goods provided that such goods are imported in about the same quantity and in the same commercial levels as the goods being valued.

5. If there are no such sales, the customs value shall be the transaction value of similar goods sold in Ukraine in another quantity and/or in another commercial levels. Their price is to be

adjusted taking into account the said difference, whether it causes the value to go up or down. The information used for adjustment shall be verifiable.

6. If the costs and charges referred to in paragraphs (5) to (7) of Section 10 of Article 58 of the Code are included in the transaction value, the adjustment shall be made to account for significant difference in such costs and charges between the goods being valued and similar goods in question resulting from the difference in distances and ways of transport.

7. The customs value shall be the lowest of the transaction values of similar goods.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 61. Reservations regarding the application of methods of customs valuation based on the transaction value of identical goods and transaction value of similar goods

1. Goods shall not be deemed to be identical or similar to those being valued, unless they are produced in the same country as those being valued.

2. Goods produced by the person other than the producer of the goods being valued shall be taken account of only if there are no identical or similar goods produced by the person who is the producer of the goods being valued.

3. Goods shall not be deemed to be identical or similar to those being valued, if their engineering, development, artwork, design work, plans, sketches, and other similar work was undertaken in Ukraine.

Article 62. Method of customs valuation based on the subtraction of value

1. Where the customs value of the goods being valued cannot be determined under Articles 58-61 of the Code, the customs value shall be determined under this Article on the basis of the subtraction of value, subject to the proviso that the order of application of this Article and Article 63 of the Code shall be reversed if the declarant or the person authorised by him so requests.

2. If the imported goods being valued or identical or similar imported goods are sold in the unaltered state in the customs territory of Ukraine, the customs value as determined under this Article shall be the value based on the unit price at which the imported goods being valued or identical or similar imported goods are sold in the territory of Ukraine in the greatest aggregate quantity to the person not related to the seller, at or about the same time of importation of the goods being valued subtracting the following, provided that they can be separated:

(1) charges for commissions generally paid or payable, or common mark-ups made to gain profit and cover general expenses in connection with sales of goods of the same class or kind in the customs territory of Ukraine. Goods of the same class or kind shall be the goods that fall under the group or range of goods produced by specific industry or industrial sector and incorporate identical or similar goods. The

expression 'goods of the same class or kind' covers goods imported from the same country as the goods being valued as well as goods imported from other countries.

An amount for profit and general expenses, including direct and indirect costs, related to marketing of the said goods shall be taken as a whole. For the purposes of subtraction the expenses shall be computed on the basis of information supplied by the declarant or the person authorised by him unless such information is incompatible with the data obtained in sale of imported goods of the same class or kind brought into Ukraine. If the information supplied by the declarant or the person authorised by him is incompatible with such data, the amount for profit and general expenses shall be computed on the basis of other relevant information rather than that supplied by the declarant or the person authorised by him.

In computing commissions or ordinary profits and general expenses the goods are to be classified as 'goods of the same class or kind' on a case-by-case basis with references to relevant circumstances;

(2) ordinary costs incurred in Ukraine for loading, unloading, transport, insurance and other charges related to such activities;

(3) taxes payable in Ukraine due to the import or sale of goods.

3. If neither goods being valued nor identical or similar goods are sold in Ukraine at or about the same time of importation of the goods being valued in Ukraine, the customs value shall be the value based on the unit price, at which the goods being valued or identical or similar goods are sold in Ukraine in the quantity sufficient to determine the unit price of such goods being in the same state as when imported, as of the earliest date after the importation of the goods being valued but within a 90-day period.

4. Where there are no cases of sale of the goods being valued, identical or similar goods in the same state as that at the time of their importation in Ukraine, and if the declarant or the person authorised by him so requests, the customs value shall be the value based on the unit price, at which they are sold in Ukraine after further processing (reprocessing) in the greatest consignment to the persons not related to the sellers. Appropriate adjustments shall be made in terms of value added by such processing (reprocessing) and subtractions provided for in paragraphs (1) to (3) of Section 2 of this Article.

5. Subtractions of the value added by further processing (reprocessing) shall be based on the objective, verifiable and quantifiable data related to the value of such work. The accepted industrial formula, recipes, construction methods and other industrial practice shall be the basis for computation.

6. The provisions of Section 4 of this Article shall not apply in cases where:

(1) imported goods lose their identity as a result of further processing except when the amount of value added by processing can be reliably determined, irrespective of the loss of identity of imported goods;

(2) imported goods preserve their identity but have a minor share in their sales in Ukraine so that the use of this valuation method is not feasible.

7. The applicability of the provisions of Section 4 of this Article shall be determined on a case-by-case basis depending on specific circumstances.

**Article 63. Method of customs valuation based on the addition of value
(computed value)**

1. The customs value of goods based on the addition of value (calculated value) shall be determined on the basis of the information on their value supplied by the producer or in his name consisting of the sum of:

(1) the cost of materials and expenses incurred by the producer in fabrication of the goods being valued. Such information shall be based on commercial invoices of the producer provided that they are compatible with generally accepted accounting principles applied in the country of production;

(2) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to Ukraine;

(3) general expenses of sale in Ukraine from the country of exportation of goods of the same class or kind, i.e. charges for loading and handling of the goods being valued, transport to an airport, port or any other place of introduction into the customs territory of Ukraine, and the cost of insurance.

2. The official of the revenue and duties authority may not demand or force any person that is not a resident to provide for examination or allow access to any account or other records for the purposes of determining the computed value. The information supplied by the producer of goods for the purposes of determining the customs value under this Article may be verified in the country where goods are made by the competent authorities of Ukraine with the consent of the producer provided that the government of the country where goods are made is notified in advance and has no objections to such verification.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 64. Fall-back method

1. Where the customs value of goods can not be determined by successive application of methods referred to in Articles 58-63 of the Code, the customs value shall be determined by using methods that are not in conflict with the laws of Ukraine and comply with relevant principles and provisions of the General Agreement on Tariffs and Trade (GATT).

2. The customs value as determined under this Article shall be based on the customs values previously accepted (determined) by the revenue and duties authorities.

3. No customs value of imported goods shall be determined under this Article on the basis of:

- (1) the price of Ukrainian goods on the domestic market of Ukraine;
- (2) a system which provides for the acceptance for customs purposes of the higher of two alternative values;
- (3) the prices of goods on the domestic market of the country of exportation;
- (4) the cost of production, other than computed values which have been determined for identical or similar goods in accordance with Article 63 of the Code;
- (5) the price of goods supplied from the country of exportation to third countries;
- (6) minimal customs value;
- (7) arbitrary or fictitious value.

4. Should the revenue and duties authority apply this Article, it shall communicate in writing the customs value determined under this Article and the method applied, if the declarant or the person authorised by him so requests.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 10. Customs valuation of goods moved across the customs border of Ukraine under the customs procedure other than import

Article 65. Customs valuation of goods imported into the customs territory of Ukraine under the customs procedure other than import

1. The customs value of goods imported into Ukraine under the customs procedure other than the import one shall be the price of goods indicated in an invoice or a pro-forma invoice. The customs value of goods imported into the customs territory of Ukraine and placed under the customs procedures other than the import one, except transit, with charging of customs duties shall be determined in accordance with Chapter 9 of the Code.

2. When a customs procedure is changed, the customs value determined at the first placement of goods under customs procedure shall be replaced for the customs value determined in accordance with the next customs procedure.

Article 66. Customs valuation of goods exported from the customs territory of Ukraine

1. The customs value of goods exported from the customs territory of Ukraine shall be the price of goods indicated in an invoice or pro-forma invoice.

2. The customs value of goods exported from the customs territory of Ukraine shall be determined at their first placement under a customs procedure with further actual movement across the customs border of Ukraine. If the customs procedure of goods is changed while they are outside the customs territory of Ukraine, the customs value shall be the customs value determined at the time of acceptance of customs declaration by the revenue and duties authority at their first placement under the customs procedure.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Title IV
UKRAINIAN CLASSIFICATION OF GOODS FOR
FOREIGN ECONOMIC ACTIVITY**

**Chapter 11. Keeping of Ukrainian Classification of Goods
for Foreign Economic Activity, structure and classification of
goods**

**Article 67. Structure and application of Ukrainian Classification of Goods for Foreign
Economic Activity**

1. The Ukrainian Classification of Goods for Foreign Economic Activity (UCGFEA) is based on the Harmonized Commodity Description and Coding System and approved by the Law on Customs Tariff of Ukraine.
2. The UCGFEA goods are categorised by sections, groups, commodity headings, commodity subheadings, names and digital codes aligned with the Harmonized Commodity Description and Coding System.
3. The seventh, eighth, ninth and tenth digits of a digital code are used for detailed commodity classification.
4. The structure of a ten-digit coding of goods in UCGFEA includes a group code (first two digits), commodity heading code (first four digits), commodity subheading code (first six digits), commodity category code (first eight digits), and commodity subcategory code (ten digits).

**Article 68. Keeping of Ukrainian Classification of Goods for Foreign
Economic Activity**

1. The Ukrainian Classification of Goods for Foreign Economic Activity shall be kept by the central executive authority responsible for formulating and implementing the state tax and customs policy in the manner prescribed by the Cabinet of Ministers of Ukraine.
2. Keeping of the UCGFEA shall include:
 - (1) tracing and keeping records of the amendments to the Harmonized Commodity Description and Coding Systems, explanatory notes and other interpretations approved by the World Customs Organisation;
 - (2) proposing amendments to the UCGFEA;
 - (3) detailing the UCGFEA at the domestic level and introducing additional units of measure;
 - (4) ensuring equal application of the rules of commodity classification by all the revenue and duties authorities;

- (5) adopting decisions on classification and coding of goods in the UCGFEA in sophisticated cases;
- (6) developing explanations and recommendations related to the UCGFEA and ensuring their publication;
- (7) timely notifying entities engaged in foreign economic activities on decisions and information (other than confidential) concerning the classification of goods and application of the UCGFEA;
- (8) performing other duties required for keeping the UCGFEA.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 69. Classification of goods

1. While declaring the goods shall be subject to classification, i.e. goods shall be assigned codes under classification groups specified in the UCGFEA.
2. The revenue and duties authority shall oversee the correct classification of goods presented to customs in accordance with the UCGFEA.
3. The declarant or the person authorised by him shall supply all the information required for confirming the stated codes of goods presented to customs, as well as samples of such goods and/or supporting technical and process documentation, if the revenue and duties authorities so request.
4. Should the violations of the rules of commodity classification be detected as part of pre— or post-clearance verification, the revenue and duties authority shall have the right to classify such goods at their own discretion.
5. The expression ‘sophisticated case of classification of goods’ means a case whereby overseeing the correct classification of goods stated by the declarant or the person authorised by him results in arguable interpretation of the UCGFEA provisions that require additional information, special knowledge, research, etc.
6. Fines and other penalties for the failure to pay customs charges or other violations detected due to the incorrect classification of goods shall be imposed by revenue and duties authorities only if their decision on the classification of such goods in a sophisticated case was adopted on the basis of unreliable documents, incorrect and/or incomplete information supplied by the declarant, which were required for such decision-making, that significantly influenced the nature of the said decision.
7. The decisions on the classification of goods adopted by the revenue and duties authorities for customs purposes shall be binding. Such decisions shall be published in the manner prescribed by the law. Should the declarant or the person authorised by him disagree with the decision on the classification of goods adopted by the revenue and duties authority, they

shall have the right to appeal against it to a supreme authority under Chapter 4 of the Code or in court.

8. The opinions of other authorities, institutions and organisations regarding the classification of goods under the UCGFEA shall be used for information or reference purposes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title V CUSTOMS PROCEDURES

Chapter 12. General provisions

Article 70. Types of customs procedures

1. For the purpose of applying the customs legislation of Ukraine the customs procedures shall include:

- (1) import (release for free circulation);
- (2) re-import;
- (3) export (final leave);
- (4) re-export;
- (5) transit;
- (6) temporary import;
- (7) temporary export;
- (8) customs warehousing;
- (9) free customs zone;
- (10) duty-free trade;
- (11) inward processing;
- (12) outward processing;
- (13) destruction or elimination;
- (14) abandonment to the state.

2. The customs procedures shall be established solely by the Code.

Article 71. Selection and change of a customs procedure

1. The declarant shall have the right to select a customs procedure under which he intends to place goods meeting the conditions of such procedure and as prescribed by the Code.

2. The goods shall be placed under a customs procedure by declaring them and completing the customs formalities laid down in the Code.

3. The customs procedure may be changed to another one, selected by the declarant under Section 1 of this Article provided that legally established tariff and non-tariff regulation of foreign economic activity in respect of goods placed under a new customs procedure are satisfied.

Article 72. Customs status of goods placed under a customs procedure

1. The goods shall be divided into Ukrainian and foreign goods by the customs status.
2. All the goods in the customs territory of Ukraine, except for the territories of free customs zones, shall be deemed to be bearing the status of Ukrainian goods unless the Code states that such goods are not Ukrainian.

Article 73. Governing the activities related to a customs procedure

1. The conditions of the goods and means of transport for commercial use being placed under a customs procedure, restrictions on its use, application of tariff and non-tariff regulation of foreign economic activity shall be established by the Code and other legislative acts of Ukraine in the area of customs and foreign economic activity.
2. The activities related to the completion of customs formalities and customs supervision of goods placed under the customs procedure shall be governed by the Code.

Chapter 13. Import (release for free circulation)

Article 74. Customs procedure of import (release for free circulation)

1. Import (release for free circulation) means a customs procedure where foreign goods are released for free circulation in the customs territory of Ukraine when all customs charges imposed by the laws of Ukraine on import of such goods are paid and all customs formalities are completed.

Article 75. Application of the import procedure

1. The import procedure may be applied to the goods brought into the customs territory of Ukraine and goods stored under customs control or placed under another customs procedure, as well as to the products of processing of goods placed under the inward processing procedure.
2. Customs legislation of Ukraine may set forth the documents used to declare goods to be placed under the import procedure instead of customs declaration.
3. To place goods under the import procedure the person in charge of compliance with the customs procedure requirements shall:
 - (1) present the documents related to such goods to the revenue and duties authority releasing the goods;

(2) pay customs charges legally imposed on the importation of goods into the customs territory of Ukraine;

(3) satisfy legally established requirements for non-tariff regulation of foreign economic activity.

4. If once brought into the customs territory of Ukraine foreign goods are damaged or destroyed, that is verifiable, due to an accident, force majeure event or unlawful acts by third parties, the declarant may present them to the revenue and duties authority under the import procedure in the damaged state or in actual quantity complying with legally established tariff and non-tariff regulation of foreign economic activity. If once brought into the customs territory of Ukraine the goods are lost due to unlawful acts by third parties, the customs charges imposed on the importation of such goods shall be paid in full as prescribed by the Code. The damaged goods may be placed under the other customs procedure, if the declarant or the person authorised by him so requests.

5. If the law imposes any prohibitions or restrictions on the importation of goods into the customs territory of Ukraine, such goods released for free circulation in the customs territory of Ukraine under advance, temporary or periodic customs declarations shall be placed under the import procedure in accordance with the terms and conditions in force at the time of their release for free circulation.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 76. Customs status of goods placed under the import procedure

1. Import shall confer on foreign goods the customs status of Ukrainian goods.
2. The customs status of Ukrainian goods referred to in Section 1 of this Article shall be confirmed by a customs declaration under which they were released for free circulation.

Chapter 14. Re-import

Article 77. Customs procedure of re-import

1. Re-import means a customs procedure whereby goods brought or drawn up for bringing out of the customs territory of Ukraine are released for free circulation in the customs territory of Ukraine with relief from customs duties imposed by the law of Ukraine on the importation of such goods and without their being subject to tariff and non-tariff regulation of foreign economic activity.

Article 78. Application of the re-import procedure

1. The customs procedure of re-import may be applied to goods arriving into the customs territory of Ukraine and to goods stored under customs control or placed under another customs procedure.

2. Goods may be placed under the re-import procedure where:

(1) they were exported out of the customs territory of Ukraine under the temporary export procedure and are imported into that territory prior to the expiration of such customs procedure being in the same state as when exported except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport and storage, and changes acceptable for using such goods under the temporary export procedure;

(2) they were exported out of the customs territory of Ukraine under the outward processing procedure and are imported into that territory prior to the expiration of such customs procedure being in the same state as when exported except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport and storage;

(3) they were placed under the export (final leave) procedure and are returned to the person who exported them due to the non-performance (improper performance) of the terms and conditions of a foreign economic agreement under which such goods were placed under the customs procedure of export or due to other circumstances impeding the performance of the agreement provided that:

(a) goods are returned to the customs territory of Ukraine within six months from the date when they were exported out of that territory under the export procedure;

(b) goods remain in the same state as when drawn up under the export procedure except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport, storage and use (operation) resulting in the revelation of faults that caused their re-import.

3. Goods referred to in Section 2 of this Article may also be placed under the re-import procedure provided that:

(1) they underwent activities required for their preservation when staying outside the customs territory of Ukraine, as well as maintenance or repair needed during their stay outside the customs territory of Ukraine;

(2) the state of such goods changed due to an accident or force majeure event where the occurrence of an accident or force majeure event is evidenced in the manner established by the central executive authority responsible for formulating and implementing the state tax and customs policy;

(3) only a part of goods previously released for export outside the customs territory of Ukraine is placed under the re-import procedure.

4. To place goods under the re-import procedure the person in charge of compliance with the customs procedure requirements shall:

- (1) import goods into the customs territory of Ukraine not later than within the term established by the law upon their export outside the customs territory of Ukraine;
- (2) present the documents related to such goods to the revenue and duties authority releasing the goods under the re-import procedure;
- (3) provide the revenue and duties authorities with documents and particulars required for identification of re-imported goods.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 79. Specific provisions of application of the re-import procedure

1. The re-import procedure shall be applied where the revenue and duties authority can identify goods declared under such customs procedure as being previously exported outside the customs territory of Ukraine.
2. The means of identification may be applied to goods exported outside the customs territory of Ukraine with the intention of further re-import at the time of their release.
3. The means provided for in Section 2 and Section 3 of Article 326 of the Code may be applied to ensure the identification of re-imported goods.
4. The identification means need not necessarily be applied to the packaging, pallets or other similar items that bear no individual identification features.
5. The goods placed under the export procedure under paragraph (3) of Section 2 of Article 78 of the Code may be re-imported by the exporter of such goods or his legal successor.
6. In other cases the application of the re-import procedure shall be allowed where the goods are brought into the customs territory of Ukraine by the person other than that who exported them, as the case may require.
7. The goods may be declared under the customs procedure of re-import at any revenue and duties authority.
8. Documents that confirm previous export of goods outside the customs territory of Ukraine shall be used instead of a customs declaration to declare packaging, pallets and means of transport for commercial use under the customs procedure of re-import.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 80. Customs status of goods placed under the re-import procedure

1. Ukrainian goods placed under the re-import procedure shall retain the status of Ukrainian goods.

2. Foreign goods re-imported under paragraph (3) of Section 2 of Article 78 of the Code shall be conferred the status of Ukrainian goods after their placement under the re-import procedure.

3. The Ukrainian status of goods referred to in Section 2 of this Article shall be confirmed by a customs declaration under which they were released for free circulation.

Article 81. Repayment of export duties for re-imported goods

1. When goods are placed under the re-import procedure in accordance with paragraph (3) of Section 2 of Article 78 of the Code, the export duties paid on export of such goods shall be repaid to the persons that paid them or to their legal successors as prescribed by the Code. When goods are placed under the re-import procedure in accordance with 3 of Section 2 of Article 78 of the Code the excise tax and value added tax shall be collected as prescribed by the Tax Code of Ukraine.

Chapter 15. Export

Article 82. Customs procedure of export

1. Export (final leave) means a customs procedure whereby Ukrainian goods are released for free circulation outside the customs territory of Ukraine with no obligations of their re-import.

Article 83. Application of the export procedure

1. The customs procedure of export may be applied to goods intended for export outside the customs territory of Ukraine, as well as to goods already exported outside that territory and staying under customs control except for those banned to be placed under such customs procedure by the law.

2. To place goods under the export procedure the person in charge of compliance with the customs procedure requirements shall:

(1) present the documents related to such goods to the revenue and duties authority releasing the goods under the export procedure;

(2) pay customs duties imposed by the laws of Ukraine on goods exported outside the customs territory of Ukraine under the export procedure;

(3) meet the requirements to apply legally established tariff and non-tariff regulation of foreign economic activity;

(4) present a permit to conduct a foreign economic transaction of export of goods to the third country (re-export) to the revenue and duties authority where provided by the law.

3. The revenue and duties authority shall not require mandatory confirmation of the arrival of exported goods to their destination outside the customs territory of Ukraine.

4. If there are legally established prohibitions or restrictions on export of goods outside the customs territory of Ukraine, such goods:

(1) placed under the export procedure shall be released outside the customs territory of Ukraine under the conditions in force at the time of being placed under the said customs procedure;

(2) actually released outside the customs territory of Ukraine under periodic customs declarations shall be placed under the export procedure in force at the time of actual export of such goods.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 84. Customs status of goods placed under the export procedure

1. Goods placed under the export procedure shall cease to bear the status of Ukrainian goods at the time of their actual export outside the customs territory of Ukraine.

2. Goods located outside the customs territory of Ukraine shall cease to bear the status of Ukrainian goods at the time of placement under the export procedure.

Chapter 16. Re-export

Article 85. Customs procedure of re-export

1. Re-export means a customs procedure whereby goods previously brought into the customs territory of Ukraine or into the territory of a free customs zone are exported outside the customs territory of Ukraine with relief from export duties and without their being subject to tariff and non-tariff regulation of foreign economic activity.

Article 86. Application of the re-export procedure

1. The re-export procedure may be applied to goods that bear the status of foreign goods when imported into the customs territory of Ukraine and:

(1) after the importation into the customs territory of Ukraine remain under customs supervision and are not placed under the customs procedure, including due to prohibitions or restrictions on the import of such goods into the customs territory of Ukraine;

(2) are placed under the temporary import procedure and are exported outside the customs territory of Ukraine in the same state as when imported into the customs territory of Ukraine except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport and storage, as well changes acceptable due to the use of such goods under the customs procedure of temporary import;

(3) are placed under the inward processing procedure and are exported outside the customs territory of Ukraine in the same state as when imported into the customs

territory of Ukraine except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport and storage or in the form of products of processing;

(4) are placed under the customs warehousing procedure and are exported outside the customs territory of Ukraine in the same state as when imported into the customs territory of Ukraine except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport and storage;

(5) are placed under the import procedure and are returned to the non-resident being a party to the foreign economic agreement under which the goods were placed under such customs procedure due to the non-performance (improper performance) of the terms and conditions of that agreement or due to other circumstances impeding its performance provided that the said goods:

(a) are exported within six months from the date when they were placed under the import procedure;

(b) are in the same state as when imported into the customs territory of Ukraine except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport, storage and use (operation) resulting in the revelation of faults that caused their re-export;

(6) appear to be imported into the customs territory of Ukraine in error.

2. Goods referred to in Section 1 of this Article may also be placed under the re-export procedure provided that:

(1) they underwent activities required for their preservation when staying within the customs territory of Ukraine, as well as maintenance or repair needed during their stay within the customs territory of Ukraine;

(2) the state of such goods changed due to an accident or force majeure event where the occurrence of an accident or force majeure event is evidenced as established by the central executive authority responsible for formulating and implementing the state tax and customs policy;

(3) only a part of goods previously imported into the customs territory of Ukraine is placed under the re-export procedure.

3. Goods placed under the customs procedure of free customs zone or duty-free trade and are exported outside the customs territory of Ukraine shall also be placed under the re-export procedure.

4. To place goods under the re-export procedure the person in charge of compliance with the customs procedure requirements shall:

- (1) present the documents related to such goods to the revenue and duties authority releasing the goods;
- (2) provide the revenue and duties authority with documents and particulars required for identification of re-exported goods;
- (3) present a permit to conduct a foreign economic transaction of re-export of goods to the revenue and duties authority where provided by the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 87. Specific provisions of application of the re-export procedure

1. The re-export procedure shall be applied where the revenue and duties authorities can identify goods declared under such customs procedure as being previously imported into the customs territory of Ukraine.
2. The means of identification may be applied to goods imported with the intention of further re-export at the time of their importation into the customs territory of Ukraine.
3. The identification means provided in Section 2 and Section 3 of Article 326 of the Code may be applied to ensure the identification of re-exported goods.
4. The identification means need not necessarily be applied to packaging, pallets and other similar items that bear no individual identification features.
5. The goods placed under the import procedure in accordance with paragraph (5) of Section 1 of Article 86 of the Code may be re-exported by the importer of such goods or his legal successor.
6. In other cases the application of the re-export procedure shall be allowed where the goods are brought out of the customs territory of Ukraine by the person other than that who imported them, as the case may require.
7. The goods may be declared under the re-export procedure at any revenue and duties authority unless otherwise is prescribed by the Code.
8. Re-exported goods may be brought out of the customs territory of Ukraine in one or several consignments. It shall be allowed to bring re-exported goods out of the customs territory of Ukraine through the revenue and duties authority other than that of their importation into that territory.
9. Documents that confirm previous import of goods into the customs territory of Ukraine shall be used instead of a customs declaration to declare packaging, pallets and means of transport for commercial use under the customs procedure of re-export.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 88. Customs status of goods placed under the re-export procedure

1. Foreign goods placed under the re-export procedure shall retain the status of foreign goods.
2. Goods that are conferred the status of Ukrainian goods resulting from import and are re-exported under paragraph (5) of Section 1 of Article 86 of the Code shall cease to bear the status of Ukrainian goods at the time of their actual leaving the customs territory of Ukraine.

Article 89. Repayment of import duties for re-exported goods

1. When goods are placed under the re-export procedure in accordance with paragraph (5) of Section 1 of Article 86 of the Code, the import duties paid on import of such goods shall be repaid to the persons who paid them or to their legal successors as prescribed by the Code. When goods are placed under the re-export procedure in accordance with paragraph (5) of Section 1 of Article 86 of the Code the excise tax and value added tax shall be collected as prescribed by the Tax Code of Ukraine.

Chapter 17. Transit

Article 90. Customs procedure of transit

1. Transit means a customs procedure whereby goods and/or means of transport for commercial use are moved under customs supervision between two revenue and duties authorities of Ukraine or within the operation area of separate revenue and duties authority without any use of those goods, without collecting any customs charges and without their being subject to non-tariff regulation of foreign economic activity.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 91. Movement of goods and means of transport for commercial use under the transit procedure

1. The transit procedure shall allow the movement of goods in external transit or internal transit, i.e. cabotage.
2. The transit procedure shall be applied to goods moved:
 - (1) in external transit from one point of entry (checkpoint) into the customs territory of Ukraine to another point of exit (checkpoint) from the customs territory of Ukraine (including within one border checkpoint of Ukraine);
 - (2) in internal transit or cabotage:
 - (a) from one point of entry (checkpoint) into the customs territory of Ukraine to the revenue and duties authority located in the customs territory of Ukraine;

(b) from the revenue and duties authority located in the customs territory of Ukraine to the point of exit (checkpoint) from the customs territory of Ukraine;

(c) from one point located in the customs territory of Ukraine to another point located in the customs territory of Ukraine, as well as where this movement partially takes place outside the customs territory of Ukraine;

(d) from a man-made island, installation or structure created in the exclusive (marine) economic zone of Ukraine covered by the exclusive jurisdiction of Ukraine to the revenue and duties authority located in the territory of Ukraine occupied by land and in the opposite direction.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 92. Application of the transit procedure to goods, means of transport for commercial use

1. The transit procedure may be applied to goods, means of transport for commercial use directly imported into the customs territory of Ukraine as well as those located in the customs territory of Ukraine.

2. Goods, means of transport for commercial use may be placed under the transit procedure irrespective of their customs status.

3. Any goods may be placed under the transit procedure except for those prohibited to be imported into and/or transited through the customs territory of Ukraine by the law.

4. To place goods and/or means of transport for commercial use under the transit procedure the person in charge of compliance with the customs procedure requirements shall:

(1) present a customs declaration (a document used instead of a customs declaration under Article 94 of the Code), a transport document and an invoice or another document specifying the value of goods to the revenue and duties authority;

(2) present a permit to transit through the customs territory of Ukraine to the revenue and duties authority where provided by the law;

(3) ensure that the obligations of paying customs charges under Title X of the Code are satisfied, where provided by the law.

5. The identification means provided for in Section 2 and Section 3 of Article 326 of the Code may be applied to ensure the identification of goods, means of transport for commercial use placed under the transit procedure.

6. The identification means need not necessarily be applied to packaging, pallets and other similar items that bear no individual identification features.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 93. Requirements to the movement of goods, means of transport for commercial use under the transit procedure

1. Goods, means of transport for commercial use moved under the transit procedure shall:

(1) be in the unaltered state except for the natural changes of their qualitative and/or quantitative characteristics at standard conditions of transport and storage;

(2) not be used for any purpose other than transit;

(3) be delivered to the revenue and duties authority prior to the expiration of the term set out in Article 95 of the Code;

(4) have undamaged means of identification, where applied.

2. Means of transport for commercial use placed under the transit procedure may undergo activities of maintenance and repair needed during their stay in the customs territory of Ukraine.

3. Provided that the identification of goods moved under the transit procedure is ensured and other requirements laid down in the Code are met, it shall be allowed to convey the said goods by means of transport that carry goods, which are not under customs supervision, within the customs territory of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 94. Documents used for declaring goods, means of transport for commercial use under the transit procedure

1. A customs declaration, including an advance one, shall be used for declaring goods moved by any means of transport save as otherwise provided in this Article.

2. An air waybill or a bill of lading may be used instead of a customs declaration in the case of transit within one checkpoint or for declaring non-excisable goods, depending on the type of transport.

3. SMGS consignment note, CIM consignment note, CIM/SMGS consignment note, or TIR carnet may be used instead of a customs declaration for declaring non-excisable goods, depending on the type of transport.

4. ATA carnet or CPD carnet may be used instead of a customs declaration for declaring goods, means of transport for commercial use under the transit procedure irrespective of the means of transport.

5. Where provided for in the international treaties of Ukraine entered into in accordance with the law, the movement of goods, means of transport for commercial use under the transit procedure shall take place under cover of the documents set forth by such treaties.

Article 95. Terms of transit carriage

1. The following terms of transit carriage shall be established depending on the type of transport:

- (1) 10 days (5 days when moved within one customs office area) for motor transport;
- (2) 28 days for railway transport;
- (3) 5 days for air transport;
- (4) 20 days for marine and river transport;
- (5) 31 days for pipeline transport;
- (6) 90 days for pipeline transport (with reloading to other means of transport).

2. The terms referred to in Section 1 of this Article shall not include:

- (1) the time of occurrence of the circumstances referred to in Article 192 of the Code;
- (2) the time of storage of goods under customs control (provided that the revenue and duties authority supervising their movement is duly notified);
- (3) the time required to conduct other activities in respect of goods, where provided for in this Section (provided that the revenue and duties authority supervising their movement is duly notified).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 96. Application of the transit procedure for reloading of goods

1. The reloading of goods moved under the transit procedure from one medium of transport to another shall be allowed with the consent of the revenue and duties authority in which operation area the reloading takes place.

2. If the reloading can be carried out without breaking customs seals and other means of identification, it shall be allowed without permission provided that the revenue and duties authority is notified in advance.

3. The grouping of packing units, change of packing, marking, sorting as well as repair and replacement of damaged packing shall be carried out with the consent of the revenue and duties authority.

4. The person in charge of compliance with the customs procedure requirements shall present only a transport document to obtain the consent of the revenue and duties authority. In case of refusal, the revenue and duties authority shall promptly communicate to the requesting person the reasons and grounds for such refusal in writing or electronic form.

5. The transit procedure shall allow to replace a motor road vehicle provided that the revenue and duties authority is notified of the reasons for such replacement in advance and such replacement does not require the reloading of goods.

6. The provisions of this Chapter shall apply to the export of goods placed under the customs procedures of export, re-export, temporary import, and outward processing outside the customs territory of Ukraine from the date when such goods start moving from the revenue and duties authority of departure and until they are presented to the revenue and duties authority of destination.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 97. Cabotage

1. The expression ‘cabotage’ means the carriage of Ukrainian and foreign goods by loading to a marine (river) vessel at one point in the customs territory of Ukraine and transporting to another point in the territory of Ukraine where they are unloaded. The goods imported into the customs territory of Ukraine by a marine (river) vessel shall be allowed for cabotage between the revenue and duties authorities or within the operation area of separate revenue and duties authority after they are reloaded to another marine (river) vessel flying the flag of Ukraine, or a foreign vessel, provided that the central executive authority responsible for formulating and implementing the state transport policy so authorises.

2. Foreign goods shall remain under customs supervision for the whole duration of cabotage.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 98. Placement of goods onboard a marine (river) vessel for cabotage

1. The cabotage of foreign goods onboard a marine (river) vessel along with Ukrainian goods shall be carried out provided that their reliable identification is ensured.

2. If it is impossible to ensure the reliable identification of foreign goods, Ukrainian goods shall be placed onboard a vessel separately from foreign goods.

Article 99. Handling of goods carried in cabotage

1. The goods carried in cabotage shall be handled (loaded and unloaded) at sea (river) ports at the location of the revenue and duties authorities.

2. The revenue and duties authorities shall give their consent to load and/or unload goods shortly after they receive a relevant request. In case of refusal, the revenue and duties authori-

ties shall promptly communicate to the requesting person the reasons and grounds for such refusal in writing or electronic form.

3. In the event foreign and Ukrainian goods are carried in cabotage at the same time, the revenue and duties authority shall permit the loading or unloading of Ukrainian goods at the earliest opportunity when a vessel arrives to the place of loading or unloading.

4. Upon the written request of the holder of the goods carried in cabotage or the person authorised by him, the revenue and duties authority shall permit to carry out the loading or unloading of goods at the point other than originally planned one, including outside the location of the revenue and duties authority and beyond the working hours established for the revenue and duties authorities with collecting a duty imposed by the Code, under supervision of the officials of such authority and in accordance with the conditions laid down in the Code.

5. Should a vessel carrying out the cabotage of goods be unable to reach one of the places of customs supervision in the customs territory of Ukraine due to an accident, a natural disaster or other force majeure circumstances, the unloading of goods shall be allowed at the places where there are no revenue and duties authorities. In such cases a vessel master shall take all reasonable actions to ensure the storage of those goods and notify the revenue and duties authorities. Meanwhile goods continue to be under cabotage.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 100. Documents required for admittance of goods to cabotage carriage

1. For the purposes of cabotage carriage, a document containing the list of goods intended for such carriage, information on a vessel, as well as the name of a Ukrainian port or ports where the unloading of the said goods is to be carried out shall be provided to the revenue and duties authority. Upon completion of the customs formalities such document shall be the ground for one cabotage carriage of goods specified therein. The revenue and duties authority that completed the customs formalities shall notify the revenue and duties authority of destination thereof. In unloading the goods at the place of destination a list of goods subject to unloading at that point shall be presented to the revenue and duties authority.

2. Should a vessel conduct cabotage of identical goods between the same points on a regular basis, a document referred to in Section 1 of this Article shall be the ground to conduct the carriage during the period of time determined by a carrier and approved by the revenue and duties authority. The revenue and duties authority that completed the customs formalities shall notify the revenue and duties authority of its arrival. In this case prior to loading, only a list of those goods shall be presented to the revenue and duties authority, and for unloading only a list of goods to be unloaded shall be provided.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 101. Customs status of goods placed under the transit procedure

1. Foreign goods placed under the transit procedure shall retain the status of foreign goods.

2. Ukrainian goods placed under the transit procedure shall retain the status of Ukrainian goods.

Article 102. Discharge of the transit procedure

1. The transit procedure shall be discharged when goods, means of transport for commercial use placed under that procedure leave the customs territory of Ukraine. Such leave shall be supervised by the revenue and duties authority of destination.

2. When goods placed under the transit procedure are brought out of the customs territory of Ukraine in separate consignments, the transit procedure shall be discharged at the time when the last of such separate consignments has actually left the customs territory of Ukraine.

3. When goods are brought into the customs territory of Ukraine for further placement under a customs procedure, the transit procedure shall be discharged at the time when goods have been delivered to the revenue and duties authority of destination.

4. The transit procedure shall also be discharged when goods, means of transport for commercial use are placed under another customs procedure provided that the requirements laid down in the Code are met.

5. In order to discharge the transit procedure the person in charge of compliance with the customs procedure requirements shall present goods placed under the transit procedure and a customs declaration or another document referred to in Article 94 of the Code to the revenue and duties authority of destination prior to the expiration of the period set out in Article 95 of the Code.

6. Once the goods placed under the transit procedure and a customs declaration or another document referred to in Article 94 of the Code have been presented, the revenue and duties authority of destination shall verify whether the requirements set by the customs legislation of Ukraine to the movement of goods under the transit procedure are satisfied and complete the customs formalities required to discharge the transit procedure.

7. Ukrainian goods moved under the transit procedure between a man-made island, installation or structure created in the exclusive (marine) economic zone of Ukraine covered by the exclusive jurisdiction of Ukraine, and the revenue and duties authority located in the territory of Ukraine occupied by land, under paragraph (2)(d) of Section 2 of Article 91 of the Code, shall be released from customs supervision upon their actual delivery to the said authority.

8. The transit procedure shall also be discharged when goods are seized, totally lost due to an accident or force majeure event, where the occurrence of an accident or force majeure event is evidenced as prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

9. When the transit procedure is discharged under Section 8 of this Article, the goods shall not be required to bring out of the customs territory of Ukraine, and the guarantees furnished under paragraph (3) of Section 4 of Article 92 of the Code shall be subject to return (release).
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 18. Temporary import

Article 103. Customs procedure of temporary import

1. Temporary import means a customs procedure whereby foreign goods, means of transport for commercial use are brought into the customs territory of Ukraine for specific purposes with full or partial relief from customs duties and without their being subject to non-tariff regulation of foreign economic activity and are intended for re-export prior to the expiration of the established period without having undergone any change except normal depreciation due the use made of them.

Article 104. Application of the temporary import procedure to goods, means of transport for commercial use

1. The temporary import procedure may be applied to goods arriving into the customs territory of Ukraine and to goods stored under customs control or placed under another customs procedure that provides for their stay under customs control.

2. Customs legislation of Ukraine may set forth the documents used for declaring goods, means of transport for commercial use under the temporary import procedure instead of a customs declaration.

3. The revenue and duties authority releasing the goods, means of transport for commercial use under the temporary import procedure shall ensure that those goods, means of transport for commercial use can be identified when re-exported.

4. The identification means provided for in Section 2 and Section 3 of Article 326 of the Code may be applied to identify goods, means of transport for commercial use placed under the temporary import procedure. The revenue and duties authorities shall apply the said means only where commercial means of identification are insufficient.

5. The identification means need not be applied to packaging, pallets and other similar items that bear no individual identification features.

6. To place goods under the temporary import procedure the person in charge of compliance with the customs procedure requirements shall:

(1) present the documents related to goods, means of transport for commercial use under the temporary import procedure that confirm the purpose of their temporary import to the revenue and duties authority;

(2) assume an obligation to re-export of goods, means of transport for commercial use temporarily imported within the period established by the revenue and duties authority, where provided for in the law;

(3) present a permit to temporarily import goods issued by the competent authority to the revenue and duties authority, if such permit is prescribed by the law;

(4) pay customs duties under Article 106 of the Code or ensure the performance of obligations to pay customs duties under Title X of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 105. Goods, means of transport for commercial use that may be placed under the temporary import procedure with conditional total relief from customs duties

1. Only goods, means of transport for commercial use referred to in Article 189 of the Code and in Appendices B.1-B.9, C, D to the Convention on Temporary Admission (Istanbul, 1990) may be placed under the temporary import procedure with conditional total relief from customs duties, under the conditions set out in those Appendices, as well as air vessels imported into the customs territory of Ukraine by Ukrainian airlines under the operating lease agreements.

2. Should the conditions of the temporary import procedure be violated, the person in charge of compliance with the procedure shall pay the amount of tax liability and a fine in accordance with the Tax Code of Ukraine.

Article 106. Goods that may be placed under the temporary import procedure with conditional partial relief from customs duties

1. Goods other than excisable ones, that are not referred to in Articles 105, 189 of the Code as well as Appendices B.1-B.9, C, D to the Convention on Temporary Admission (Istanbul, 1990) or those that fail to meet the requirements of the said Appendices may be placed under the temporary import procedure with conditional partial relief from customs duties, under the provisions of Appendix E to the Convention on Temporary Admission (Istanbul, 1990).

2. The amount of import duties payable in respect of goods placed under the temporary import procedure with conditional partial relief from customs duties shall be set at 3 %, for every month or fraction of a month during which the goods have stayed in the customs territory of Ukraine, of the amount of duties which would have been payable on the said goods had they been released for free circulation in the customs territory of Ukraine on the date on which they were placed under the temporary import procedure.

3. The amount of customs duties shall be paid when goods are placed under the temporary import procedure and computed for the duration of such procedure established by the revenue and duties authority.

4. Should the period of goods being placed under the temporary import procedure be extended under Article 108 of the Code, customs duties shall be paid in the same manner.

5. The total amount of customs duties payable for the period of goods being placed under the temporary import procedure with conditional partial relief from customs duties shall not exceed the amount that would have been payable had those goods been released for free circulation in the customs territory of Ukraine, on the date on which they were placed under the temporary import procedure.

6. The amount of customs duties paid on the basis of conditional partial relief from customs duties shall not be refunded.

7. If the goods placed under the temporary import procedure with conditional partial relief from customs duties are released for free circulation in the customs territory of Ukraine or transferred for use to another person, customs duties shall be paid in the amount set by the law for import of those goods into the customs territory of Ukraine under the import procedure, net of the amount already paid on the basis of their conditional partial relief from customs duties. The interest in respect of the amount of tax liabilities that would have been payable had such amounts been benefiting from the deferral of tax liabilities under Title II of the Tax Code of Ukraine, shall be paid for the period when such relief was applied.

8. The Cabinet of Ministers of Ukraine may set forth the list of goods that cannot be placed under the temporary import procedure with conditional partial relief from customs duties. The contents of such list shall be made known to the Depository of the Convention on Temporary Admission (Istanbul, 1990).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 107. Activities with means of transport placed under the temporary import procedure

1. Means of transport for commercial use placed under the temporary import procedure may undergo activities of maintenance and repair needed for the period of their being placed under the temporary import procedure.

Article 108. Duration of temporary import

1. The duration of temporary import of goods shall be established by the revenue and duties authority on a case-by-case basis but shall not exceed three years from the date on which they were placed under the temporary import procedure.

2. The duration of temporary import of means of transport for commercial use shall be established by the revenue and duties authority provided that such means of transport are re-exported shortly after the completion of transport activities for the purpose of which they were imported.

3. Where the purpose of import of goods or other circumstances so warrant, the relevant revenue and duties authority may, at the written request of the holder of those goods or the

person authorised by him, extend the period of temporary import of goods. In case of refusal, the revenue and duties authority shall promptly communicate to the requesting person the reasons and grounds for such refusal in writing or electronic form.

4. If it is impossible to re-export goods or means of transport placed under the temporary import procedure on time as they are seized (except where seized due to claims filed by private persons) or withdrawn in proceeding for violation of customs rules, the period of temporary import shall be suspended for the time of such seizure (withdrawal).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 109. Transfer of right to temporary import

1. Upon the request of the person in charge of compliance with the temporary import procedure, the revenue and duties authority shall grant an authorisation to transfer the right of use of the temporary import procedure in respect of goods to any other person provided that such other person:

(1) meets the requirements laid down in the Code; and

(2) assumes the obligations of the person in charge of compliance with the temporary import procedure.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 110. Compliance with the temporary import procedure requirements

1. The compliance with the temporary import procedure requirements shall be ensured by:

(1) applying an international customs document (an A.T.A. carnet or a CPD carnet) that contains a valid international security of payment of import duties imposed by the law;

(2) furnishing a financial guarantee as prescribed by Title X of the Code.

2. A financial guaranty shall be returned (released) as prescribed by Title X of the Code when the temporary import procedure is discharged.

3. The guarantee of compliance with the temporary import procedure requirements shall not be required in respect of:

(1) equipment for production of radio or TV programmes and reports as well as means of transport specially adapted to be used for the purposes of radio or TV programmes;

(2) containers, pallets and packings;

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- (3) scientific and educational equipment and materials that are used onboard a vessel and intended for welfare of seamen;
 - (4) personal effects;
 - (5) goods imported for sports purposes;
 - (6) goods imported as frontier traffic;
 - (7) medical, surgical and laboratory equipment as well as any items such as automobiles or other means of transport, blankets, tents, prefabricated houses, other goods of prime necessity, forwarded as aid to those affected by natural disasters or similar catastrophes;
 - (8) means of transport for commercial use;
 - (9) draught animals, animals imported for raking or ranging at lands located in frontiers (controlled border areas);
 - (10) goods temporarily imported into the customs territory of Ukraine with conditional partial relief from import duties;
 - (11) air vessels imported into the customs territory of Ukraine by Ukrainian airlines under the operating lease agreements.

Article 111. Customs status of goods placed under the temporary import procedure

1. Foreign goods placed under the temporary import procedure shall retain the status of foreign goods.

Article 112. Discharge of the temporary import procedure

1. The temporary import procedure shall be discharged when goods, means of transport for commercial use placed under the temporary import procedure are re-exported or placed under another customs procedure allowed by the Code as well as where provided for in Section 3 of this Article.

2. If prohibitions and restrictions on import that were in force at the time of temporary import of goods are cancelled when they are placed under the temporary import procedure, it shall be allowed to discharge the temporary import procedure by releasing goods for free circulation in the customs territory of Ukraine.

3. The revenue and duties authority shall discharge the temporary import procedure, when goods, means of transport for commercial use are seized, totally lost due to an accident or force majeure event, where the occurrence of such accident or force majeure event is evidenced as prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. If the temporary import procedure is discharged under Section 3 of this Article, the re-export of goods, means of transport for commercial use shall not be required, and the guarantees furnished under Article 110 of the Code shall be returned (released).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 19. Temporary export

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 113. Customs procedure of temporary export

1. Temporary export means a customs procedure whereby Ukrainian goods or means of transport for commercial use are exported outside the customs territory of Ukraine with conditional total relief from customs duties and without their being subject to non-tariff regulation of foreign economic activity and intended for re-import prior to the expiration of the established period without having undergone any changes except normal depreciation due the use made of them.

Article 114. Application of the temporary export procedure to goods, means of transport for commercial use

1. The temporary export procedure may be applied to goods, means of transport for commercial use directly exported outside the customs territory of Ukraine.

2. Customs legislation of Ukraine may set forth the documents used for declaring goods, means of transport for commercial use under the temporary export procedure instead of a customs declaration.

3. The revenue and duties authority releasing the goods, means of transport for commercial use under the temporary export procedure shall ensure that those goods, means of transport for commercial use can be identified when re-imported.

4. The identification means provided for in Section 2 and Section 3 of Article 326 of the Code may be applied to ensure the identification of goods, means of transport for commercial use placed under the temporary export procedure. The revenue and duties authorities shall apply them only where commercial means of identification are insufficient.

5. The identification means need not necessarily be applied to packaging, pallets and other similar items that bear no individual identification features.

6. To place goods under the temporary export procedure the person in charge of compliance with the customs procedure requirements shall:

(1) present the documents related to goods, means of transport for commercial use under the temporary export procedure that confirm the purpose of their temporary

export to the revenue and duties authority releasing such goods, means of transport for commercial use;

(2) assume an obligation to re-import goods, means of transport for commercial use temporarily exported within the period established by the revenue and duties authority, where provided for in the law;

(3) present a permit to temporarily export goods issued by the competent authority to the revenue and duties authority, if such permit is prescribed by the law.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 115. Activities with means of transport for commercial use placed under the temporary export procedure

1. Means of transport for commercial use placed under the temporary export procedure may undergo activities of maintenance and repair needed for the period of their being placed under the temporary export procedure.

Article 116. Duration of temporary export

1. The duration of temporary export of goods, means of transport for commercial use shall be established by the revenue and duties authority on a case-by-case basis but shall not exceed three years from the date on which goods, means of transport for commercial use were placed under the temporary export procedure.

2. If the purpose of temporary export of goods, means of transport for commercial use or other circumstances so warrant, the competent revenue and duties authority may extend the period referred to in Section 1 of this Article.

3. If it is impossible to re-import goods, means of transport for commercial use placed under the temporary export procedure on time as they are seized, the period of temporary export shall be suspended for the time of such seizure.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 117. Transfer of right to temporary export

1. Upon the request of the person in charge of compliance with the temporary export procedure requirements, the revenue and duties authority shall grant an authorisation to transfer the right of use of the temporary export procedure in respect of goods, means of transport for commercial use to any other person provided that such other person:

(1) meets the requirements laid down in the Code; and

(2) assumes the obligations of the person in charge of compliance with the temporary export procedure requirements.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 118. Relief from customs duties under the temporary export procedure

1. When goods, means of transport for commercial use are under the temporary export procedure and re-imported prior to the expiration of the period established by the revenue and duties authority, those goods, means of transport shall benefit from conditional total relief from customs duties.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 119. Customs status of goods placed under the temporary export procedure

1. Ukrainian goods placed under the temporary export procedure shall retain the status of Ukrainian goods.

Article 120. Discharge of the temporary export procedure

1. The temporary export procedure shall be discharged when goods, means of transport for commercial use placed under the temporary export procedure are re-imported or placed under another customs procedure allowed by the Code as well as where provided for in Section 3 of this Article.

2. If prohibitions and restrictions on export of goods that were in force at the time of temporary export of goods are cancelled for the period of their being placed under the temporary export procedure, it shall be allowed to discharge the temporary export procedure by releasing goods under the export procedure.

3. The revenue and duties authority shall discharge the temporary export procedure, when goods, means of transport for commercial use are seized or totally lost due to an accident or force majeure event, where the occurrence of such accident or force majeure event is evidenced as prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. If the temporary export procedure of goods, means of transport for commercial use is discharged under Section 3 of this Article, their re-import shall not be required.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 20. Customs warehousing

Article 121. Customs procedure of customs warehousing

1. Customs warehousing means a customs procedure whereby foreign or Ukrainian goods are stored under customs control with conditional total relief from customs duties and without their being subject to non-tariff regulation of foreign economic activity.

Article 122. Application of the customs warehouse procedure

1. Any goods may be placed under the customs warehousing procedure except:

- (1) goods prohibited to be imported into, exported from or transited across the territory of Ukraine;
- (2) expired goods;
- (3) goods arriving to Ukraine as humanitarian supplies;
- (4) life animals;
- (5) electric power transmitted via electric power supply lines.

2. In order to place goods under the customs warehousing procedure a customs declaration, transport document and invoice or another document specifying the value of goods shall be presented to the revenue and duties authority. Goods to be placed under the customs warehousing procedure shall be declared to the revenue and duties authority by the customs warehousekeeper.

3. The customs warehousing of goods placed under the customs procedure other than that of customs warehousing (transit, temporary import, inward processing, export, temporary export, outward processing) for storage, reloading or additional loading shall be carried out on the basis of a customs declaration previously drawn up under such other customs procedures or a substituent document, i.e. SMGS consignment note, CIM consignment note, CIM/SMGS consignment note, TIR carnet, etc. In this case such goods shall not be placed under the customs warehousing procedure. Goods unloaded in a customs warehouse and intended for storage for over 90 days shall be subject to placement under the customs warehousing procedure.

4. If the arriving goods form part of consolidated freights for further delivery to the revenue and duties authority of destination, such goods when reloaded from one medium of transport to another need not necessarily be stored in a customs warehouse or placed under the customs warehousing procedure.

5. In placing goods under the customs warehousing procedure the revenue and duties authorities may not demand:

(1) to present documents other than those set forth in Section 2 and Section 3 of this Article (including documents issued by the public authorities to carry out customs supervision and customs clearance of goods);

(2) to carry out controls referred to in Section 1 of Article 319 of the Code.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 123. Application of the customs warehousing procedure to goods placed in customs warehouses located in the territories of sea and river ports, airports, railway stations where there are border checkpoints of Ukraine and their re-export

1. Goods imported into the customs territory of Ukraine and placed in customs warehouses located in the territories of sea and river ports, airports, railway stations where there are border checkpoints of Ukraine shall be placed under the customs warehousing procedure based on an electronic notice by the customs warehousekeeper containing the information on quantity and description of goods and signed with an electronic signature.

2. An electronic notice shall be sent to the revenue and duties authority within four hours after the goods are actually placed in a customs warehouse. The revenue and duties authority shall send an acknowledgement of the date and time of receipt of an electronic notice to the customs warehousekeeper. The storage of goods in a customs warehouse shall not require the consent of the revenue and duties authority.

3. The goods stored in customs warehouses referred to in Section 1 of this Article shall be placed under the re-export procedure based on an electronic notice by the customs warehousekeeper containing the information on quantity and description of goods signed with an electronic signature.

4. An electronic notice shall be sent to the revenue and duties authority not later than four hours prior to the actual release of goods from a customs warehouse. The revenue and duties authority shall send an acknowledgement of the date and time of receipt of an electronic notice to the customs warehousekeeper.

5. If the revenue and duties authority fails to communicate to the customs warehousekeeper the intention to carry out the customs examination of goods within two hours upon receipt of an electronic notice of re-export of such goods, it shall be allowed to release them from a customs warehouse for the purpose of re-export.

6. The forms of electronic notices provided for in this Article shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy and based on the common rules of warehouse accounting.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 124. Storage of goods moved as parts of consolidated freights in a customs warehouse and their further disposal

1. The expression 'consolidated freight' means a freight that is carried by the same medium of transport and consists of two and more consignments for different consignees or for one consignee transported from different consignors.
2. The movement of consolidated freights entering the customs territory of Ukraine from the revenue and duties authority of departure at the border to the revenue and duties authority of destination with interim storage in a customs warehouse shall be carried out under the freight agreements.
3. An advance customs declaration drawn up for the entire volume of a consolidated freight shall be used to oversee the movement of consolidated freights entering the customs territory of Ukraine from the revenue and duties authority of departure at the border to the revenue and duties authority in which operation area a customs warehouse is located as well as to place goods moved as parts of such freights under the customs warehousing procedure.
4. The movement of goods from the revenue and duties authority in which operation area a customs warehouse is located to the revenue and duties authority of destination for final recipient shall be overseen on the basis of new customs declarations or substituent documents presented by the customs warehousekeeper for the purpose of internal transit of goods.
5. The final recipient shall have the right to re-placement of such goods under the customs warehousing procedure.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 125. Period of storage of goods under the customs warehousing procedure

1. The duration of storage of goods under the customs warehousing procedure shall not exceed 1,095 days from the date when goods are placed under the customs warehousing procedure.
2. The duration of storage of excisable goods, foreign goods previously placed under the customs procedure of transit, temporary import or inward processing, as well as products of processing under the customs warehousing procedure shall not exceed 365 days from the date when they are placed under the customs warehousing procedure.
3. Foreign goods stored under the customs warehousing procedure prior to the expiration of the useful life or the duration of their storage established by Section 1 and Section 2 of this Article shall be declared to be brought into the customs territory of Ukraine under another customs procedure or re-exported. If foreign goods stored under the customs warehousing procedure are ruined or damaged due to an accident or force majeure event, it shall be allowed to declare them for free circulation in the customs territory of Ukraine as if they were imported being ruined (damaged) provided that such occurrence is duly evidenced.

4. The duration of storage of goods intended for export under the customs warehousing procedure shall not exceed one year from the date when they are placed under the customs warehousing procedure. Such goods shall be exported outside the customs territory of Ukraine prior to the expiration of the said period.

5. If the requirements of Sections 1-4 of this Article in respect of the disposal of goods stored under the customs warehousing procedure are not met, the customs warehousekeeper shall transfer them to a warehouse of the revenue and duties authority within 30 days upon expiration of the duration of storage of those goods under the customs warehousing procedure or declare them under the customs procedure of destruction or elimination should the said goods be expired.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 126. Customs status of goods placed under the customs warehousing procedure

1. Foreign goods placed under the customs warehousing procedure shall retain the status of foreign goods.

2. Ukrainian goods placed under the customs warehousing procedure shall cease to bear the status of Ukrainian goods at the time when the amounts of value added tax are refunded in accordance with the Tax Code of Ukraine.

Article 127. Activities with goods stored in a customs warehouse

1. Goods stored in a customs warehouse may undergo simple warehouse activities necessary to ensure their preservation with no consent of the revenue and duties authority to include:

- (1) movement of goods within a warehouse for the purpose of efficient allocation;
- (2) cleaning;
- (3) airing;
- (4) maintenance of optimal temperature conditions for storage;
- (5) drying (including creation of a heat flow);
- (6) rust control;
- (7) pest control;
- (8) stock control.

2. The holder of the goods stored in a customs warehouse under the customs warehousing procedure or the person authorised by him may, with the consent of the revenue and duties authority, prepare such goods for sale and transport, i.e. consolidation and fragmentation of

consignments, formation of consignments, sorting, packing, re-packing, marking, loading, unloading, reloading, sampling and other similar activities.

3. Activities with goods stored in a customs warehouse under the customs warehousing procedure shall not alter the characteristics by which those goods were classified under the Ukrainian Classification of Goods for Foreign Economic Activity.

4. With the consent of the revenue and duties authority and subject to a financial guarantee being furnished under Title X of the Code, goods placed under the customs warehousing procedure may be temporarily moved from a customs warehouse with further return for the period driven by the purpose of such move-out but not exceeding 45 days. Goods to be used for production, packing, exploitation of natural resources, construction, repair or maintenance, performance of ground or other similar work shall not be subject to temporary release with further return.

5. In case of refusal to authorise the activities provided for in Section 2 and Section 4 of this Article with goods stored under the customs warehousing procedure in a customs warehouse, the revenue and duties authority shall promptly communicate to the requesting person the reasons and grounds for such refusal in writing or electronic form.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 128. Transfer of right of ownership of goods placed under the customs warehousing procedure

1. Transfer of the right of ownership of goods placed under the customs warehousing procedure shall be allowed. The information on the holder of such goods shall be presented to the revenue and duties authority during the release of the said goods from a customs warehouse. If the change of the holder of the goods causes the goods to be exported outside the territory of Ukraine, such export shall be carried out under new transport documents and a customs declaration (or a substituent document).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 129. Discharge of the customs warehousing procedure

1. The customs warehousing procedure shall be discharged when goods placed under the customs warehousing procedure are placed under another customs procedure allowed by the Code as well as where provided for in Section 3 of this Article.

2. If prohibitions and restrictions on import or export of goods that were in force while such goods were placed under the customs warehousing procedure are cancelled, it shall be allowed to discharge the customs warehousing procedure through export or release for free circulation in the customs territory of Ukraine.

3. The revenue and duties authority shall discharge the customs warehousing procedure in the cases where:

(1) goods are transferred to the warehouse of the revenue and duties authority due to the expired duration of storage under the customs warehousing procedure;

(2) goods are seized;

(3) goods are totally lost due to an accident or force majeure event where such occurrence is evidenced as envisaged by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. Should the customs warehousing procedure be discharged under Section 3 of this Article, the placement of those goods under another customs procedure shall not be required, and financial guarantees furnished under Section 4 of Article 127 of the Code shall be subject to return (release).

5. After storage in a customs warehouse the goods drawn up under the customs procedure of export, re-export, transit, temporary export, outward processing shall be brought out of the customs territory of Ukraine or placed under another customs procedure allowed in respect of such goods within the period established by the Code.

6. If goods stored in a customs warehouse under the customs warehousing procedure are placed under another customs procedure and where provided for in Section 5 of this Article, the revenue and duties authority shall establish the period for export of the said goods from the customs warehouse taking into account available means of transport and handling machinery, but not less than five working days.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 21. Free customs zone

Article 130. Customs procedure of free customs zone

1. Free customs zone means a customs procedure whereby foreign goods are imported into the territory of a free customs zone and exported from that territory outside the customs territory of Ukraine with relief from customs duties and without their being subject to non-tariff regulation of foreign economic activity and Ukrainian goods are imported into the territory of a free customs zone with charging customs duties and their being subject to non-tariff regulation.

2. Goods placed under the free customs zone procedure shall remain under customs supervision for the duration of such procedure.

Article 131. Activities with goods placed under the free customs zone procedure

1. Activities with goods placed under the free customs zone procedure and located in the territories of free customs zones of commercial kind shall be limited to simple warehousing activities necessary to ensure their preservation, i.e. movement of goods within a free cus-

toms zone for the purpose of efficient allocation, cleaning, airing, maintenance of optimal storage temperature, drying (including creation of a heat flow), rust control, pest control, stock control. The fragmentation of consignments, formation of shipments, sorting, packing, repacking, marking, loading, unloading, reloading and other similar activities shall also be allowed.

2. The activities relating to repair, modernisation, construction of air, marine and river vessels, other water craft, their components, as well as activities referred to in Section 1 of this Article needed due to the operation of a free customs zone of service kind shall be allowed in respect of goods placed under the free customs zone procedure located in the territories of free customs zone of such type.

3. The lists of the kinds of goods that can be placed under the free customs zone procedure for the purpose of location in the territories of free customs zone of industrial kind and production activities that can be carried in respect of such goods shall be established for each of such zones by specific laws of Ukraine.

Article 132. Application of the free customs zone procedure

1. The placement of Ukrainian goods under the free customs zone procedure for charging purpose shall be deemed to be export of those goods.

2. Foreign goods imported into the territory of a free customs zone shall be admitted into that territory with conditional total exemption from customs duties.

3. The goods shall be placed under the free customs zone procedure by the revenue and duties authority in which operation area such zone is located.

4. Transport or commercial documents containing the description of goods and accompanying them in import shall be used to place foreign goods under the free customs zone procedure and place them in the territories of free customs zones of commercial kind located in sea, river ports or airports where there are border checkpoints of Ukraine.

5. The guarantees referred to in Title X of the Code shall not be applied for the admission of goods into the territory of a free customs zone. The guarantees in respect of the movement of foreign goods between the revenue and duties authorities or within the operation area of separate revenue and duties authority intended for import into the territory of a free customs zone (release from that territory) shall be applied in accordance with the provisions of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 133. Duration of goods being placed under the free customs zone procedure in the territory of a free customs zone

1. Goods may remain under the free customs zone procedure in the territory of a free customs zone for the duration of operation of such free customs zone.

Article 134. Transfer of right of ownership of goods placed under the free customs zone procedure

1. The transfer of the right of ownership of goods placed under the free customs zone procedure shall be allowed. The information on the holder of such goods shall be presented to the revenue and duties authority when goods are placed under another customs procedure in accordance with Section 1 of Article 137 of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 135. Movement of goods between territories of free customs zones

1. Goods placed in the territory of a free customs zone under the free customs zone procedure or goods produced in the territory of that zone may be moved fully or partially to the territory of another free customs zone provided that the customs formalities provided for in this Section in respect of the customs procedure of transit and free customs zone are completed.

Article 136. Customs status of goods placed under the free customs zone procedure

1. Foreign goods placed under the free customs zone procedure shall retain the status of foreign goods.

2. Goods produced (manufactured, obtained) in a free customs zone shall bear the status of foreign goods and be deemed to be placed under the free customs zone procedure.

3. Ukrainian goods placed under the free customs zone procedure shall confer the status of foreign goods.

4. Ukrainian goods that are not used in production and other economic operations and are needed to ensure the operation of entities located in the territory of a free customs zone, as well as Ukrainian goods that are used in production and other economic operations and are not expended in so doing, shall be admitted into such territories (released) upon the written notification of the revenue and duties authority without changing the customs status and placing under the customs procedures.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 137. Discharge of the free customs zone procedure

1. The free customs zone procedure shall be discharged when goods placed under the free customs zone procedure are re-exported or placed under another customs procedure, as well as where provided for in Section 4 of this Article.

2. Transport or commercial documents containing the description of goods and accompanying them in export shall be used to re-export foreign goods placed under the free customs zone procedure in accordance with Section 4 of Article 132 of the Code.

3. If restrictions or limitations on export of goods that were in force while such goods were placed under the free customs zone procedure are cancelled, it shall be allowed to discharge the free customs zone procedure by releasing goods for free circulation in the customs territory of Ukraine.

4. The revenue and duties authority shall discharge the free customs zone procedure in cases where:

(1) goods are seized;

(2) goods are totally lost due to an accident or force majeure event where such occurrence is evidenced as established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

5. The release of products of processing of goods placed under the free customs zone procedure shall be carried out with charging customs duties and interest that would have been payable had the due date of customs charges been put off due to the extension or deferral of their payment in accordance with Article 100 of the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 138. Waste or residue resulting from activities with goods in a free customs zone

1. Waste or residues that derive from the activities with foreign goods in a free customs zone and have economic value and/or can be utilized, shall be subject to placement in that state under a relevant customs procedure when moved out of a free customs zone.

2. If the declarant so desires, waste or residues referred to in Section 1 of this Article may be declared under the same classification code of the UCGFEA provided that this code is assigned the highest duty rate. If non-tariff regulation of foreign economic activity are applicable to certain goods being parts of the said consignment, such way of declaring shall not exempt the declarant from compliance with such measures in respect of those goods.

3. With the consent of the revenue and duties authority, waste other than that referred to in Section 1 of this Article shall be subject to removal in accordance with the legislation of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 139. Disposal of goods located in the territory of a free customs zone of industrial kind if the customs procedure of free customs zone is annulled in that territory

1. Within 90 days from the date when the customs procedure of free customs zone is annulled in the territory of a free customs zone of industrial kind, goods placed under the free customs zone procedure located in the territory of that zone shall be moved by the holder or the per-

son authorised by him to the territory of another free customs zone, re-exported or declared under another customs procedure.

2. The Laws of Ukraine may set longer terms of the disposal of goods than those referred to in Section 1 of this Article.

Chapter 22. Duty-free trade

Article 140. Customs procedure of duty-free trade

1. Duty-free trade means a customs procedure whereby the goods, not intended for free circulation in the customs territory of Ukraine, are placed and are sold for export outside the customs territory of Ukraine under customs control at the customs checkpoints across the state border of Ukraine opened for international traffic, and on the air, water or rail means of transport for commercial use conducting international flights with conditional relief from import and export duties, without their being subject to non-tariff regulation of foreign economic activity, including controls referred to in Section 1 of Article 319 of this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 141. Placing of goods under the duty-free trade procedure

1. Foreign and Ukrainian goods imported from outside the customs territory of Ukraine or exported from the customs territory of Ukraine shall be placed under the duty-free trade procedure.

2. Any goods, except those prohibited for import into, export from and transit across the territory of Ukraine, and those brought into Ukraine as humanitarian assistance, and animals, shall be placed under the duty-free trade procedure.

3. Foreign goods shall be placed under the duty-free trade procedure with conditional relief from customs duties.

4. Placing Ukrainian goods under the duty-free trade procedure for tax purposes shall be deemed to be export of those goods.

5. The obligation to pay customs duties in accordance with Title X of the Code shall not be enforced for placing goods under the duty-free trade procedure. Enforcement of the obligation to pay customs duties in moving foreign goods between the revenue and duties authorities and between different checkpoints within the operation area of separate revenue and duties authority in connection with the need to import them into the premises of a duty-free shop or release from such premises shall be subject to Title X of the Code.

6. Placing of goods under the duty-free trade procedure, as well as the change of this customs procedure shall be carried out by the revenue and duties authority in which operation area the appropriate duty-free shop is located.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 142. Application of the duty-free trade procedure

1. Goods may remain under the duty-free trade procedure as long as they are fit for consumption and/or use.
2. Goods placed under the duty-free trade procedure throughout the duration of their remaining under the duty-free trade procedure shall be under customs supervision.

Article 143. Specific application of customs controls of goods supplied by the duty-free shop to air, water or rail means of transport for commercial use carrying out international flights to be sold to the passengers onboard

1. Supply of goods by the duty-free shops to air, water or rail means of transport for commercial use, which perform international flights, for sale to passengers of those flights shall be carried out upon written request of the duty-free shop holder to the head of the revenue and duties authority, in which operation area the shop is located, or the acting head, and on the basis of a contract between the duty-free shop holder and the company operating those vehicles or other company authorised by the operator to enter into such contracts. Terms and conditions of such contract shall not provide for the transfer of ownership of goods supplied to the vehicle. A copy of such contract certified by the duty-free shop holder shall be attached to the request.
2. Supply of goods by the duty-free shops to air (water or rail) means of transport for commercial use, which perform an international flight, shall be carried out under control of the revenue and duties officials in containers with customs instrumentality and/or protection of the duty-free shop holder. The revenue and duties authority official carrying out customs supervision and customs clearance of the goods shall be provided with the transport documents for those products and report on goods supplied, sold and not sold on air (water or rail) vehicle, whose form is to be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.
3. The revenue and duties authority official shall reconcile the protection of the duty-free shop holder put on container and goods in the container to the data contained in the report of goods, and, in the absence of findings, shall approve the supply of goods to the air (water or rail) means of transport for commercial use by affixing a personal stamp on the report. The revenue and duties authority official may check the contents of the container at any stage of supply of goods by the duty-free shop to the air (water or rail) means of transport for commercial use and their return from the vehicle to the said shop.
4. After air (water or rail) means of transport for commercial use have completed the out-and-return international flight, the goods that were not sold shall be returned from that vehicle in the containers under control of the revenue and duties officials to the duty-free shop that supplied them to the specified vehicle. If the international flights are carried by the air vehicle in short intervals, the goods after the following international flight may remain on that vehicle under the protection of the duty-free shop holder till the next international flight.
5. Accounting for goods supplied by the duty-free shops to air (water or rail) means of transport for commercial use, which perform international flights, and returned from them to

the shops that supplied the goods shall be kept by the duty-free shops holders apart from accounting of other goods sold by those shops.

6. The revenue and duties authority, in which operation area the duty-free shop is located, shall approve the flow sheet of goods supply by the said shop to the air (water or rail) means of transport for commercial use performing international flights.

7. Supply of goods by the duty-free shops to the air means of transport for commercial use that perform international flights from the Ukrainian border checkpoint other than that where the duty-free shop is located shall be carried out under control of the revenue and duties authorities operating at the place of location of the duty-free shop in containers with customs instrumentality and/or protection of the duty-free shop holder.

8. The revenue and duties authority official in charge of customs supervision and customs clearance of goods mentioned in Section 7 of this Article shall be provided with the documents accompanying such goods specifying the point of exit of the scheduled international flight and the report goods supplied, sold and not sold onboard an aircraft. The report form shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

9. The revenue and duties authority official shall reconcile the container protection by the duty-free shop holder and goods in containers to the data indicated in the report on goods. Unless there are some differences, he shall authorise the supply of goods to the air means of transport for commercial use by affixing the report with a stamp 'Under customs supervision' and making an entry 'sent to...', specifying the revenue and duties authority, in which operation area the Ukrainian border checkpoint for air transport is located, from which the international flight will depart.

10. When the aircraft comes to the Ukrainian border checkpoint for air transport, from which the international flight is to depart, the aircraft commander shall notify the revenue and duties authority, in which operation area the said checkpoint is located, on duty-free goods intended for sale to passengers onboard an aircraft carrying out the international flight.

11. The revenue and duties authority official in charge of customs supervision and customs clearance of air means of transport for commercial use performing international flights shall verify the documents accompanying such goods, report, customs instrumentality and/or protection of the duty-free shop holder attached to containers with goods. Unless there are some gaps, he shall authorise the supply of goods to the air means of transport for commercial use by affixing the report with a personal numbered seal.

12. The revenue and duties authority official may check the contents of container at any stage of supply of duty-free goods to the air means of transport for commercial use and take them away from the aircraft to the duty-free shop.

13. When a two-way international flight is completed by the air means of transport for commercial use, unsold goods shall be taken in containers away from that vehicle under control of the revenue and duties authority back to the duty-free shop that supplied them aboard.

14. When upon completion of international flight the air means of transport for commercial use arrive at the Ukrainian border checkpoint for air transport other than that where the duty-free shop is located, the revenue and duties authority official in charge of customs supervision and customs clearance of the air means of transport for commercial use that completed the international flight shall verify the report containing the information about the sales, revenue and actual amount of unsold goods, and shall authorise sending it, for the purposes of returning such goods, to the Ukrainian border checkpoint for air transport, where the duty-free shop is located, by affixing the report with a stamp “Under customs supervision”, and making an entry ‘sent to...’, specifying the revenue and duties authority, in which operation area the said checkpoint is located, and attach customs instrumentality and/protection of the duty-free shop holder to containers with goods.

15. When the air means of transport for commercial use arrive at the Ukrainian border checkpoint for air transport, where the duty-free shop is located, the aircraft commander shall notify the revenue and duties authority, in which operation area the said checkpoint is located, on duty-free goods onboard that are subject to be returned to the duty-free shop.

16. The revenue and duties authority official in charge of customs supervision and customs clearance of the said goods shall reconcile the customs instrumentality and/or protection of the duty-free shop holder attached to containers with goods and the goods in containers to the data indicated in the report on goods. Unless there are some differences, he shall authorise the return of goods to the duty-free shop by affixing the report with a personal numbered seal.

17. When goods are supplied by the duty-free shop onboard the air means of transport for commercial use that is to perform an international flight from the Ukrainian border checkpoint other than that, where the duty-free shop is located, and are returned after the round trip, the security of payment of customs charges for movement of the said goods onboard the aircraft between those checkpoints shall not be required under Title X of this Code.

18. The declaration of goods for the transit procedure shall be allowed by presenting the report on goods, supplied, sold and not sold aboard.

19. Supply of goods by the duty-free shops to the rail means of transport for commercial use, which perform international trips, for sale to passengers aboard shall be carried out provided that such vehicles do not stop over at the railway stations located in the customs territory of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013,
No 588-VII of 19.09.2013)

Article 144. Movement of goods between duty-free shops

1. Goods placed under the duty-free trade procedure may be moved completely or partially to the other duty-free shop subject to customs formalities laid down in this Title for the customs procedure of transit and duty-free trade.

Article 145. Customs status of goods placed under the duty-free trade procedure

1. Foreign goods under the duty-free trade procedure shall retain the status of foreign goods.
2. Ukrainian goods placed under the duty-free trade procedure shall be conferred the status of foreign goods.
3. Ukrainian goods not intended for sale in the duty-free shops and required for its operation shall be admitted into the premises of the shop (released from it) subject to written notification to the revenue and duties authority without changing their customs status and placing under customs procedures.
4. Ukrainian and foreign goods used by the duty-free shop for promotional and/or presentation purposes only and not intended for sale by the said shop shall be placed in the duty-free shops in the same manner and under the same conditions as the goods intended for sale.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 146. Discharge of the duty-free trade procedure

1. The duty-free trade procedure shall be discharged when goods placed under that customs procedure are re-exported, or placed under the other customs procedure allowed by this Code, as well as in cases provided for in Section 4 of this Article.
2. In case of damage to goods placed under the duty-free trade procedure, those goods shall be placed under the customs procedure of destruction or elimination by the duty-free shop holder.
3. If legally established prohibitions or restrictions on imports of the goods that were in force while those goods were placed under the duty-free trade procedure are cancelled, the duty-free trade procedure may be discharged by releasing goods for free circulation in the customs territory of Ukraine.
4. Customs procedure of duty-free trade shall be discharged by the revenue and duties authority in cases where:
 - (1) goods are seized;
 - (2) goods are totally lost due to an accident or force majeure event, provided that such occurrence is evidenced as prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 23. Inward processing

Article 147. Customs procedure of inward processing

1. Inward processing means a customs procedure whereby foreign goods are processed as prescribed by the law without their being subject to non-tariff regulation of foreign economic activity, provided that the processed products are then re-exported.

Article 148. Compliance with the inward processing procedure and restrictions for placing certain goods under this customs procedure

1. The goods shall be placed under the inward processing procedure with conditional relief from customs duties. Measures to ensure compliance with the inward processing procedure shall be applied to the goods defined by the Cabinet of Ministers of Ukraine in accordance with paragraph (3) of Section 1 of this Article.

2. The processing of foreign goods shall not allow the use of Ukrainian goods (except fuel and energy) that are subject to export duty in accordance with the law.

3. Prohibitions or restrictions on import of certain goods into the customs territory of Ukraine for the purpose of processing shall be imposed by the law. Where reasonably needed, the Cabinet of Ministers of Ukraine shall have the right to designate:

(1) goods that require the financial guarantees to be furnished under Title X of the Code when placed under the inward processing procedure;

(2) processed products and/or goods, whose processed products are subject to re-export outside the customs territory of Ukraine;

(3) minimum ratio of foreign and Ukrainian goods value for certain categories of goods subject to processing operations;

(4) a list of goods that cannot be accepted for processing for free circulation in the customs territory of Ukraine;

(5) goods prohibited to be placed under the inward processing procedure.

4. In case of prohibitions or restrictions on processing of certain goods in the customs territory of Ukraine in accordance with Section 3 of this Article, the processing of goods placed under the inward processing procedure shall be completed under the terms and conditions in force at the time of placing the goods under that procedure.

Article 149. Authorisation for processing of goods in the customs territory of Ukraine

1. Placing goods under the inward processing procedure shall be allowed with written authorisation granted by the revenue and duties authority at the request of the holder of those goods or the person authorised by him.

2. Along with the request, the holder of the goods or the person authorised by him shall present to the revenue and duties authority the following documents:

(1) foreign trade agreements or substituent documents, under which the goods are processed, that must include, inter alia, information on mandatory output of processing, specific scope of work and timeframe. If the foreign trade agreement or document in lieu thereof does not contain such information, it shall be supplied in a separate document;

(2) flow sheets of processing (except for import of goods for repair, including modernisation, restoration and adjustment) that must contain information about all stages of processing and the process of converting goods placed under the inward processing procedure into the processed products, quantitative indicators of goods placed under the inward processing procedure, and other commodities that are consumed to perform processing operations, with justification of production losses of goods at each stage, as well as information about the name and amount of processing waste;

(3) goods recycling contracts with other entities if certain operations (or full cycle) for processing of goods are carried by such other entities;

(4) other documents at the request of the holder of the goods or the person authorised by him, such as the opinions of the public authorities, expert institutions, organisations, government standards and entity standards, specifications, descriptions, plans and sketches for processing, etc.

3. Authorisation for processing of goods in the customs territory of Ukraine shall be granted by the revenue and duties authority free of charge within five working days from the date of registration of the application in question.

4. If the foreign economic agreement, under which processing is performed, involves import of goods for processing in separate consignments within a definite period of time under the same conditions, the authorisation shall be granted for the amount of goods and time specified in the foreign economic agreement, but no more than one year.

5. Once occurred or found by the revenue and duties authority the circumstances that are not specified in the documents of the entity but affect the names and amounts of processed products, as well as prohibitions or restrictions on inward processing imposed by the legislation of Ukraine shall be the ground for refusal of the customs clearance of the following consignments imported into the customs territory of Ukraine for processing. If such circum-

stances do not affect the name and amount of the processing output, information about such circumstances shall be included in the previously granted authorisation.

6. The authorisation for inward processing shall include a list of processing operations and their techniques.

7. The issue of an authorisation for inward processing may not be denied just because of:

- (1) the country of origin, country of departure or country of destination of the goods;
- (2) the existence in the customs territory of Ukraine of goods identical in description, quality and technical characteristics to the goods imported for processing.

8. The decision to deny an authorisation for inward processing shall be made if:

- (1) the information contained in the documents presented by the applicant is not sufficient to determine the required amount of the products that result from processing of goods;
- (2) the revenue and duties authority found that the information contained in the documents presented by the applicant is inconsistent or incorrect;
- (3) the revenue and duties authority found that the appropriate processing equipment, facilities, conditions for recording and storing the goods imported for processing are missing;
- (4) the entity fails to comply with the legislation of Ukraine on prohibitions or restrictions on inward processing.

9. An authorisation for inward processing may be modified or revoked by the revenue and duties authority, if it is issued on the basis of false data, which were essential for decision-making, or if the holder of such authorisation fails to comply with the provisions of this Code and other customs laws of Ukraine.

10. Upon written request of the holder of the goods or the person authorised by him, the revenue and duties authority may make a preliminary decision on whether the goods can be placed under the inward processing procedure.

11. Requirements to the identification of certain goods imported into the customs territory of Ukraine for processing may be imposed by the central executive authority responsible for formulating and implementing the state tax and customs policy, subject to the nature of processing operations and process specifics.

12. If the revenue and duties authorities cannot ensure the identification of goods imported into the customs territory of Ukraine for processing in accordance with Article 326 of this Code, other means of identification of the nature of processing operations and process specifics may be applied, such as:

- (1) reference to the description of the special production marks or numbers;
- (2) locks, seals, stamps, or other individual marking;
- (3) specimen, illustrations or technical descriptions;
- (4) samples;
- (5) documentary evidence relating to specified operations (such as contracts, invoices, commercial correspondence) indicating that the processed products are produced from goods imported for processing.

13. Possibility to establish the presence of the imported goods in processed products shall not be required for admission of goods for processing in the customs territory of Ukraine, where:

- (1) such products can be identified by presenting detailed data on the resources spent and production technology used for processing products or by ensuring customs supervision of processing operations, or
- (2) the inward processing procedure ends up with re-export of processed products of the goods identical in description, quality and technical characteristics to the goods eligible for processing in the customs territory of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 150. Processing operations

1. The number of processing operations of goods under the inward processing procedure shall be unlimited.
2. Processing operations may include:
 - (1) actual processing of goods, including processing, assembly, disassembly, use of certain products that facilitate or simplify the production of processed products;
 - (2) repair of goods, including modernisation, restoration, adjustment and calibration.
3. Some processing operations or a full processing cycle on behalf of the holder of the authorisation for inward processing and with the permit of the revenue and duties authority may be carried out by other companies. In this case, the holder of the authorisation for inward processing shall be held liable for violation of the specified procedure for goods processing to the revenue and duties authorities. Permits to perform certain processing operations or full processing cycle shall be issued in conjunction with the authorisation for inward processing

or, if necessary, based on the application of the person concerned after issue of such authorisation and shall be specified in it.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 151. Period of inward processing

1. The period of inward processing shall be established by the revenue and duties authority in each case when issuing the authorisation to the entity, based on the duration of goods processing and disposal of their processed products. The specified period shall be calculated from the date of completion of customs clearance of foreign goods for processing by the revenue and duties authority. At the request of the holder of the authorisation for goods processing, the period of inward processing shall be extended by the said authority for the reasons supported by the documents, but the total processing period may not exceed 365 days.

2. Laws of Ukraine may designate a longer period for goods processing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 152. Checking the compliance with the inward processing procedure by the revenue and duties authorities

1. Goods placed under the inward processing procedure, as well as their processed products shall be under customs control throughout the duration of such procedure.

2. The revenue and duties authorities may inspect the goods imported for inward processing, as well as their processed products with any person that carries out such processing operations.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 153. Output of processed products

1. The revenue and duties authorities shall oversee the volume of processed products that result from inward processing. Data on compulsory output of processed products shall be indicated in the foreign trade agreement (contract) for goods processing or in a separate document to be presented to the revenue and duties authority to apply for an authorisation for inward processing.

2. To confirm the data on the volume of processed products the central executive authority responsible for formulating and implementing the state tax and customs policy may refer to other central executive authorities or expert institutions. Such referrals shall constitute grounds for refusal to issue an authorisation for inward processing or suspension of the issued authorisation for the entire period of their consideration.

3. Central executive authority responsible for formulating and implementing the state tax and customs policy may establish mandatory output standards for processed products when processing operations in the customs territory of Ukraine are carried out under standard (identical) specifications, and the goods and their processed products have constant characteristics.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 154. Customs clearance of processed products

1. During the re-export, the processed products shall be declared to the revenue and duties authorities presenting the list of Ukrainian goods used during the processing of foreign goods indicating their quantity and cost.

2. The declarant shall be entitled to declare the Ukrainian goods (except for fuel and energy), which are fully used during the processing of foreign goods, under the export procedure. In this case, customs clearance shall be carried out in the manner prescribed by this Code and other laws of Ukraine for customs clearance of export of the Ukrainian goods.

3. Processed products may be re-exported in one or more consignments. Processed products may be exported outside the customs territory of Ukraine through the revenue and duties authority other than the customs office through which goods were imported into the territory for processing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 155. Terms of sale of processed products in the customs territory of Ukraine

1. If the conditions of inward processing of foreign goods provide for the settlement with part of their processed products, such products shall be subject to customs clearance under the import procedure with charging customs duties and their being subject to non-tariff regulation of foreign economic activity as provided by the law.

2. The processed products owned by a non-resident shall be sold in the customs territory of Ukraine through its representative office registered in Ukraine, which is bound to declare those processed products for free circulation.

3. Processed products may also be sold to their producer.

Article 156. Processing of goods for free circulation in the customs territory of Ukraine

1. The goods may be imported for inward processing for further customs clearance of processed products for free circulation in the customs territory of Ukraine.

2. Goods may be admitted to the processing for free circulation in the customs territory of Ukraine, provided that:

(1) the revenue and duties authority can get assurance that the processed products were derived from those goods, and

(2) goods after processing cannot be cost-efficiently restored to their original state;

3. Processing of goods for free circulation in the customs territory of Ukraine shall be completed by placing their products under the import procedure. Those products may be placed under other customs procedures if the declarant or the person authorised by him so decides.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 157. Waste and residues derived from processing

1. Waste and residues that are derived from the processing of foreign goods and have economic value and/or can be disposed shall be placed in this state under the relevant customs procedure prior to the expiration of the period of goods processing.

2. At the request of the declarant or the person authorised by him, the waste or residues, as defined in Section 1 of this Article, may be declared under one classification code according to the UCGFEA, provided that such code is assigned the highest duty rate. If non-tariff regulation of foreign economic activity provided for in the law apply to certain goods that form part of that consignment, such way of declaration shall not exempt the declarant from compliance with those measures in respect of the said goods.

3. The waste other than that specified in Section 1 of this Article with the permit of the revenue and duties authority shall be subject to removal in accordance with the legislation of Ukraine before the expiration of processing period.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 158. Equivalent compensation

1. For the purposes of this Chapter, products derived from processing of equivalent goods shall be deemed to be the products of foreign goods processing.

2. The expression 'equivalent goods' means Ukrainian and foreign goods that are identical by descriptive, quantitative and technical characteristics to foreign goods, which they substitute, imported for processing operations in the customs territory of Ukraine.

3. The processed products derived from using the equivalent goods may be re-exported, prior to importation of goods for inward processing or prior to completion of their processing.

Article 159. Customs status of goods placed under the inward processing procedure

1. Foreign goods placed under the inward processing procedure shall retain the status of foreign goods.

2. The processed products, waste or residues produced or derived from processing of foreign goods shall have the status of foreign goods and shall be deemed to be placed under the inward processing procedure.

3. Ukrainian goods used in the processing of foreign goods in the customs territory of Ukraine shall be conferred the status of foreign goods at the time of exploration of processed products outside the customs territory of Ukraine.

Article 160. Discharge of the inward processing procedure

1. The inward processing procedure shall be discharged when the processed products are re-exported or placed under the other customs procedure, and in the cases provided for in Section 2 of this Article.

2. The inward processing procedure shall be discharged by the revenue and duties authority in cases where:

(1) goods are seized;

(2) goods are totally lost due to an accident or force majeure event, provided that such occurrence is evidenced as prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

3. If the inward processing procedure is discharged in accordance with Section 2 of this Article, re-export of goods and their processed products shall not be required, and the financial guarantees furnished under Article 148 of this Code shall be returned.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 161. Disposal of goods placed under the inward processing procedure in case of withdrawal of processing authorisation

1. Within 20 days from the date of withdrawal of authorisation for inward processing, the entity shall complete the started processing operations, and the goods placed under the inward processing procedure shall, within 30 days from the date of withdrawal of such authorisation, be exported outside the customs territory of Ukraine or placed under another customs procedure in the manner prescribed by this Code. If it is impossible to complete the started processing operations within 20 days without causing irreversible damage to product or process equipment, goods processing shall be completed in accordance with the process flow sheet. In this case, the goods shall, within 10 days from the date of actual completion of processing, be exported outside the customs territory of Ukraine or placed under another customs procedure.

2. Should the entity fail to comply with the requirements of Section 1 of this Article, the obligations secured by the financial guarantee (if such guarantee has been furnished under Section 3 of Article 148 of this Code) shall be released.

Chapter 24. Outward processing

Article 162. Customs procedure of outward processing

1. Outward processing means a customs procedure whereby the Ukrainian goods are, in the manner prescribed by the law, subject to processing outside the customs territory of Ukraine without their being subject to non-tariff regulation of foreign economic activity, provided that the goods or their processed products are returned into the customs territory of Ukraine under the import procedure.

Article 163. Outward processing operations

1. The operations listed in Section 2 of Article 150 of the Code may be carried out during the goods processing outside the customs territory of Ukraine.

Article 164. Compliance with the outward processing procedure and restrictions for placing certain goods under this customs procedure

1. Goods placed under the outward processing procedure shall be under customs supervision as long as they remain under such procedure.

2. Goods shall be placed under the outward processing procedure in the cases provided for in the law subject to payment of export duty.

3. Goods (excluding those exported for repair), which were exempt from import duties in accordance with this Code and the Tax Code of Ukraine, shall not be placed under the outward processing procedure.

4. Where reasonably needed, the Cabinet of Ministers of Ukraine shall have the right to designate:

(1) processed products, processing waste as well as products, which processed products or processing waste is subject to mandatory return to the territory of Ukraine and release for free circulation;

(2) minimum ratio of the Ukrainian and foreign goods value for certain categories of goods subject to outward processing operations.

5. Goods, whose processed products are designated by the Cabinet of Ministers of Ukraine as those required to be returned to the customs territory of Ukraine, shall be exported under the outward processing procedure with the application of measures securing the amount of their value in the manner specified by the Cabinet of Ministers of Ukraine.

6. Should the laws of Ukraine impose prohibitions or restrictions on outward processing, the processing of such goods placed under the outward processing procedure shall be completed

under the terms and conditions in force at the time when those goods are placed under the said procedure.

7. If the outward processing provides for the settlement with part of goods intended for processing, that part of goods when exported outside the customs territory of Ukraine shall be declared under the export procedure.

Article 165. Authorisation to export goods for outward processing

1. The goods may be placed under the outward processing procedure if the revenue and duties authority so authorises at the request of the holder of the goods or the person authorised by him.

2. Along with the request the holder of the goods or the person authorised by him shall present to the revenue and duties authority the following documents:

(1) foreign trade agreements or substituent documents, under which the goods are processed, that must include, inter alia, information on mandatory output of processing, specific scope of work and timeframes. If the foreign trade agreement or document in lieu thereof does not contain such information, it shall be supplied in a separate document;

(2) flow sheets of processing (except for export of goods for repair, including modernisation, restoration and adjustment) that must contain information about all stages of processing and the process of converting goods placed under the outward processing procedure into processed products, quantitative indicators of the goods placed under the outward processing procedure, and other goods that are used for processing operations, with justification of production losses of goods at each stage, as well as information about the name and amount of processing waste;

(3) other documents at the discretion of the holder of the goods or the person authorised by him, such as the opinions of the public authorities, expert institutions, organisations and national standards and entity standards, specifications, descriptions, plans or sketches for processing, etc.

3. Authorisation for outward processing shall be issued to the entity free of charge by the revenue and duties authority within five working days from the date of registration of the application.

4. If the foreign trade agreement, under which the processing is carried out, involves export of goods for processing in separate consignments within a certain period of time under the same terms, the authorisation shall be issued for the amount of goods and the period specified in the foreign trade agreement, but no more than for one year.

5. Once occurred or found by the revenue and duties authority the circumstances that are not specified in the documents of the entity, but affect the names and amounts of processed products, as well as prohibitions or restrictions on outward processing imposed by the legislation of Ukraine shall be the ground for refusal of the customs clearance of the following

consignments exported outside the customs territory of Ukraine for processing. If such circumstances do not affect the name and amount of processed products, information about such circumstances shall be included in the previously issued authorisation.

6. The authorisation for outward processing shall have a list of processing operations and their techniques.

7. The issue of an authorisation for outward processing may not be denied just because the goods are to be processed in a different country.

8. The decision to deny an authorisation for outward processing shall be made if:

- (1) the information contained in the documents presented by the applicant is not sufficient to determine the required amount of the products that result from processing of goods;
- (2) the revenue and duties authority found that the information contained in the documents presented by the applicant is inconsistent or incorrect;
- (3) the entity fails to comply with the legislation of Ukraine on prohibitions or restrictions on outward processing.

9. An authorisation for outward processing may be modified or revoked by the revenue and duties authority if it is issued on the basis of false data, which were essential for decision-making, or if the holder of the authorisation fails to comply with the provisions of this Code and other legislative acts of Ukraine.

10. Upon written request of the holder of the goods or the person authorised by him, the revenue and duties authority may make a preliminary decision on whether the goods can be placed under the outward processing procedure.

11. Requirements to the identification of certain goods exported outside the customs territory of Ukraine for processing may be established by the central executive authority responsible for formulating and implementing the state tax and customs policy, subject to the nature of processing operations and process specifics.

12. If the revenue and duties authorities cannot ensure the identification of goods imported into the customs territory of Ukraine for processing in accordance with Article 326 of this Code, other means of identification of the nature of processing operations and process specifics may be applied, such as:

- (1) reference to the description of the special production marks or numbers;
- (2) locks, seals, stamps, or other individual marking;
- (3) specimen, illustrations or technical descriptions;
- (4) samples;

(5) documentary evidence relating to specified operations (such as contracts, invoices, commercial correspondence) indicating that the processed products are produced from goods imported for processing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 166. Period of outward processing

1. The period of outward processing shall be established by the revenue and duties authority in each case when issuing the authorisation to the entity, based on the duration of goods processing and disposal of their processed products. The specified period shall be calculated from the date of completion of customs clearance of foreign goods for processing by the revenue and duties authority. At the request of the holder of the authorisation, the period of outward processing shall be extended by the said authority for the reasons supported by the documents, but the total processing period may not exceed 365 days.

2. Laws of Ukraine may designate a longer period of goods processing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 167. Output of processed products

1. The revenue and duties authorities shall oversee the volume of processed products that result from outward processing. Data on compulsory volume of processed products shall be indicated in the foreign trade agreement (contract) for goods processing or in a separate document to be presented to the revenue and duties authority to apply for an authorisation for outward processing.

2. To confirm the data on the volume of processed products the central executive authority responsible for formulating and implementing the state tax and customs policy may refer to other central executive authorities or expert institutions. Such referrals shall constitute grounds for refusal to issue an authorisation for outward processing or suspension of the issued authorisations for the entire period of their consideration.

3. The central executive authority responsible for formulating and implementing the state tax and customs policy may establish mandatory standards for processed products when processing operations in the customs territory of Ukraine are carried out under standard (identical) specifications, and the goods and their processed products have constant characteristics.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 168. Customs clearance and charging of customs duties for processed products

1. During the import of processed products, foreign goods, which were used in processing of exported goods shall not be subject to declaration.

2. A total relief from customs duties shall be applied to the goods, placed under the outward processing procedure and returned to the customs territory of Ukraine within the specified period:

(1) in the same state in which they were exported from the customs territory of Ukraine, subject to the conditions specified in Article 78 of this Code;

(2) in a repaired form, if the repairs were carried out under warranty.

3. Processed products (other than those in Section 2 of this Article) shall be subject to partial relief from customs duties, i.e. only a positive difference between the amount of customs duties charged for processed products and the amount of customs duties that would have been payable had the goods exported outside the customs territory of Ukraine for processing been imported shall be paid.

4. Processed products may be imported in the customs territory of Ukraine in one or more consignments. Processed products may be imported to the customs territory of Ukraine through the revenue and duties authority other than the customs office through which goods were exported for processing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 169. Terms of sale of processed goods outside the customs territory of Ukraine

1. Goods placed under the outward processing procedure and/or their processed products may be sold outside the customs territory of Ukraine provided that the goods placed under the outward processing procedure are cleared to be placed under the export procedure in compliance with this Code and other legislative acts of Ukraine.

Article 170. Waste and residues derived from processing

1. Waste and residues that are derived from processing of the Ukrainian goods outside the customs territory of Ukraine and remain outside that territory shall not be subject to customs supervision and customs clearance.

Article 171. Equivalent compensation

1. For the purposes of this Chapter, products derived from processing of equivalent goods shall be deemed to be products of the Ukrainian goods processing.

2. The expression 'equivalent goods' means foreign goods that are identical by descriptive, quantitative and technical characteristics to the Ukrainian goods, which they substitute, exported for processing outside the customs territory of Ukraine.

3. The processed products derived by using the equivalent goods may be imported to the customs territory of Ukraine, prior to exportation of the Ukrainian goods for outward processing or prior to completion of their processing operations.

Article 172. Customs status of goods placed under the outward processing procedure

1. Ukrainian goods placed under the outward processing procedure shall be conferred the status of foreign goods at the time they are actually exported outside the customs territory of Ukraine.
2. Processed products derived (obtained) from processing operations shall have the status of foreign goods and deemed to be placed under the outward processing procedure.

Article 173 Discharge of outward processing

1. The outward processing procedure shall be discharged when:
 - (1) processed products are imported, or
 - (2) goods exported under the outward processing procedure are re-imported in accordance with Article 78 of the Code, or
 - (3) processed products or goods exported under the outward processing procedure are exported, or
 - (4) in the cases provided for in Section 2 of this Article.
2. The outward processing procedure shall be discharged by the revenue and duties authority in cases where:
 - (1) goods are seized;
 - (2) goods are totally lost due to an accident or force majeure event, provided that such occurrence is evidenced in the manner prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.
3. If the outward processing procedure is discharged in accordance with Section 2 of this Article, the return of goods and their processed products into the customs territory of Ukraine shall not be required, and guarantees furnished under Article 164 of the Code shall be returned only in case of total loss of goods due to an accident or force majeure event.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 174. Disposal of goods placed under the outward processing procedure in case of withdrawal of authorisation for processing

1. Within 20 days from the date of withdrawal of authorisation for outward processing, the goods placed under the outward processing procedure shall be declared to another customs procedure in the manner prescribed by this Code.

2. Should the entity fail to comply with the requirements of Section 1 of this Article, the obligations covered by the guarantee, if any, shall be enforceable.

Chapter 25. Destruction or elimination

Article 175. Customs procedure of destruction or elimination

1. Destruction or elimination means a customs procedure whereby foreign goods are destroyed under customs control or brought into a condition which precludes their use with conditional total relief from import duties, and without their being subject to non-tariff regulation of foreign economic activity.

Article 176. Application of the destruction or elimination procedure

1. The goods may be destroyed or eliminated with the written authorisation by the revenue and duties authority at the request of the holder of the goods or the person authorised by him.

2. Authorisation for placing goods under the destruction or elimination procedure shall be issued by the revenue and duties authority, if the holder or the person authorised by him:

(1) concluded a contract for destruction (elimination) of goods with an entity authorised under the legislation of Ukraine to destroy (eliminate) those categories of goods;

(2) obtained permission to destroy (eliminate) goods from the public authorities, whose powers include overseeing the movement of such goods.

3. An authorisation for placing goods under the destruction or elimination procedure shall be issued by the revenue and duties authority free of charge within three working days from the date of registration of the application. In case of refusal, the revenue and duties authority shall, within a prescribed period, in writing or electronically, communicated to the requesting person the grounds for refusal.

4. Destruction or elimination operations shall not include:

(1) the use for consumption by animals of goods previously intended for human consumption;

(2) processing operations;

(3) obtaining of processed products, including assembly, disassembly, processing or handling of goods;

(4) repair of goods, including their restoration;

(5) use of goods as those facilitating the production of processed products if they are fully consumed in this case.

5. If the goods to be destroyed or eliminated can be placed under the abandonment procedure, the revenue and duties authority shall propose the declarant in writing to opt for such customs procedure. If the holder of the goods accepts the revenue and duties authority's proposal, those goods shall be placed under the abandonment procedure.

6. The goods shall be placed under the destruction or elimination procedure by the revenue and duties authority, in which operation area the destruction or elimination operations are carried out.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 177. Terms for destruction or elimination of certain categories of goods

1. According to the provisions of the Code and the requirements established by the Cabinet of Ministers of Ukraine or central authorities in line with their powers, certain categories of goods shall be destroyed or eliminated to include:

- (1) medicine and drugs, psychotropic substances, their analogues and precursors;
- (2) defective and dangerous products;
- (3) military, hunting, sporting firearms and ammunition;
- (4) cold steel arms and airguns;
- (5) explosives;
- (6) special equipment charged with tear action or irritant action substances and personal protection equipment, active defence equipment and equipment to carry out special operations and operative investigation activities.

Article 178. Costs for destruction or elimination of goods

1. The goods shall be destroyed or eliminated at the expense of the holder, the person authorised by him or other persons concerned.

2. If the goods are in a state that they cannot be declared in any customs procedure other than destruction or elimination, and when the holder or the person authorised by him disagrees to independently arrange and pay for destruction or elimination operations in respect of such goods and in the absence of other persons that notified the revenue and duties authority in writing of such intention, the costs for loading and unloading, storage, transport, destruction (elimination), paperwork and other costs associated with the destruction or elimination procedure, as well as a fine shall be charged to such holder or the person authorised by him without notice, and in the event it is impossible to so charge, they shall be reimbursed by the state budget.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 179. Waste and residues derived from destruction or elimination of goods and their customs status

1. Residues resulted from destruction or elimination of goods, including their components that have not been destroyed or eliminated, and waste derived from destruction or elimination of goods that has economic value shall, within 10 days from the date of destruction, be paced under the appropriate customs procedure as foreign goods under customs supervision.
2. Waste derived from destruction or elimination of goods with no economic value, which are not disposable, shall be subject to removal in accordance with the legislation of Ukraine as Ukrainian goods by the holder of the destruction (elimination) operations.

Article 180. Customs supervision of goods placed under the destruction or elimination procedure

1. Goods placed under the destruction or elimination procedure, as well as waste and residues resulted from destruction (elimination) operations shall be under customs supervision.
2. The revenue and duties authority shall have the right to inspect at any time the goods placed under the destruction or elimination procedure (until their actual destruction), as well as the waste and residues resulted from destruction or elimination operations (until their declaration under the appropriate customs procedure or removal in accordance with the legislation of Ukraine).
3. Competent officials of the revenue and duties authorities and other public authorities, whose powers include overseeing the movement of goods destroyed, may be present during the operations of destruction (elimination) of such goods.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 181. Discharge of the destruction or elimination procedure

1. The destruction or elimination procedure shall be discharged upon completion of destruction or elimination operations and declaration of their waste and residues under the appropriate customs procedure.

Article 182. Liability for failure to comply with the destruction or elimination procedure

1. The following persons shall be held liable for failure to comply with the destruction or elimination procedure as provided for in this Code and other legislative acts of Ukraine:
 - (1) the holder of the goods (the person authorised by him) from the time when goods are declared in that customs procedure until they are transferred to the entity that is authorised under the legislation of Ukraine to destroy (eliminate) the catego-

ries of goods in question, and actually performs the destruction (elimination), as well as from the time when the waste and residues, if any, resulted from destruction (elimination) are received from the said entity, and until customs clearance of such residues is completed and waste is removed in accordance with the laws of Ukraine;

(2) the entity authorised under the legislation of Ukraine to destroy (eliminate) the categories of goods in question from the time when the goods placed under the destruction or elimination procedure are accepted for destruction (elimination), and until they are transferred to the holder (the person authorised by him) of residues, if they are resulted from such operations, and if the residues under the contract are transferred to the ownership of such entity, and until customs clearance of such residues is completed in the appropriate customs procedure.

Chapter 26. Abandonment

Article 183. Custom procedure of abandonment

1. Abandonment means a customs procedure where the holder abandons foreign goods to the state without any conditions in his own favour.

Article 184. Application of the abandonment procedure

1. Foreign goods shall be placed under the abandonment procedure.
2. Abandonment shall be carried out at the written request of the holder of the goods and with the authorisation of the revenue and duties authority.
3. The Cabinet of Ministers of Ukraine shall determine the list of goods that cannot be placed under the abandonment procedure.
4. Foreign goods shall be placed under the abandonment procedure with relief from customs duties and without their being subject to non-tariff regulation of foreign economic activity.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 185. Discharge of the abandonment procedure

1. The abandonment procedure shall be discharged when the goods are placed in a warehouse of the revenue and duties authority.
2. The declarant shall be held liable for improper disposal of goods by placing them under the abandonment procedure. The revenue and duties authorities shall not reimburse any property claims of persons who have the authority in respect of goods abandoned by the declarant to the state.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title VI
MOVEMENT AND RELEASE OF GOODS AND MEANS
OF TRANSPORT FOR COMMERCIAL USE ACROSS THE
CUSTOMS BORDER OF UKRAINE.
CUSTOMS FORMALITIES WHEN MOVING GOODS
ACROSS THE CUSTOMS BORDER OF UKRAINE BY
DIFFERENT MEANS OF TRANSPORT

Chapter 27. General provisions on the terms and procedure
for movement and release of goods, means of transport for
commercial use across the customs border of Ukraine

Article 186. Means and ways of moving goods

1. The goods shall be moved across the customs border of Ukraine by air, water, road, rail transport, pipelines and power supply lines, as well as by intermodal transport. The expression 'intermodal (combined) transport' means the international carriage of goods by at least two different means of transport in accordance with the intermodal (combined) transport agreement from a place in one country, where the goods are transferred under the jurisdiction of the operator of such carriage, to a designated place of delivery in the other country.

2. Depending on the presence of the carrier, consignor, consignee, as well as the carriage contract the goods shall be moved in:

- (1) cargo shipments;
- (2) accompanied baggage;
- (3) unaccompanied baggage;
- (4) hand luggage;
- (5) international mail;
- (6) international express shipments.

Article 187. Customs formalities on transport

1. Means of transport for commercial use that transport passengers and/or goods across the customs border of Ukraine shall be subject to customs supervision and customs clearance.

2. Customs formalities carried out as par of customs supervision and customs clearance of means of transport for commercial use that transport passengers and/or goods across the customs border of Ukraine shall be of uniform nature and not dependent on the country of incorporation or the country of the holder of the vehicle, the country it arrived from, or the country it is heading for, save as laid down in international treaties of Ukraine entered into in

accordance with the law and relevant international acts in terms of sanctions and restrictions on trade with certain countries.

3. The revenue and duties authorities shall perform the customs formalities in the customs control areas established pursuant to the provisions of Chapter 48 of this Code, unless otherwise provided for in this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 188. Assistance to the revenue and duties authority in completing customs formalities

1. To accelerate the completion of customs formalities when moving means of transport for commercial use across the customs border of Ukraine, the employees of water, air, road and rail transport shall assist the revenue and duties officials in carrying out their job duties.

2. The administration of road, marine and river ports, international airports, border railway stations or other equipped facilities, within which the state border checkpoints operate, shall allow the revenue and duties authorities to use the office premises, equipment, means of communication free of charge and arrange proper working conditions for them.

3. The list of premises referred to in Section 2 of this Article and requirements to them shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy, and the central executive authority responsible for formulating and implementing the state transport policy, according to the amount and nature of international carriages.

4. Designated areas for unloading and loading of the commercial vehicles, embarking and disembarking of passengers, as well as parking lots for customs supervision shall be determined by the administration of the road, sea and river ports, international airports, border railway stations or other equipped facilities, within which the state border checkpoints operate, taking into account their functional and technological characteristics and upon referral of the revenue and duties authority agreed with the state border guard authority.

5. Change of mooring site shall be determined by the port administration with compulsory notification to the competent revenue and duties authority and Ukraine's state border guard authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 189. Temporary admission of means of transport for commercial use into the customs territory of Ukraine

1. Means of transport for commercial use used for transporting goods and/or passengers across the customs border of Ukraine may temporarily enter the customs territory of Ukraine without charging of customs duties and without their being subject to non-tariff regulation of foreign economic activity.

2. Means of transport for commercial use temporarily brought into the customs territory of Ukraine shall be subject to exportation without undergoing any changes in their design (except for normal depreciation, cost of fuels and lubricants and required repairs).

3. Means of transport for commercial use may be temporarily admitted into the customs territory of Ukraine, provided that they are not used for domestic carriages in the customs territory of Ukraine.

4. Special equipment intended for handling, protection and storage of cargo that moves along with the means of transport for commercial use across the customs border of Ukraine shall be admitted similarly to the vehicle provided that such equipment is used for intended purpose and re-exported (imported) along with that vehicle. Special equipment may be brought into or out of the customs territory of Ukraine separately from the means of transport for commercial use under the same terms and conditions, provided that it can be confirmed that the equipment is designed for specific means of transport for commercial use brought into (or out of) the customs territory of Ukraine before it.

5. Spare parts and equipment intended for use in the repair or maintenance of means of transport for commercial use temporarily brought into or out of the customs territory of Ukraine, may be imported (exported) under the obligation to re-export (re-import) without charging customs duties and without their being subject to non-tariff regulation of foreign economic activity. The revenue and duties authority releasing such spare parts and equipment may require a guarantee arrangement to be applied under this Code.

6. Replaced parts and equipment need not be brought out of (into) the customs territory of Ukraine, and, once authorised by the revenue and duties authority:

(1) may be presented to the revenue and duties authority and declared for free circulation in or outside the customs territory of Ukraine, or

(2) may be destroyed under supervision of the revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 190. Goods brought into the customs territory of Ukraine in error

1. Goods may be deemed to be brought into the customs territory of Ukraine in error, if the revenue and duties authority gets assurance that the importation of these goods is not the result of intentional action. Importation of goods in error may not be considered a violation of customs rules.

2. Goods, whose terms and grounds for importation have been changed after crossing the customs border of Ukraine, shall not be deemed to be brought into the customs territory of Ukraine in error.

3. Goods brought into the customs territory of Ukraine in error shall be exported outside it on the basis of transport documents, unless such goods are admitted into the territory of Ukraine.

4. Goods brought into the customs territory of Ukraine in error that were admitted into the customs territory of Ukraine and retain the status of foreign goods shall be exported outside that territory under the re-export procedure based on the transport documents under cover of which they were imported.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 191. Rights and obligations of the carrier

1. The carriers shall have the right:

(1) not to accept the goods for carriage between the revenue and duties authorities if customs and/or transport documents are drawn up in violation of the procedure established by the legislation of Ukraine;

(2) to replace the motor road vehicle with notification to the revenue and duties authority of destination of the reason for such replacement (technical condition, environmental requirements, economic feasibility);

(3) to replace the person (driver) authorised by the carrier, responsible for the delivery of goods to the revenue and duties authority of destination with prior notification to the revenue and duties authority of the reasons for such replacement (health conditions, visa issues, requirements of the European Agreement concerning the work of crews of vehicles engaged in international road transport);

(4) with the authorisation of the revenue and duties authority of destination, to unload goods in a warehouse of such authority, if the goods delivered by the carrier that are under customs supervision are not declared by the responsible person under any customs procedure within three days. In this case, the cost of unloading and storage of goods shall be reimbursed by the holder;

(5) to obtain explanation of the reasons for refusal of customs clearance or release of goods, means of transport for commercial use across the customs border of Ukraine and the list of remedy actions to be taken.

2. The carriers shall:

(1) verify the accuracy of information on the quantity of cargo items, their marking, numbers, external condition of goods and their packing while accepting the goods for carriage. If such verification is impossible, a corresponding entry shall be made in the CMR;

(2) deliver goods to the revenue and duties authority of destination and present documents to them as provided for in the law within the period specified in Article 95 of this Code;

(3) not start unloading or reloading without authorisation of the revenue and duties authority;

(4) in case of arrival to the revenue and duties authority of destination in non-working hours, ensure the safety of goods and take measures defined by the revenue and duties authority to prevent their unauthorised removal from customs supervision.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 192. Contingency actions

1. If during the carriage of goods a vehicle fails to arrive to the revenue and duties authority of destination due to an accident or force majeure event, the goods may be unloaded elsewhere. In this case, the carrier shall:

(1) take all reasonable actions to safeguard the goods and prevent any use of them;

(2) immediately notify the nearest revenue and duties authority of the circumstances of the events, location of goods and vehicle.

2. The revenue and duties authorities shall not reimburse the carrier any expenses incurred in connection with the measures provided for in this Article.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 193. Liability for violation of the procedure for goods in transit

1. For violation of the procedure for goods in transit, the carrier shall bear administrative liability under this Code.

2. If goods under customs supervision and moved in transit are lost or released without authorisation of the revenue and duties authority, the carrier shall pay import duties imposed by the law. Violation of the period of the delivery specified in this Code, provided that all other requirements are met, shall not give rise to an obligation to pay customs duties.

3. The carrier shall be exempt from the obligation to pay customs duties only if goods under customs supervision and moved in transit have been destroyed or irretrievably damaged due to an accident, force majeure event or natural loss at normal conditions of carriage, provided that such occurrence is evidenced.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 28. Movement of goods across the customs border of Ukraine

Article 194. Prior notification to the revenue and duties authorities of the intention to import goods into the customs territory of Ukraine

1. In case of importation of the goods into the customs territory of Ukraine, the declarant or the person authorised by him shall give a prior notice to the revenue and duties authority, in whose operation area the goods are presented to customs, of the intention to import those goods.
2. Prior notice of intention to import goods into the customs territory of Ukraine shall be served to the revenue and duties authority, in whose operation area the goods are presented to customs under cover of an advance customs declaration or other document that can be used instead of the customs declaration in accordance with Article 94 of the Code.
3. Prior notice may be given in the form of electronic documents. The format of such documents, encryption, and transmission facilities shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.
4. When serving a prior notice to the revenue and duties authority of the intention to move goods and means of transport for commercial use across the customs border of Ukraine such revenue and duties authority shall be provided with the documents and/or information, including by means of information technology provided for in Section 4 of Article 335 of the Code.
5. The provisions of this Article shall not apply to water and aircrafts that do not make any stops at the ports or airports located in the customs territory of Ukraine while being in that territory.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 195. State border checkpoints where goods are moved across the customs border

1. The goods shall be moved across the customs border of Ukraine at the checkpoints of the state border of Ukraine, the list of which is determined by the Cabinet of Ministers of Ukraine in accordance with the international treaties of Ukraine entered into as prescribed by the law.
2. Certain types of goods may be moved across the customs border of Ukraine at the specially designated checkpoints of the state border of Ukraine. Lists of such goods and checkpoints shall be approved by the Cabinet of Ministers of Ukraine.

Article 196. Prohibition to move certain goods across the customs border of Ukraine

1. The following may not be released across the customs border of Ukraine:

- (1) goods prohibited to move across the customs border of Ukraine by the law;
 - (2) goods that bear no authorisation of other public authorities, required for them to be released under the law (except for alcoholic beverages and tobacco products, as well as food for own consumption imported by citizens to the extent and in the manner prescribed in Article 376 and Section 2 of Article 378 of the Code);
 - (3) goods moving across the customs border of Ukraine in violation of this Code and other laws of Ukraine, save as otherwise provided in this Code.
2. The carrier shall re-export the goods that are prohibited to be imported into or transit across the customs territory of Ukraine.

**Article 197. Restrictions on the movement of certain goods
across the customs border of Ukraine**

1. In the cases provided by the law, certain goods shall be subject to restrictions on their movement across the customs border of Ukraine. Release of such goods across the customs border of Ukraine and customs clearance shall be carried out by the revenue and duties authorities on the basis of the documents that are obtained by using information technology and confirm that those restrictions are observed, issued by the public authorities empowered to carry out appropriate control functions and other legal entities authorised to issue them, if the presentation of such documents to the revenue and duties authorities is provided for in the laws of Ukraine.
2. Lists of such goods (with their description and code under the Ukrainian Classification of Goods for Foreign Economic Activity), as well as the procedure for issue of authorisations and their circulation with the use of information technology shall be approved by the Cabinet of Ministers of Ukraine.
3. Restrictions on importation into and exportation outside the customs territory of Ukraine of currency valuables, as well as the procedure for moving them across the customs border of Ukraine, including specific provisions relating to the declaration of currency valuables (in particular, definition of thresholds for currency valuables subject to written or oral declaration) may be set by the National Bank of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 198. Presentation of documents and information to the
revenue and duties authorities at the checkpoints of the state
border of Ukraine**

1. The documents containing information about goods that is sufficient to identify them and required for taking a decision on their release across the customs border of Ukraine shall be presented to the revenue and duties authority at the checkpoint of the state border of Ukraine in accordance with Article 335 of this Code.

2. Goods moved in transit across the customs border of Ukraine, in case of additional loading or transshipment of the vehicle for transit through the customs warehouse may be presented to customs clearance to the revenue and duties authority, in whose operation area such loading or transshipment is planned. In this case, only the carrier's application and a copy of the contract, which is the basis for loading (transshipment), shall be presented to the revenue and duties authority.

3. If under the terms of carriage, customs clearance of goods in full is carried out not at the customs border checkpoint, and the carriage is performed with changing a vehicle at the checkpoint of the state border of Ukraine, transport, commercial and other accompanying documents containing information about the goods that is sufficient to identify them and required to take a decision about their release across the customs border of Ukraine shall be presented to the revenue and duties authority at the checkpoint of the state border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 199. Maximum period of stay of goods, means of transport for commercial use at the checkpoints of the state border of Ukraine

1. The maximum period of stay of goods, means of transport for commercial use at the checkpoints of the state border of Ukraine shall not exceed 30 days in general and five days for road transport after arrival at the checkpoint of the state border of Ukraine for customs supervision.

2. The maximum period of stay of goods, means of transport for commercial use at the checkpoints of the state border of Ukraine established in Section 1 of this Article shall not apply to operations of accumulation at the checkpoints of the state border of Ukraine of the ship consignments exported from the customs territory of Ukraine, including under the transit procedure.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013)

Article 200. Delivery of goods and documents in place designated by the revenue and duties authority

1. After the revenue and duties authority issued an authorisation to release goods through the customs border of Ukraine, the holder of the goods or the person authorised by him shall deliver the goods and accompanying documents without undergoing any change in their state to the place designated by the revenue and duties authority and ensure they remain at that place before the arrival of the revenue and duties officials, unless otherwise provided for in this Code.

2. The goods and accompanying documents shall be delivered within the period specified in Article 95 of this Code.

3. The goods and vehicles carrying them shall be placed in the customs control areas after arrival at the place of delivery.

4. At the place of delivery the goods and vehicles shall be presented, and the accompanying documents transferred to the revenue and duties authority at the earliest opportunity after their arrival, or after the opening of the revenue and duties authority if they arrive in non-working hours established for such authority.

5. Changing the parking lot (arrival) of the vehicle, unloading, reloading, unpacking, packing or repacking of goods, change, removal or damage to the identification means shall be allowed only with the authorisation of the revenue and duties authority, save as provided by Chapter 2 of the Code. In case of refusal to grant an authorisation, the revenue and duties authorities shall immediately, in writing or in electronic form, communicate to the holder of the goods or the person authorised by him the grounds and reasons for such refusal.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 29. Temporary storage

Article 201. Temporary storage of goods under customs control

1. The goods from the time of their presentation to the revenue and duties authority and before placing them under an appropriate customs procedure may be in temporary storage under customs control. Temporary storage of goods under customs control shall be carried out at temporary storage warehouses.

2. The goods of humanitarian aid for their temporary storage with the authorisation of the competent revenue and duties authority may be placed in warehouses of the beneficiaries of humanitarian aid. The head of the beneficiary of humanitarian aid shall ensure accurate accounting of the goods placed in a warehouse of such organisation and shall be released from it in the manner provided for temporary storage warehousing, and submit quarterly report on the movement of goods in warehouse in the form established by the central executive authority responsible for formulating and implementing the state tax and customs policy. The revenue and duties authority may demand the submission of an extraordinary report.

3. Permanent customs control areas shall be formed in temporary storage warehouses, and temporary customs control areas shall be formed in warehouses of the beneficiaries of humanitarian aid (during temporary storage of goods of humanitarian aid under customs control in them).

4. Goods may also be placed for temporary storage under customs control in customs warehouses or warehouses of the revenue and duties authority provided that the provisions of this Chapter are met.

5. If goods in temporary storage under customs control are lost or released without the authorisation of the revenue and duties authorities, the temporary storage warehousekeeper, customs warehousekeeper, and the head of the beneficiary of humanitarian aid shall bear administrative liability as prescribed by this Code. Moreover, in such cases, those individuals shall pay applicable import duties established by the law.

6. The temporary storage warehousekeeper, customs warehousekeeper, and the head of the beneficiary of humanitarian aid shall be exempted from liability for loss of goods in temporary storage under customs control, and obligation to pay applicable import duties established by the law, only provided that the goods have been destroyed or irretrievably damaged due to an accident, force majeure event or natural loss at normal storage conditions.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 202. Documents required for placing goods in a temporary storage warehouse

1. The only document required for placing goods in a temporary storage warehouse under customs control shall be a unified document in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy, which contains the description of goods based on transport documents.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 203. Operations with goods in temporary storage under customs control

1. The holder of the goods in temporary storage under customs control, or the person authorised by him with the authorisation of the revenue and duties authority may carry out the following operations with those goods:

(1) simple warehousing operations necessary to ensure their preservation: movement of the goods within the warehouse for the purpose of efficient allocation, cleaning, airing, maintenance of optimal temperature conditions for storage, drying (including creation of a heat flow), rust control, pest control, stock control;

(2) examination and measurement;

(3) remedy of packaging damages;

(4) sampling;

(5) preparation of goods for sale and transport: sorting, packing, repacking, marking, loading, unloading, handling and other similar operations.

2. In case of refusal to grant an authorisation for the operations referred to in Section 1 of this Article, the revenue and duties authorities shall immediately, in writing or in electronic form, communicate to the holder of the goods or the person authorised by him the grounds and reasons for such refusal.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 204. Period of temporary storage of goods

1. The total period of temporary storage of goods under customs control shall be 90 calendar days.

2. Perishable goods or goods with limited storage life may be in temporary storage under customs control within the period while their properties, which allow the intended use of such goods are preserved, but not more than that specified in Section 1 of this Article.

3. The period of temporary storage of the goods specified in Section 1 of this Article, at the request of the holder or the person authorised by him may be extended (but not more than for 30 days) by the revenue and duties authority, under whose authorisation the goods have been placed in the warehouse. If the person keeping the goods in a public temporary storage warehouse or a public customs warehouse is not the warehousekeeper, his request for extension of the period of temporary storage of the goods shall be agreed upon with the warehousekeeper. In case of refusal to extend the period of temporary storage of goods, the revenue and duties authority shall immediately, in writing or in electronic form, communicate to the holder of the goods or the person authorised by him the grounds and reasons for such refusal.

4. Before the expiry of storage period referred to in Section 1-3 of this Article, the goods in temporary storage under customs control shall be:

(1) declared by the holder or the person authorised by him under an appropriate customs procedure; or

(2) transferred by the holder or the person authorised by him, temporary storage warehousekeeper, customs warehousekeeper, beneficiary of humanitarian aid to the competent revenue and duties authority for storage and/or disposal in accordance with this Code; or

(3) sent under customs supervision to the other revenue and duties authorities for further customs clearance, or

(4) exported outside the customs territory of Ukraine.

5. If the goods in temporary storage under customs control have been declared to the revenue and duties authority, but upon expiration of their storage period referred to in Section 1-3 of this Article have been refused twice in customs clearance in the manner prescribed by this Code, such goods shall be mandatorily transferred by the holder or the person authorised by him, temporary storage warehousekeeper, customs warehousekeeper, beneficiary of humanitarian aid to the warehouse of the revenue and duties authority.

6. The revenue and duties authority shall set a period for removal of goods from the warehouse taking into account available transport facilities and handling machinery.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 205. Customs clearance of goods that have become unfit, destroyed or damaged due to an accident or force majeure event during the period of temporary storage under customs control

1. The goods that have become unfit, destroyed or damaged due to an accident or force majeure event during the period of temporary storage under customs control, that is supported by relevant documents, shall be subject to customs clearance as those arrived to the territory of Ukraine in an unfit, destroyed or damaged state.

Article 206. Temporary storage of goods in warehouses located outside of checkpoints across the state border of Ukraine at the airports, sea and/or river ports

1. In cases where the delivery of the goods to the final recipient is interrupted because of the conditions of carriage (or for any other reasons), the goods may be placed in temporary storage warehouses that are located outside the checkpoints across the state border of Ukraine at the airports, sea and/or river ports and carry out the acceptance, loading, reloading, unloading and delivery of the goods moved across the customs border of Ukraine. Authorisation for their placement in a temporary storage warehouse shall be the authorisation of the revenue and duties authority for unloading of the goods from the vehicle.

2. The goods placed in temporary storage warehouses located outside the checkpoints across the state border of Ukraine at the airports, sea and/or river ports shall be deemed to be not released to the customs territory of Ukraine until their release from the warehouse.

3. The removal of the goods from the temporary storage warehouses located at the airports, sea and/or river ports, where there are checkpoints across the state border of Ukraine, shall be carried out based on the decision of the revenue and duties authority to release such goods into the customs territory of Ukraine or to refuse to release them save as provided in Section 5 of this Article.

4. Should the revenue and duties authority decide to release the goods placed in temporary storage warehouse located outside the checkpoints across the state border of Ukraine at the airports, sea and/or river ports, into the customs territory of Ukraine, the transport documents containing information about such goods, and commercial documents, if any, shall be presented to the said authority to ensure that the delivery of those goods to the revenue and duties authority of destination is duly supervised.

5. The goods placed in a temporary storage warehouse located outside the checkpoints across the state border of Ukraine at the airports, sea and/or river ports shall, if the revenue and duties authority decided to refuse the release of such goods into the customs territory Ukraine, be exported from the customs territory of Ukraine by the carrier that has imported them. The release of the goods from the temporary storage warehouse outside the customs territory of Ukraine shall be based on the transport documents and authorisations issued by the revenue and duties authority for unloading of the goods from the vehicle.

6. With the authorisation of the revenue and duties authority, the goods placed in the temporary storage warehouses located outside the checkpoints across the state border of

Ukraine at the airports, sea and/or river ports shall be subject only to simple warehousing operations required to ensure their preservation: movement of the goods within the warehouse for efficient allocation, cleaning, airing, maintenance of optimal temperature conditions for storage, drying (including creation of a heat flow), rust control, pest control, stock control.

7. The movement of the goods placed in the temporary storage warehouses located outside the checkpoints across the state border of Ukraine at the airports, sea and/or river ports, between temporary storage warehouses within one customs control area shall be carried with notification to and under supervision of the revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 30. Customs formalities for sea and river transport

Article 207. Duration of foreign-going vessels stay under customs supervision

1. Foreign-going vessels shall, during its mooring at the port, be under customs supervision. Meanwhile the revenue and duties authority may inspect and examine the vessel, seal and lock individual holds and premises where the goods are placed, where there are no grounds for their importation into, exportation from, or transit across the territory of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 208. Period and order of customs clearance of foreign-going vessels

1. Depending on tonnage and intended use of foreign-going vessels, their customs clearance shall be carried out within a period determined by the head of the revenue and duties authority in consultation with the head of the state border guard authority and other control agencies.

2. Customs clearance of foreign-going vessels shall be carried out around the clock in the following order:

- (1) vessels in distress;
- (2) passenger vessels;
- (3) cargo-passenger vessels;
- (4) liners;
- (5) tankers;
- (6) other vessels as they arrive.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 209. Customs control points at sea and river transport

1. The revenue and duties authorities shall carry out customs supervision on sea and river transport in the customs control areas at sea and river ports, as well as in the port waters open for international traffic.
2. If a foreign-going vessel is unable to reach one of the customs control points in the customs territory of Ukraine due to an accident, natural disaster or other force majeure circumstances, the unloading of the goods shall be allowed at places where there are no revenue and duties authorities. In such cases, the vessel master shall take all necessary measures to ensure the preservation of those goods and bring them to the nearest revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 210. Customs supervision of freight operations in waterways

1. The goods may be unloaded from and loaded on foreign-going vessels with the authorisation of the revenue and duties authority and under its supervision under cover of the documents provided for in Article 335 of the Code. Authorisation shall be granted shortly after the documents are verified and their compliance with the requirements of this Code is confirmed. In case of refusal to grant an authorisation, the revenue and duties authority shall immediately, in writing or in electronic form, communicate to the holder of the goods or the person authorised by him the grounds and reasons for such refusal.
2. Goods unloaded from a vessel in the customs control area at the sea, river port for customs purposes shall be deemed to be stored in a temporary storage warehouse. In this case no contract for storage of goods shall be required.
3. If the goods in a customs control area at the sea, river port are lost (except for natural loss at normal storage conditions), or released without the authorisation of the revenue and duties authority, the port administration shall bear the obligation to pay import duties imposed by the law.
4. Goods unloaded from a foreign-going vessel for temporary storage in case of transit within the same checkpoint, and in case of refusal to release the goods across the customs border of Ukraine or in the event goods are deemed to be imported in error, shall be exported outside the customs territory of Ukraine by the carrier, and no specific authorisation of the revenue and duties authority shall be required. Any other operations with such goods shall be carried out without the authorisation of the revenue and duties authority.
5. In order to enable the revenue and duties authority to assess risks at the importation of goods into the customs territory of Ukraine by sea (river) vessels, the carrier may, in electronic form, provide the revenue and duties authority with information about

those goods in the format under the international standards for electronic information exchange.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 211. Customs supervision of foreign-going
vessels arriving to the customs territory of Ukraine for a
short time**

1. Foreign-going vessel coming in the port open for international water traffic for re-supply of water, fuel, food, for urgent repairs for a period of up to five days, shall not be subject to customs clearance, but shall be under customs supervision till its departure.

2. Goods (excluding stores) loaded on that vessel shall be subject to customs clearance on the general grounds.

**Article 212. Customs clearance of fish products taken by the
Ukrainian vessels from Azov and Black Sea**

1. Customs clearance of fish products taken by the Ukrainian vessels from Azov and Black Sea shall be performed without drawing up a customs declaration. Such products shall be charged under the Tax Code of Ukraine and this Code.

**Article 213. Customs clearance of vessels made or purchased or
sold abroad**

1. Customs clearance of a vessel made or purchased by the resident outside the customs territory of Ukraine shall be carried out under the import procedure during the first arrival to the Ukrainian port after the resident acquires ownership of such vessel.

2. Customs clearance of a vessel purchased by the non-resident in the customs territory of Ukraine shall be carried out under the export procedure, if such vessel is exported outside the customs territory of Ukraine

**Article 214. Authorisation of the revenue and duties authority for departure of a
foreign-going vessel**

1. The port administration shall not allow the foreign-going vessel master to leave the port area without the mark made by the revenue and duties authority on the appropriate ship's document.

2. An authorisation of the revenue and duties authority shall not be required for temporary departure of the vessel from the port due to a force majeure event, natural disaster, or to rescue people.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 31. Customs formalities for air transport

Article 215. Documents for supervision of an aircraft

1. The aircraft commander shall present to the revenue and duties authority for customs supervision the documents provided for in Article 335 of the Code.
2. Authorisation of the revenue and duties authority for unloading or loading of the goods from/on an aircraft shall be granted after the documents are verified and their compliance with the requirements of this Code is confirmed.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 216. Forced landing

1. The commander of the aircraft that made a forced landing outside the international airport shall take appropriate measures to safeguard the goods subject to customs supervision, and during 24 hours notify the nearest international airport of landing place.
2. Upon receipt of such notice, the international airport administration shall procure that the revenue and duties officials are delivered to the aircraft landing place or passengers, crew and goods subject to customs supervision are delivered to the revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 217. Goods transported by transit air passengers

1. Goods transported by transit air passengers (except for goods prohibited for transit) shall not be subject to customs duties and shall be freely moved within the customs control area of the international airport.

Chapter 32. Customs formalities for rail transport

Article 218. Customs supervision on rail transport

1. The period for customs formalities of railway rolling stock shall be designated by the head of the revenue and duties authority in consultation with other regulators and railway administration, and, if it takes place at the checkpoint across the state border of Ukraine, with the head of the competent state border guard authority.
2. Unloading, loading, handling and other operations required for customs supervision and customs clearance of goods carried by railway companies shall be carried out at the expense of the holder of the goods or the person authorised by him.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 219. Liability for loss or improper delivery of goods to the revenue and duties authority of destination

1. Railway shall be liable for loss or improper delivery of goods under customs control to the revenue and duties authority of destination as provided for in this Code and other legislative acts of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 220. Place of customs formalities in international rail traffic

1. Customs supervision of goods in international rail traffic shall be carried out in the customs control areas. Passengers of the international trains may also pass customs supervision in other places on the route of the train if agreed upon with the central executive authority responsible for formulating and implementing the state tax and customs policy, the central executive authority responsible for implementing the state border guard policy and the central executive authority responsible for formulating and implementing the state transport policy.

2. To prevent disruption of the train timetables customs supervision may be carried out at the checkpoints across the state border or in the locations designated by the head of the revenue and duties authority in consultation with the heads of the railway station and the state border guard authority.

3. In exceptional cases listed by the central executive authority responsible for formulating and implementing the state tax and customs policy, at the request of the revenue and duties authority, separate cars, locomotives and other rolling stock items may be removed from the train for the purpose of customs supervision when it is impossible to exercise such control in the train.

4. Railway transport may depart from stations with the authorisation of the revenue and duties authority and the state border guard authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 33. Customs formalities for road transport

Article 221. Declaration of means of transport for commercial use carrying goods across the customs border of Ukraine

1. Means of transport for commercial use employed to move goods across the customs border of Ukraine shall not require a separate declaration, if during such movement goods carried by those means of transport are declared.

2. Information about means of transport for commercial use carrying goods shall be filled in the customs declaration, under which cover those goods are declared, TIR carnet provided

for in the Customs Convention on the International Transport of Goods under Cover of TIR Carnet of 1975, consignment notes, road waybill, transport and other accompanying documents required by the law.

Article 222. Declaration of empty means of transport for commercial use and means of transport for commercial use carrying passengers across the customs border of Ukraine

1. Empty means of transport for commercial use and those carrying passengers across the customs border of Ukraine shall be declared by presenting the national registration documents.

Chapter 34. Customs formalities for stores

Article 223. General provisions on movement of supplies across the customs border of Ukraine

1. Supplied subject to the conditions laid down in this Code shall be moved across the customs border of Ukraine with relief from customs duties and without their being subject to non-tariff regulation of foreign economic activity.

2. The authorisation for release of stores or other handling of stores under this Chapter shall be granted by the revenue and duties authorities within one hour upon receipt of the request. In case of refusal to grant an authorisation, the revenue and duties authority shall immediately, in writing or in electronic form, communicate to the requesting person the grounds and reasons for such refusal.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 224. Terms of relief from customs duties for stores imported into the customs territory of Ukraine

1. Stores imported into the customs territory of Ukraine by sea, river and air transport shall be relieved from customs duties, provided that they remain on board such transport.

2. Stores imported into the customs territory of Ukraine by rail and road transport engaged in international carriage of goods and/or passengers, and intended for use by persons who are on board those means of transport shall be relieved from customs duties, provided that:

(1) they are purchased only in the countries whose territory was crossed by such means of transport;

(2) all applicable customs duties have been paid in the countries where they were purchased;

3. Stores required for operation and maintenance of means of transport that arrive to the customs territory of Ukraine shall be relieved from customs duties, provided that they remain on board those vehicles during their stay in that territory.

Article 225. Declaration of stores imported into the customs territory of Ukraine

1. Information indicated in the customs declaration on the stores imported into the customs territory of Ukraine shall be limited to the minimum information required for customs supervision. Records on the movement of goods in the dining cars, cafe-bars, etc. may be used instead of customs declarations for stores.
2. The customs declaration for stores or a substituent document, presented at the arrival of means of transport to the customs territory of Ukraine, shall take into account the amount of stores released, with the authorisation of the revenue and duties authority, out of those being on board those means of transport, while no separate declaration or substituent document shall be presented for the specified amount of stores.
3. The customs declaration for stores or a substituent document shall indicate the amount of stores delivered to means of transport while they remain in the customs territory of Ukraine.
4. No separate declaration or a substituent document for stores that remain on board those means of transport shall be presented.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 226. Release of stores

1. The revenue and duties authorities shall authorise the release of stores imported into the customs territory of Ukraine by sea (river) vessel or delivered to that vessel during its stay in the customs territory of Ukraine, for consumption by passengers and crew while the said vessel remains in the customs territory of Ukraine, taking into account the number of passengers and crew and the duration of such vessel remaining in that territory.
2. The revenue and duties authorities shall authorise the release of stores imported into the customs territory of Ukraine by sea (river) vessel or delivered on board that vessel during its stay in the customs territory of Ukraine for use by crew members during its repair in a dock or shipyard provided that the duration of such vessel remaining at the shipyard or dock is accepted to be reasonable.
3. If an aircraft has to land in one or more airports in the customs territory of Ukraine, the revenue and duties authorities shall authorise the release of stores that are on board or delivered on board while it is in the customs territory of Ukraine for consumption when the aircraft stays at such intermediate airports and during flights between them.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 227. Other handling of stores

1. Supplies imported into the customs territory of Ukraine by water, air and rail transport may:

(1) be released for free circulation in the customs territory of Ukraine or placed under another customs procedure, subject to the requirements of this Code and other legislative acts of Ukraine;

(2) be transhipped with the prior permission of the revenue and duties authority to other water, air or rail transport carrying out international traffic.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 228. Safety of stores

1. The carriers shall take necessary measures to prevent any unauthorised use of stores.
2. The revenue and duties authorities may, where needed, attach customs instrumentality to stores to ensure their safety.
3. In cases designated by the central executive authority responsible for formulating and implementing the state tax and customs policy, the revenue and duties authorities may require the seizure of stores from means of transport engaged in international traffic to store them elsewhere while those vehicles stay in the customs territory Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 229. Declaration of stores exported outside the customs territory of Ukraine

1. Customs clearance and control over movement of stores to means of transport for commercial use shall be carried out as envisaged by the central executive authority responsible for formulating and implementing the state tax and customs policy. Stores shall be admitted to means of transport for commercial use under cover of accompanying documents. Stores export shall be declared under cover of accompanying documents with customs instrumentality attached and acknowledgement of receipt of stores by the administration of means of transport for commercial use within not more than 30 calendar days from the date when customs instrumentality is attached.
2. When means of transport for commercial use depart from the customs territory of Ukraine, no separate declaration or a substituent document for stores on board those means of transport at the time of its arrival to the customs territory of Ukraine shall be required.
3. If the revenue and duties authority requires a customs declaration or a substituent document for supplied loaded on the vehicle departing from the customs territory of Ukraine, the information stated in that declaration (or document) shall be limited to the minimum information required for customs supervision of those stores.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 230. Restrictions on admission of alcoholic beverages and tobacco products on board means of transport crossing the customs border of Ukraine

1. Alcoholic beverages and tobacco products on board means of transport engaged in international traffic that enter or leave the customs territory of Ukraine may be imported and exported for consumption by persons who are on board, subject to the daily rate of consumption by one person according to the standards established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Chapter 35. Customs formalities for pipelines and power supply lines

Article 231. Customs control points for goods transported by pipelines and power supply lines

1. Customs supervision of goods transported across the customs border of Ukraine by pipelines and power supply lines, including for transit through the territory of Ukraine, shall be exercised in the customs control areas, designated by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 232. Procedure and period for customs supervision and customs clearance of goods transported by pipelines and power supply lines

1. Procedure and period for customs supervision and customs clearance of goods transported by pipelines and power supply lines, period for payment of customs duties shall determined by the central executive authority responsible for formulating and implementing the state tax and customs policy, based on the specific movement of those goods across the customs border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 36. Movement (sending) of goods through the customs border of Ukraine by international mail and express mail

Article 233. General rules for moving (sending) international mail and express mail across the customs border of Ukraine.

1. When moving (sending) the international mail and express mail across the customs border of Ukraine, customs duties provided for in Title X of this Code shall not apply.

2. Importation of international express mail by express carrier into the customs territory of Ukraine or their exportation outside this territory through the checkpoints located at international airports, as well as their handling shall be carried out directly under the aircraft side or in the customs control area of the checkpoint. Handling shall be carried out in the presence of the revenue and duties official and other airport and carrier officers in charge.

3. The revenue and duties authority, in whose operation area the checkpoint across the state border of Ukraine is located, shall release the cargo of the express carrier to the customs territory of Ukraine under cover of a single transport document presented by the express carrier, which is also the control document of delivery from the Ukrainian border checkpoint to central sorting station, and shall send it under customs supervision to the revenue and duties authority of destination.

4. At the Ukrainian border checkpoint, the goods moved (sent) by international mail and express mail shall not be subject to non-tariff regulation of foreign economic activity and controls referred to in Section 1 of Article 319 of the Code. Such goods shall be released across the customs border of Ukraine at the earliest opportunity.

5. Operations with international mail and express mail (unpacking, repacking, presentation for examination, etc.) and their storage for release for free circulation or return to senders shall be carried out under customs supervision at the places designated and equipped by postal operators and express carriers, agreed upon with the central executive authority responsible for formulating and implementing the state tax and customs policy.

6. The period for storage of international mail and express mail under customs supervision may not exceed 30 days. Upon written request of the declarant (representative), such period may be extended (but not more than for 15 days) by the revenue and duties authority, in whose operation area the storage of international express mail is located, or the revenue and duties authority that carries out customs clearance at the location of the recipient. In case of refusal to extend the storage period, the revenue and duties authority shall immediately, in writing or in electronic form, communicated to the declarant (representative) the grounds and reasons for such refusal.

7. International mail (except for that in transit across the territory of Ukraine) and express mail shall cross the customs border of Ukraine upon completion of customs supervision and customs clearance of goods contained in that mail.

8. Postal operators and express carriers shall, at the request of the revenue and duties authority, present mail to customs examination. Methods of such presentation shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy. Typically, during the customs examination of goods moved (sent) by international mail and express mail, the revenue and duties authorities shall use technical means of customs controls.

9. The revenue and duties authorities shall not require the presentation of letters, postcards and secogrammes to customs supervision. If there are sufficient grounds to believe that the

mail contains goods that are prohibited and/or restricted by the law for movement across the customs border of Ukraine, as well as based on the findings of customs examination through selective or random checks, the revenue and duties authorities may demand that such mail is presented. The exhaustive list of grounds shall be designated by the Cabinet of Ministers of Ukraine.

10. If the recipient refuses to receive international express mail in writing, the express carrier upon expiry of the storage period referred to in Section 6 of this Article shall return such international express mail to the sender or send it to the warehouses of the revenue and duties authority.

11. When the international express mail arrives to the customs office of destination, the customs official shall acknowledge on the accompanying documents that the express carrier has fulfilled the assumed obligations on delivery and presentation of such express mail. The express mail shall, with the authorisation of the revenue and duties authority and under its control, be stored by the express carrier or its representative until the customs clearance is completed.

12. Postal operators, express carriers or their authorised representatives shall, at their own expense, present the international mail and express mail moved across the customs border of Ukraine to the revenue and duties authority for customs supervision.

13. Customs supervision and customs clearance of goods moved (sent) across the customs border of Ukraine by international mail shall be carried out at the places of international mail exchanges, which are designated by postal operators and agreed upon with the central executive authority responsible for formulating and implementing the state mail policy, and the central executive authority responsible for formulating and implementing the state tax and customs policy, or at the place of location (residence) of the recipient.

14. Customs supervision and customs clearance of goods moved (sent) across the customs border of Ukraine by international express mail shall be carried out at the central (regional) sorting stations or at the place of location (residence) of the recipient (sender).

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 234. Charging of customs duties on goods moved (sent) by international mail and express mail

1. Goods (excluding excisable ones) moved (sent) to the address of one recipient (legal entity or natural person) in one dispatch from one sender by international mail, to the address of one recipient (legal entity or natural person) during one day of the international express mail, unless their total invoice amount exceeds the equivalent of EUR 300, shall not be subject to customs duties.

2. Goods (excluding excisable ones) moved (sent) to the address of one recipient (legal entity or natural person) in one dispatch from one sender by international mail, to the address of one recipient (legal entity or natural person) during one day of the international express mail,

if their total invoice amount exceeds the equivalent of EUR 300, shall be subject to customs duties and value added tax in accordance with the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Article 235. Prohibitions and restrictions on movement (sending) of certain kinds of goods by international mail and express mail

1. The following may not be moved (sent) by international mail and express mail:

(1) goods prohibited to be imported into or exported from the customs territory of Ukraine by this Code and other legislative acts of Ukraine;

(2) goods sent in violation of customs rules;

(3) goods that have no corresponding authorisations, if non-tariff regulation of foreign economic activity is applied;

(4) goods that, based on the findings of controls specified in Section 1 of Article 319, may not be released through the customs border of Ukraine

(5) goods (clothes, shoes, etc.), which were in use and are in a dirty condition, and might, by their appearance, be dangerous to postal workers, without fumigation documents;

(6) goods falling within the definition of 1-24 groups of the Ukrainian Classification of Goods for Foreign Economic Activity that are moved (sent) to the address of people, except for food with gross weight not exceeding 10 kilograms in the producer's packaging.

2. It is forbidden to move (send) by international mail the goods prohibited to be sent in accordance with the regulations of the Universal Postal Union, as well as goods sent in violation of postal services regulations.

3. Disposal of goods which are prohibited and/or restricted to be sent by international mail shall be carried out in accordance with the laws of Ukraine.

Article 236. Declaration of goods moved (sent) across the customs border of Ukraine by international mail and express mail

1. Goods moved (sent) across the customs border of Ukraine by international mail and express mail shall be declared by the postal operator, express carrier or declarant or the person authorised by him. In this case, goods, which are not subject to customs duties, as well as correspondence, letters and postcards, literature for the blind, printed materials, international express mail of documentary nature shall be declared orally under cover of transport documents. Other goods moved (sent) across the customs border of Ukraine by international mail and express mail shall be subject to a written declaration.

Article 237. Procedure and terms of customs and other controls of goods moved (sent) by international mail and express mail

1. The procedure and terms of customs supervision and customs clearance of goods moved (sent) across the customs border of Ukraine by international mail and express mail shall be set by the central executive authority responsible for formulating and implementing the state tax and customs policy.
2. If goods moved (sent) by international mail and express mail, save for customs supervision, are subject to controls referred to in Section 1 of Article 319 of the Code, the revenue and duties authorities shall engage the competent experts to exercise those.
3. Movement (sending) across the customs border of Ukraine by international mail and express mail of goods that are subject to customs duties in accordance with this Code and the Tax Code of Ukraine shall be performed without any permits and any controls other than customs ones.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title VII
STORAGE OF GOODS, MEANS OF TRANSPORT FOR
COMMERCIAL USE IN THE WAREHOUSES OF THE REVENUE
AND DUTIES AUTHORITIES AND THEIR DISPOSAL

(name is amended by the Law
of Ukraine No 405-VII of
04.07.2013)

Chapter 37. Storage of goods, means of transport for
commercial use in the warehouses of the revenue and duties
authorities

(name is amended by the Law
of Ukraine No 405-VII of
04.07.2013)

Article 238. Storage of goods, means of transport for commercial use in the warehouses
of the revenue and duties authorities

1. The following shall be transferred to the revenue and duties authority for storage:

- (1) goods not released while entering the customs territory of Ukraine due to the legal prohibitions or restrictions on their importation to or transit through Ukraine and not exported from the territory of Ukraine on the day of their importation;
- (2) goods imported by persons into the customs territory of Ukraine and subject to customs duties if they are not paid;
- (3) goods that before the expiration of period of temporary storage under customs control in temporary storage warehouses, warehouses of beneficiaries of humanitarian aid, customs warehouses established under Article 204 of the Code have not been declared by the holder or the person authorised by him under the appropriate customs procedure, or goods declared but denied twice in customs clearance as prescribed by this Code upon expiration of periods of storage under customs control;
- (4) goods whose period of stay under customs control in the customs control area expired;
- (5) goods, means of transport for commercial use that are under customs supervision and are not claimed by the holder or the person authorised by him before the due dates set out in Article 199 of this Code;
- (6) goods declared under the procedure of abandonment to the state in accordance with Chapter 26 of this Code;

(7) goods detected in the course of customs supervision in the customs control areas and/or vehicles crossing the customs border of Ukraine, and whose holder is unknown;

(8) samples of goods and technical and process documentation taken by the revenue and duties authorities for classification of goods under Article 356 of the Code;

(9) samples of goods and documentation received by the revenue and duties authorities at the time of verification of certificates of origin in accordance with Article 47 of this Code;

(10) samples of goods required for examination in cases of violation of customs rules taken in accordance with Article 517 of this Code;

(11) samples of goods received by the revenue and duties authorities pursuant to Section 4 of Article 401 of the Code.

2. Goods subject to mandatory transfer for storage to the revenue and duties authority (other than currency valuables and precious metals, precious stones, organogenic precious stones, semi-precious stones) shall be stored in warehouses of the revenue and duties authorities.

3. If the goods subject to mandatory transfer for storage to the revenue and duties authority have lost their consumer properties due to the expiration of their service life or for any other reason, they shall be destroyed without transfer to the warehouse of the revenue and duties authority.

4. Currency valuables transferred to the revenue and duties authority for storage shall be deposited with the authorised banks of Ukraine. Precious metals, precious stones, organogenic precious stones and semi-precious stones shall be stored in accordance with the law.

5. In addition to goods referred to in Section 1 of this Article, the following may be stored in the warehouses of the revenue and duties authority:

(1) goods in temporary storage under customs control in accordance with Chapter 29 of this Code;

(2) goods, means of transport for commercial use moved across the customs border of Ukraine, if their customs clearance cannot be completed on the day of presentation to the revenue and duties authority, and in other cases at the request of the holders of such goods, vehicles or persons authorised by them;

(3) goods that are exported from the customs territory of Ukraine and after customs clearance are stored under customs control until their actual exportation;

(4) goods that are under the transit procedure in accordance with Article 90 of this Code;

(5) goods that are under the customs warehousing procedure in accordance with Article 121 of this Code;

(6) goods, means of transport for commercial use, seized according to Article 511 of the Code;

(7) goods delivered by the carrier to the revenue and duties authority of destination in accordance with paragraph (4) of Section 1 of Article 191 of this Code;

(8) goods, whose customs clearance is suspended pursuant to Articles 399 and 400 of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 239. Warehouses of the revenue and duties authorities

1. The expression ‘warehouses of the revenue and duties authorities’ means warehouses, reservoirs, open and closed spaces, cooling chambers or freezers owned or used by the revenue and duties authorities and specially equipped for storage of goods, means of transport for commercial use.

2. Goods declared in different customs procedures shall be stored in the warehouses of the revenue and duties authorities separately, as laid down by this Code for relevant customs procedures.

3. The customs warehouse schedule shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. Goods that due to their properties cannot be stored in the warehouse of the revenue and duties authorities, by decision of the head or acting head of the revenue and duties authority may be transferred by the revenue and duties authorities for storage to the entities, whose warehouses have the necessary conditions for proper storage of such goods. For the purposes of this Code, such storage shall be deemed to the storage in a warehouse of the revenue and duties authority.

5. The revenue and duties authorities shall be legally liable for any loss or damage to goods, means of transport for commercial use stored by them. In the case provided for in Section 1 of this Article, such liability shall be borne by the management of entities, where goods are transferred by the revenue and duties authorities for storage.

6. Costs incurred by the revenue and duties authorities for storage of goods, vehicles referred to in paragraphs (1) to (5) of Section 1 and in Section 5 of Article 238 of this Code shall be reimbursed by the holder of the goods, vehicles or the person authorised by him. Such reimbursement for storage of goods, vehicles referred to in paragraph (6) of Section 5 of Article 238 of the Code, shall be subject to the provisions of Article 243 and of Article 541 of the Code. The amount to be reimbursed shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs

policy, and shall be calculated in the manner provided for determining the cost of paid services.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 240. Period for storage of goods, means of transport for commercial use by the revenue and duties authorities

1. Goods, means of transport for commercial use specified in paragraphs (1) to (3), (5) of Section 1 and in paragraphs (1) to (4), (7) of Section 5 of Article 238 of this Code may be stored in the warehouses of the revenue and duties authorities within 90 days, save as provided for in Section 7 of this Article.
2. Goods referred to in paragraphs (4) and (6) of Section 1 of Article 238 of this Code shall be stored in the warehouses of the revenue and duties authorities for the periods required to arrange for their disposal, but not more than 90 days.
3. Goods referred to in paragraph (5) of Section 5 of Article 238 of this Code may be stored in the warehouses of the revenue and duties authorities within the period established by Article 125 of the Code.
4. Goods, means of transport for commercial use referred to in paragraph (6) of Section 5 of Article 238 of this Code to be returned to the holder may be stored in the warehouses of the revenue and duties authorities within 90 days after the relevant decision comes into force.
5. Goods referred to in paragraph (7) of Section 1 of Article 238 of this Code may be stored in the warehouses of the revenue and duties authorities within 180 days.
6. Goods and documents referred to in paragraphs (8) to (11) of Section and paragraph (8) of Section 5 of Article 238 of the Code may be stored in the warehouses of the revenue and duties authorities within the period established by the law.
7. Currency of Ukraine and foreign currency deposited with the authorised banks may be stored there for 1,095 days.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 241. Operations with goods stored in the warehouses of the revenue and duties authorities

1. The holders of the goods stored in the warehouses of the revenue and duties authorities under customs control, or the person authorised by him may, with the authorisation of and under control of those authorities, carry out the operations with those goods that are provided for in Article 325 of the Code, and the following:

- (1) preparation of goods for sale (alienation, transportation, consolidation, fragmentation, marking, formation of shipments, sorting, storing for the purposes of transit);

(2) mixing of goods (components) without bringing into the resulting product the characteristics and properties that are significantly different from the original components;

(3) simple warehousing operations necessary for preservation of those goods (movement of goods within the warehouse for efficient allocation; cleaning; airing, maintenance of optimal temperature conditions for storage, drying, including with creation of a heat flow, rust control, pest control, stock control);

(4) taking of samples.

2. In case of refusal to grant an authorisation to carry out some operations with the goods as laid down in Section 1 of this Article, the revenue and duties authorities shall immediately, in writing or in electronic form, communicate to the requesting person the grounds and reasons for such refusal.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 242. Release of goods from the warehouses of the revenue and duties authorities

1. Goods stored in the warehouses of the revenue and duties authorities under customs control may be released to their holder or the person authorised by him as well as the persons who during the storage period acquired the ownership of the goods or the right to possess them, only after the customs clearance of the goods, reimbursement of their storage costs to the revenue and duties authorities and payment of applicable customs duties.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 38. Disposal of goods, means of transport for commercial use and proceeds

Article 243. Disposal of goods, means of transport for commercial use

1. Goods, means of transport for commercial use stored in the warehouses of the revenue and duties authorities, that are not claimed by the holder or the person authorised by him before the expiration of the storage period, as prescribed by this Code, shall be sold, and, in the cases stipulated by the law, donated for possession and use or processing, recycling or destruction, whereof the competent revenue and duties authority shall notify the holder of the goods, means of transport for commercial use, or the person authorised by him not later than 15 days before the end of the storage period. Such notice shall be sent after the expiry of the storage period set out in Section 2 and 5 of Article 240 of the Code.

2. Goods, means of transport for commercial use referred to in paragraph (3) of Article 461 of the Code, seized by court, shall be sold, and, in the cases stipulated by the law, donated for possession and use or processing, recycling or destruction within the period established by the law for the enforcement of court decisions.

3. If under the court decision a person who violated the customs rules is not subject to enforcement in the form of seizure of goods, vehicles referred to in paragraph (3) of Article 461 of this Code, or the proceedings on violation of customs rules are dismissed, those goods, vehicles may be released to the holder or the person authorised by him only after the customs clearance, payment of applicable customs duties, unless they were cleared and customs duties paid before. If the proceedings on violation of customs rules are dismissed in the absence of the event and essential elements of an administrative offense, the costs incurred by the revenue and duties authorities for storage of the above goods, vehicles shall not be reimbursed by the holder of the goods, vehicle or the person authorised by him.

4. Goods detected in the course of customs supervision in the customs control areas and/or vehicles moving across the customs border of Ukraine, and whose holder is unknown, at the end of the storage period specified in Section 5 of Article 240 of the Code, shall be sold, and in the cases stipulated by the law, donated for possession and use or processing, recycling or destruction. Information on detected goods shall, within three days, be placed for public review at the locations of the revenue and duties authorities for the entire period of storage of such goods, and information on detected vehicles shall be additionally sent to the local law enforcement agencies.

5. Goods placed under the abandonment procedure, and goods whose customs supervision period expired shall be sold, and, in the cases stipulated by the law, donated for possession and use or processing, recycling or destruction.

6. Perishable goods or goods with limited storage period, including goods, which constitute objects of violation of customs rules, seized under to this Code shall be sold taking into account their expiry date, and, in the cases stipulated by the law, shall be processed, recycled or destroyed.

7. Goods referred to in paragraph (1) of Section 1 of Article 238 of the Code (other than currency valuables) not exported by the holder or the person authorised by him outside the customs territory of Ukraine before the expiration of the storage period specified in Section 1 of Article 240 of this Code, shall be destroyed in the manner prescribed by the law.

8. Goods seized by court in accordance with Article 476 of this Code shall, within the period set out by the law for enforcement of judgments, be subject to donation for the purposes of healthcare, educational establishments, and social and cultural institutions, other facilities and agencies funded by state or local budgets, or processing, recycling or destruction.

9. Goods referred to in Sections 1, 2, 4 to 6 of this Article shall be sold in accordance with the legislation at customs auctions, reduction or under commission contracts at the prices determined under the laws of Ukraine on the valuation of property, property rights and professional valuation activities and the Tax Code of Ukraine.

10. Procedure for disposal of certain goods that are not subject to sale as well as goods, documentation and samples referred to in paragraphs (8) to (11) of Section 1 of Article 238 of this Code shall be established by the Cabinet of Ministers of Ukraine.

11. Processing, recycling and destruction of goods shall be at the expense of the state budget.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 244. Disposal of proceeds from the sale of goods

1. Proceeds from the sale of goods referred to in paragraphs (2) to (5) of Section 1, paragraphs (1) to (5), (7) of Section 5 of Article 238 and Section 4 of Article 240 of this Code, after charging the appropriate amounts of customs duties, paying commissions due to the seller of such goods, and after reimbursing costs for storage of goods, valuation, certification, transportation, where appropriate, tests and independent examinations, dismantling, notifications to their respective holders shall be stored in the account of the revenue and duties authority.

2. If goods that constitute objects of violation of customs rules are perishable or have limited shelf life and are sold before a court decision in the case on violation of customs rules is issued, all the proceeds from the sale shall be withdrawn to ensure the recovery of the value of those goods in case of seizure in accordance with this Code.

3. If under the court decision a person who violated the customs rules is not subject to enforcement in the form of seizure of goods specified in Section 2 of this Article, or the proceedings on violation of customs rules are dismissed, the proceeds from the sale of those goods shall be stored in the account of the relevant revenue and duties authority after charging the appropriate amounts of customs duties. The costs referred to in Section 1 of this Article shall not be reimbursed and commission shall not be paid to the seller.

4. If by the court decision a person who violated the customs rules is subject to enforcement in the form of a penalty only, some of the proceeds from the sale of goods specified in Section 2 of this Article may be seized for such charging.

5. Proceeds from the sale of goods and vehicles seized by court, as well as goods placed under the abandonment procedure, and goods detected in the course of customs supervision in the customs control areas and/or vehicles crossing the customs border of Ukraine, and whose holder is unknown, after reimbursement specified in Section 1 of this Article, shall be transferred to the state budget.

6. The holder of the goods specified in Section 1 of this Article, or the person authorised by him may obtain from the revenue and duties authority account the balance of proceeds from their sale within three years from the date when goods are sold, but in the cases referred to in Sections 3 and 4 of this Article, from the date when a court decision concerned comes into force. Proceeds not claimed within this period shall be transferred to the state budget. Interest on proceeds from the sale of goods shall not be accrued.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 245. Disposal of currency valuables, precious metals and precious stones

1. The national currency of Ukraine, foreign currency seized by court shall be transferred to the state budget within the period established by the law for the enforcement of judgments.
2. The national currency of Ukraine, foreign currency, not claimed by the holder or the person authorised by him within the period of storage provided for in this Code shall be transferred to the state budget.
3. Bank and precious metals, precious stones, organogenic precious stones, semi-precious stones, which become the property of the state, shall be transferred by the authorities, which withdrew or store them, to the State Fund of Precious Metals and Precious Stones of Ukraine in accordance with the law.

Title VIII CUSTOMS CLEARANCE

Chapter 39. General provisions

Article 246. Purpose of customs clearance

1. The purpose of customs clearance shall be to ensure compliance with the procedure established by the legislation of Ukraine for movement of goods, means of transport for commercial use across the customs border of Ukraine, as well as to provide statistical records of the goods entering, leaving or transiting the customs territory of Ukraine.
2. The customs formalities of customs clearance shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy, unless otherwise provided for in this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 247. Place and time of customs clearance

1. Customs clearance shall be carried out in the locations of the relevant departments of the revenue and duties authorities during working hours established for those authorities.
2. According to international agreements entered into in accordance with the law, customs clearance at the Ukrainian border checkpoints shall be carried out round the clock.
3. Customs clearance of goods and means of transport for commercial use shall be carried out at any revenue and duties authority by presenting them to such authority, unless otherwise provided for in this Code.
4. Customs clearance of goods, means of transport for commercial use moving across the territory of Ukraine under the transit procedure shall be carried out by the revenue and duties authority, in whose operation area the transit starts.
5. The places of customs clearance of goods transported by pipelines and power supply lines shall be designated by the central executive authority responsible for formulating and implementing the state tax and customs policy.
6. The places of customs clearance of goods moved across the customs border of Ukraine by citizens shall be designated in accordance with Title XII of this Code.
7. At the written request of the declarant, or the person authorised by him, the customs formalities may be carried out by the revenue and duties authorities outside the location of those authorities, as well as beyond working hours established for them, under the terms stipulated by this Code. A written request form shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

8. For carrying out customs formalities by the revenue and duties authorities outside the location of the revenue and duties authorities or beyond working hours established for them, the persons concerned shall be charged the amount established by the Cabinet of Ministers of Ukraine, and in the manner prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

9. In the case of a state of emergency in certain regions of Ukraine, the revenue and duties authorities to carry out custom clearance shall be determined.

10. By decision of the central executive authority responsible for formulating and implementing the state tax and customs policy, customs clearance of excisable products, natural gas, goods that are subject to state marking assay marks under the law, as well as medical products may be carried out at specially designated revenue and duties authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 248. Commencement of customs clearance

1. Customs clearance shall commence after presentation by the declarant or the person authorised by him of the customs declaration or a document in lieu thereof under the law, and documents required for customs clearance, to the revenue and duties authorities, and in the case of an electronic declaration, upon receipt of the electronic customs declarations or an electronic document in lieu thereof under the law by the revenue and duties authority from the declarant or the person authorised by him.

2. The acceptance by the revenue and duties authority of goods, means of transport for commercial use and documents for customs clearance shall be acknowledged by using the appropriate customs instrumentality (including information technology), and putting other marks on the customs declaration or the document in lieu thereof under the law, as well as the accompanying and transport documents if they are submitted in paper form.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 249. Presence of the declarant or the person authorised by him during the customs clearance

1. The declarant or the person authorised by him may be present during the customs clearance of goods presented by them to customs clearance.

2. If the measures envisaged by Articles 338 and 339 of the Code are applied, and the revenue and duties authority so requests, the presence of the declarant or the person authorised by him shall be required during the customs clearance.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 250. Customs clearance of goods moved across the customs border of Ukraine as part of the aid

1. For the purposes of this Article, goods moved across the customs border of Ukraine as part of the aid shall cover:

(1) goods, including vehicles, food, medicines, clothes, blankets, tents, prefabricated buildings, machines for cleaning and conservation of water and other essential goods sent as aid to victims of natural and/or man-made disasters;

(2) vehicles, tools and equipment, specially trained animals, food, stores, personal items and other goods for those who perform the tasks of emergency response, which they need to work and live in the affected area, for the entire period of performance of those tasks.

2. Customs clearance of goods moved across the customs border of Ukraine as part of the aid shall be prioritised.

3. Goods moved across the customs border of Ukraine as part of the aid may be declared under cover of an advance or interim declaration under the rules established by this Code.

4. The fee for customs formalities outside the location of the revenue and duties authorities or beyond the established working hours for goods moved across the customs border of Ukraine as part of the aid shall not be charged.

5. Goods exported from the customs territory of Ukraine as part of the aid shall be released through the customs border of Ukraine without charging customs duties.

6. Goods received by authorised organisations as part of the aid and intended for use or free distribution in the customs territory of Ukraine by those organisations or under their control shall be admitted into the customs territory of Ukraine without charging customs duties.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 251. Customs clearance of foreign investments

1. Customs clearance of goods imported to Ukraine as the foreign investor's contribution to the authorised capital of companies with foreign investments shall be prioritised.

Article 252. Customs clearance of military equipment

1. Military equipment with full military crew (combat and military transport aircraft, warships and Navy support vessels, etc.) crossing the customs border of Ukraine shall be subject to customs clearance. The procedure for such customs clearance shall be established by the Cabinet of Ministers of Ukraine.

2. Customs clearance of military equipment of foreign countries shall be carried out by the revenue and duties authority involving the representatives of the Ministry of Defence of Ukraine, and representatives of other central authority, where the goods transported are within the powers of such other central authority.

3. Goods moved on board foreign warships and aircrafts into or from the customs territory of Ukraine shall be subject to customs clearance in the manner prescribed by this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 253. Presentation of reports drawn up by the entities to the revenue and duties authorities

1. Entities moving goods across the customs border of Ukraine, in the presence of the revenue and duties official, shall draw up reports of non-compliance of those goods with the information specified in the documents required for customs supervision, of the damage to goods or their packaging or marking or their loss. Those reports shall be presented to the relevant revenue and duties authorities.

2. A report form shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

3. When moving goods across the customs border by rail transport, the commercial report drawn up under the international agreements entered into in accordance with the law may be presented to the revenue and duties authority instead of the non-compliance report .

4. Differences between actual weight of the goods and the information specified in the transport documents associated with specific transportation, storage, characteristics of some goods shall be allowed within the rules and regulations of normal depreciation of such goods in accordance with the laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 254. Language of documents presented to customs supervision and customs clearance

1. The documents required for customs supervision and customs clearance of goods moved across the customs border of Ukraine in foreign trade transactions shall be presented to the revenue and duties authority in the Ukrainian language — the official language of customs unions to which Ukraine is a party — or in other foreign language of international communication. The revenue and duties authority shall require the Ukrainian translation of documents drawn up in any language other than the official one of customs unions to which Ukraine is a party, or other foreign language of international communication, only if the data contained in them are necessary to validate or confirm information indicated in the customs declaration. In this case, the declarant shall provide the translation of those documents at his own expense.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 255. Completion of customs clearance

1. Customs clearance shall be completed within four hours after presentation to the revenue and duties authority of goods, means of transport for commercial use, subject to customs clearance (if goods, means of transport for commercial use are subject to presentation under the Code), customs declaration or a document in lieu thereof under the law, and all necessary documents and information provided for in Articles 257 and 335 of the Code.
2. The period specified in Section 1 of this Article may be exceeded for the completion of relevant formalities only in cases where:
 - (1) customs formalities are carried out outside the location of the revenue and duties authority in accordance with Article 247 of this Code;
 - (2) the declarant or the person authorised by him commits in writing to present additional documents or information relating to foreign trade transactions or characteristics of the goods under this Code;
 - (3) samples of the goods are subject to research (analysis, examination), unless they released according to Section 21 of Article 356 of this Code;
 - (4) violations of customs rules are detected, unless goods are released in accordance with Section 5 of this Article;
 - (5) customs clearance is suspended in accordance with the Law of Ukraine on state market control and control of non-food products;
 - (6) additional documents are presented under Section 3 of Article 53 of this Code within the period prescribed hereby, which is terminated upon receipt by the customs (customs office) of such documents or written refusal of the declarant or the person authorised by him to present them;
 - (7) customs clearance is suspended in accordance with Articles 399 and 400 of this Code.
3. If goods are declared under cover of an advance or periodic customs declaration, customs clearance under those declarations shall be completed within a period not exceeding four hours upon their presentation.
4. It is prohibited to exceed the period specified in Section of this Article for the duration of special operations, inspections and any activities other than customs controls that are carried out by the law enforcement agencies and internal security of the revenue and duties authorities.
5. Customs clearance shall be deemed to be completed after all the customs formalities specified in this Code in accordance with the declared customs procedure have been carried out,

as acknowledged by the revenue and duties authority by using the appropriate customs instrumentality (including information technology), and putting other marks on the customs declaration or a document in lieu thereof under the law, as well as accompanying and transport documents if they are presented in paper form.

6. In case of violation of customs rules, the revenue and duties authorities shall release the goods before the completion of the case on such violation, provided that:

(1) such goods are not subject to confiscation and will not be required later in the proceedings as evidence;

(2) the declarant pays all customs duties or secure their payment in accordance with Title X of this Code.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 256. Refusal of customs clearance and obligations of the revenue and duties authority to explain the requirements that, once satisfied, allow the customs clearance

1. Refusal of customs clearance shall be a written reasoned decision made by the revenue and duties authority on impossibility of customs clearance of goods and means of transport for commercial use due to failure of the declarant or the person authorised by him to satisfy the conditions specified in this Code.

2. The decision to refuse the customs clearance shall specify the grounds for refusal and give exhaustive explanations of the requirements that once satisfied would allow the customs clearance of goods and means of transport for commercial use. Such decision shall also contain information on how to appeal against it.

3. The decision to refuse the customs clearance shall be taken within the period established by Article 255 of the Code for the completion of customs clearance. Failure to take such decision within the specified period shall be deemed to be omission that may be appealed in the manner prescribed by Chapter 4 of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 40. Declaration

Article 257. Declaration procedure

1. Declaration shall be made by indicating in the prescribed form (written, oral, or by action) the accurate information about goods, the purpose of their movement across the customs border of Ukraine, as well as information required for customs supervision and customs clearance. When using the written form of the declaration both electronic and paperback documents may be used.

2. Electronic declaration shall be made by using an electronic customs declaration certified with an electronic signature, and other electronic documents or details in the cases prescribed by the law.
3. Customs declaration and other documents, whose presentation to the revenue and duties authorities is provided for in this Code, drawn up on paper and in the form of electronic documents shall be of equal legal force.
4. The central executive authority responsible for formulating and implementing the state tax and customs policy shall establish the accredited centre of key certification that provides free services in the field of electronic signature to the offices of the said central authority at the regional and local level and the entities.
5. The format of customs declarations filed as electronic documents shall be based on international standards for electronic information exchange.
6. Terms and conditions of the declaration, list of information required for customs supervision and customs clearance shall be defined by this Code. Regulations on customs declarations and forms of those declarations shall be approved by the Cabinet of Ministers of Ukraine, and the procedure for filling out such declarations and other documents used during the customs clearance of goods and means of transport for commercial use shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.
7. The list of information to be filled in the customs declarations shall be limited to those details necessary for the purposes of charging customs duties, keeping customs statistics, as well as for ensuring the compliance with this Code and other legislative acts.
8. Customs clearance of goods, means of transport for commercial use shall be carried out by the revenue and duties authorities on the basis of customs declarations, where the declarant, depending on customs formalities prescribed by this Code for customs procedures, and the declared purpose of movement, specifies the following data, including in the form of codes:
 - (1) declared customs procedure, type of declarations and information about the movement;
 - (2) information about the declarant, the person authorised by him, who prepared the declaration, consignor, consignee, carriers of goods and parties to foreign trade agreement (contract) or other document used in the international practice instead of such agreement (contract), and also about the parties to the intermediary agreement other than those of foreign trade agreement (contract), if the foreign trade agreement (contract) is entered into on the basis of intermediary agreement;
 - (3) information about the country of departure and destination;
 - (4) information about the means of transport for commercial use, used for international transport of goods and/or their transportation across the customs territory of Ukraine under customs supervision, and containers;

(5) information about the goods:

- (a) name;
- (b) common trade description that allows to identify and classify goods;
- (c) trade mark and producer of the goods (if available in the transport and commercial documents);
- (d) product code according to the Ukrainian Classification of Goods for Foreign Economic Activity;
- (e) name of the country of origin (if any);
- (f) description of packaging (number, type);
- (g) number in kilograms (gross and net weight) and other units of measurement;
- (h) invoice value of the goods;
- (i) customs value of the goods and valuation method;
- (j) information on authorised banks of the declarant;
- (k) statistical value of the goods;

(6) information about customs duties and other charges, as well as application of measures securing their payment;

- (a) rates of customs duties;
- (b) application of preferential treatment;
- (c) amounts of customs duties;
- (d) official exchange rate of the national currency of Ukraine to foreign currency, in which the invoices are issued, on the date when the customs declaration is filed;
- (e) method and specifics of computation and payment of customs duties;
- (f) method of payment of customs duties (where measures securing their payment are applied);

(7) information about foreign trade agreement (contract) or other document used in the international practice instead of agreement (contract), and its basic terms and conditions;

(8) information demonstrating the compliance with the prohibitions and restrictions imposed by the law on the movement of goods across the customs border of Ukraine;

(9) information about the documents provided for in Article 335 of this Code;

(10) reference number of the declaration (at the discretion of the declarant).

9. The revenue and duties authorities may not demand any information other than that mentioned in this Article to be included in the customs declaration.

10. The list of goods that are not subject to mandatory written declaration shall be established by this Code and other legislative acts of Ukraine.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 258. Standard customs declaration

1. Standard customs declaration shall mean a customs declaration containing the particulars (data), sufficient to complete the customs clearance of goods and means of transport for commercial use under the customs procedure for which they were declared.

2. By decision of the revenue and duties authority, the customs clearance and release of goods, means of transport for commercial use under the export procedure may be carried out without their presentation to the revenue and duties authority, where the standard customs declaration was filed. The decision about the release of goods and means of transport for commercial use without their presentation to the revenue and duties authorities or the need for such presentation shall be made by the revenue and duties authority on the basis of risk analysis to be completed within four working hours upon acceptance of the standard customs declaration under the export procedure.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 259. Advance customs declaration

1. Advance customs declaration (other document that can be used instead of the customs declaration under Article 94 of the Code) shall be filed prior to importation of goods, means of transport for commercial use (including for transit) to Ukraine or after their importation if they are in the territory of the Ukrainian border checkpoint.

2. Advance customs declaration shall be filed by the declarant or the person authorised by him to the revenue and duties authority, in whose operation area the goods, means of transport for commercial use are presented to customs clearance, for the purposes of conducting risk analysis and accelerating the customs formalities.

3. Advance customs declaration shall contain the particulars sufficient for:

(1) importing goods, means of transport for commercial use to the customs territory of Ukraine and ensuring their delivery to the revenue and duties authority of destination, or

(2) releasing goods, means of transport for commercial use under the customs procedure for which they were declared under cover of an advance customs declaration, which contains all the required information, after the admission of goods, means of transport for commercial use across the customs border of Ukraine and without presenting them to the revenue and duties authority accepting such advance customs declaration, or

(3) releasing goods, means of transport for commercial use under the customs procedure for which they were declared under cover of an advance customs declaration, which contains all the required information, after the presentation to the revenue and duties authority accepting such advance customs declaration.

4. By decision of the revenue and duties authority accepting an advance customs declaration, the release of goods, means of transport for commercial use under the customs procedure for which they were declared under cover of an advance customs declaration, which contains all relevant information, may be carried out after moving the goods and vehicles across the customs border of Ukraine without presenting them to that revenue and duties authority.

5. The decision on release of goods, means of transport for commercial use under the declared customs procedure without presenting them to the revenue and duties authority under cover of an advance customs declaration, which contains all relevant information, shall be made by the revenue and duties authority accepting such preliminary customs declaration, based on the results of risk analysis within four hours after release of such goods, means of transport for commercial use across the customs border of Ukraine.

6. Filing an advance customs declaration, delivery and presentation of goods to the revenue and duties authority accepting such advance customs declaration shall be mandatory for importing excisable goods into the customs territory of Ukraine.

7. When filing an advance customs declaration, the liability of the declarant or the person authorised by him for the accuracy of information contained in that declaration shall occur after:

(1) release of goods, means of transport for commercial use under the declared customs procedure without presenting them to the revenue and duties authority processing such declaration, or

(2) release of goods, means of transport for commercial use under the declared customs procedure after the presentation to the revenue and duties authority processing such advance customs declaration, but without customs examination by that revenue and duties authority, or

(3) notification to the declarant, or person authorised by him, by the revenue and duties authority processing such advance customs declaration of customs examination of the presented goods, means of transport for commercial use.

8. Advance customs declaration shall be accepted by the revenue and duties authority if its examination establishes that it contains the necessary particulars about the goods and it is attached with the required documents or copies thereof, including in the form of electronic documents. In the absence of the originals at the time of filing an advance declaration, their copies may be submitted. The acceptance of declaration shall be acknowledged by the revenue and duties authority official, who accepted it, by using the appropriate customs instrumentality or putting other marks (number of declaration, date and time of acceptance, etc.) on it, including by means of information technology.

9. The revenue and duties authority may not refuse to accept an advance customs declaration, if all the conditions laid down in this Code have been met.

10. The refusal of the revenue and duties authority to accept an advance customs declaration must be reasoned, and the grounds for such refusal shall be communicated to the declarant in writing.

11. The importation of goods into the territory of Ukraine under cover of an advance customs declaration shall be allowed within 30 days from the date of its processing by the revenue and duties authority.

12. The release of goods, means of transport for commercial use under the declared customs procedure under cover of an advance customs declaration, which contains all relevant information, shall be subject to the exchange rates and tariff regulation of foreign economic activity in force as of the date when such advance customs declaration is accepted by the revenue and duties authority for processing, and non-tariff regulation of foreign economic activity in force as of the date of such release.

13. If the advance customs declaration contains only particulars sufficient for importing goods, means of transport for commercial use into the customs territory of Ukraine and ensuring their delivery to the revenue and duties authority of destination, or non-tariff regulation of foreign economic activity is changed after processing of such advance customs declaration, an additional declaration shall be filed by the declarant or the person authorised by him for release of goods.

14. Advance customs declaration, under cover of which the revenue and duties authority releases goods, means of transport for commercial use under the declared customs procedure without presenting them to that revenue and duties authority according to Section 5 of this Article, or advance customs declaration together with an additional declaration filed in accordance with Section 13 of this Article shall constitute standard customs declaration.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 260. Temporary and periodic customs declarations

1. If the declarant or the person authorised by him does not have accurate particulars about the characteristics of the goods needed to fill in standard customs declaration, he may file a temporary customs declaration for the following goods to the revenue and duties authority, provided that it contains information sufficient for placing them for the declared customs procedure and under obligation to file an additional declaration within 45 days from the date of processing of temporary customs declaration.
2. If during the customs clearance of the goods under cover of a temporary customs declaration the revenue and duties authority takes samples of those goods for their research (analysis, examination) and the decision of the revenue and duties authority on the results of such research (analysis, examination) cannot be taken within a 30-day period from the date of processing of temporary customs declaration, that period may be extended by the revenue and duties authority, but not more than for 15 days.
3. For the release of goods under the declared customs procedure under cover of a temporary customs declaration, exchange rates, tariff and non-tariff regulation of foreign economic activity, effective as of the date when the revenue and duties authority accepts such temporary customs declaration for processing shall apply. If the declarant does not have accurate particulars necessary to determine the rates of customs duties for computing the amounts of customs charges under cover of a temporary customs declaration, the highest rate of customs duties from those applicable to the goods shall be applied.
4. Periodic customs declaration may be filed for regular movement across the customs border of Ukraine by the same person under the same terms and conditions for not more than 180 days, and under obligation to file an additional declaration for goods moved under cover of a periodic customs declaration during the previous calendar month, in the manner and on the terms established by the Cabinet of Ministers of Ukraine.
5. When importing goods, means of transport for commercial use into Ukraine, including for transit, a periodic customs declaration shall be used instead of an advance customs declaration.
6. To release goods under the declared customs procedure imported into the customs territory of Ukraine under cover of a periodic customs declaration, exchange rates, tariff and non-tariff regulation of foreign economic activity, effective as of the date when the revenue and duties authority accepts an additional declaration for goods moved under cover of a periodic customs declaration during the previous calendar month, shall apply.
7. To release goods, means of transport for commercial use under the declared customs procedure exported outside the customs territory of Ukraine under cover of a periodic customs declaration, tariff and non-tariff regulation of foreign economic activity, effective as of the date of release of goods through the customs border of Ukraine, shall apply.
8. The revenue and duties authority may not refuse to accept a temporary or periodic customs declaration, if all the conditions laid down in this Code have been met.

9. The refusal of the revenue and duties authority to accept a temporary or periodic customs declaration shall be reasoned, and the grounds for such refusal shall be communicated to the declarant in writing.

10. The processing of temporary or periodic customs declaration by the revenue and duties authority shall imply the need to meet the requirements of the Code provided for placing goods under the selected customs procedure and charging customs duties or securing their payment in accordance with Title X of this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 261. Additional declaration

1. If an advance, temporary or periodic customs declaration is filed in accordance with Articles 259 and 260 of the Code, the declarant or the person authorised by him shall, during the period established in accordance with the Code, file to the revenue and duties authority an additional declaration, which contains accurate particulars about goods declared under cover of any previous temporary or periodic customs declaration, which would have been filed under cover of a standard customs declaration.

2. If the information, required to determine the numerical values of the components of the customs value of goods, which will be known after the release of goods for free circulation and payment of customs duties, license fees, and other components of the cost to be determined based on sales or profits from the sale, is not available, the declarant or the person authorised by him shall be entitled to file an additional declaration within 180 days from the date of release of goods.

3. If the value of goods in foreign trade agreements is determined by formula and is unknown on the date of declaration, the declarant or the person authorised by him may file an additional declaration within 90 days from the date of release of goods.

4. Additional declaration shall be filed to the revenue and duties authority that processed the relevant advance, temporary or periodic customs declaration.

5. It shall be allowed to file one additional declaration to several previous temporary or periodic customs declarations, processed by one revenue and duties authority under one foreign trade agreement and one customs procedure, provided that the terms of filing an additional declaration set out in this Code are observed.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 262. Place of declaration

1. Goods moved across the customs border of Ukraine shall be declared to the revenue and duties authority, responsible for customs clearance of those goods.

2. Vehicles used for the transportation of goods shall be declared with those goods at the same time, save as provided for in Section 3 of this Article.

3. Sea, river vessels and aircrafts shall be declared to the revenue and duties authority at the port or airport of arrival to the customs territory of Ukraine or the port or airport of departure from the customs territory of Ukraine.

4. Empty vehicles and vehicles carrying passengers shall be declared at the checkpoint of the customs border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 263. Period for declaration

1. Customs declaration shall be filed to the revenue and duties authority, responsible for customs clearance of goods and means of transport for commercial use, within 10 working days from the date of delivery of goods, vehicles to the said authority.

2. In case of refusal to accept the customs declaration or perform the customs clearance of goods, including in connection with the decision of the revenue and duties authority to adjust customs value of goods, a new customs declaration shall be filed to the customs authority, responsible for customs clearance of goods, within 10 working days from the date of such refusal, unless the goods have been placed within the specified time in temporary storage warehouses or warehouses of the revenue and duties authority.

3. Goods that within 30 days upon their delivery to the revenue and duties authority of destination are not placed under the customs procedure or are not placed in temporary storage warehouses or warehouses of the revenue and duties authority shall be conferred the status of those stored in warehouses of the revenue and duties authority.

4. The terms referred to in Section 1 and 2 of this Article shall be extended by the revenue and duties authorities at the request of the declarant:

(1) in case of illness of the holder of the goods, means of transport for commercial use, or the person authorised by him that occurred after arrival at the place designated by the revenue and duties authorities for customs supervision, as evidenced by a document issued by a healthcare facility;

(2) when the control procedure, carried out by other public authorities during the movement of goods, means of transport for commercial use across the customs border of Ukraine, requires additional time, as evidenced by a certificate of the appropriate authority;

(3) if there are any circumstances and/or events that prevent filing of customs declaration to revenue and duties authority, including:

(a) natural disaster (fire, flood, etc.), martial law or state of emergency in Ukraine or in its particular areas in the customs control area, and other emergency and unavoidable circumstances (force majeure);

(b) wrongful acts of third persons against the carrier, means of transport for commercial use or goods to be declared;

(c) impossibility of further movement of means of transport due to shear, damage or unpacking of goods, which prevents the presentation of goods, means of transport for commercial use to the revenue and duties authority.

5. Depending on the nature and circumstances of the events specified in Section 4 of this Article, the documents confirming their presence and duration shall be issued by the public authorities and other entities within their competence.

6. For extension of the period for presentation or declaration of the goods, means of transport for commercial use to the revenue and duties authority, the holder or the person authorised by him shall apply to the revenue and duties authority in writing, including in electronic form. The application must include documents that confirm the circumstances and events mentioned in Section 4 of this Article.

7. The revenue and duties authority on the basis of the application and enclosed documents shall extend the period for declaring goods, means of transport for commercial use for the time required to eliminate the causes that have prevented the timely declaration of those goods, vehicles.

8. Declaration of goods, means of transport for commercial use may be performed prior to their arrival to the customs territory of Ukraine or to the revenue and duties authority of destination in accordance with the procedures and conditions specified in Article 259 of the Code.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 264. Acceptance of a customs declaration

1. Customs declaration shall be registered and accepted by the revenue and duties authority in the manner determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

2. Customs declaration and other documents shall be filed to the revenue and duties authority in electronic form in compliance with this Code or in paper form. Paperback customs declaration shall be accompanied by its electronic copy. Together with the customs declaration, the revenue and duties authority shall be submitted the invoice or other document that determines the value of the goods and, in the cases prescribed by this Code, the declaration of customs value. Information about the documents specified in Section 3 of Article 335 of this Code shall be indicated by the declarant or the person authorised by him in the prescribed manner in the customs declaration. At the request of the revenue and duties authority, the declarant or the person authorised by him shall provide the revenue and duties authority with the originals of such documents or duly certified copies thereof, unless the filing of originals is stated by the law.

3. Date and time of customs declaration shall be recorded by the revenue and duties authority through its registration, including through the use of information technology. The revenue and duties authority shall have the right to refuse the registration of the customs declaration.

4. The revenue and duties authority shall give the declarant or the person authorised by him the possibility of self-recording in the electronic customs clearance system of the fact and time of filing to the revenue and duties authority of the customs declaration or a document in lieu thereof under the law, and documents required for customs clearance, in paper form, and in the case of electronic declaration, the possibility to obtain from the revenue and duties authority the notice of the date and time of receipt of electronic customs declaration or a document in lieu thereof under the law by that authority. Failure to provide such possibilities by the revenue and duties authorities shall be deemed to be omission, which may be appealed in accordance with Chapter 4 of the Code.

5. The revenue and duties authority shall check the customs declaration in order to determine whether the customs declaration is correctly filled out and enclosed documents comply with the established requirements, .

6. Customs declaration shall be accepted for customs clearance if it is filed in the prescribed form signed by the filing person, and verification of such declaration has established that it contains all the necessary particulars and all the documents specified in this Code are attached thereto. The fact that the customs declaration has been accepted shall be acknowledged by the revenue and duties authority official who accepted it by using the appropriate customs instrumentality or putting other marks (number of declaration, date and time of acceptance, etc.), including by means of information technology.

7. Where, for reasons deemed valid by the revenue and duties authority, certain documents specified in this Code may not be filed together with the customs declaration, it shall allow for such documents to be filed within the time determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

8. Upon acceptance of the customs declaration by the revenue and duties authority it shall be a document that certifies the facts of legal significance, and the declarant or the person authorised by him shall be held liable for indicating false information in that declaration.

9. The revenue and duties authority may not refuse to accept the customs declaration, if all the conditions laid down in this Code have been met.

10. The refusal of the revenue and duties authority to accept the customs declaration shall be reasoned, and the grounds for such refusal shall be communicated to the declarant in writing.

11. The revenue and duties authority shall refuse to accept the customs declaration solely on the following grounds:

- (1) the customs declaration does not contain all particulars or is filed without the documents stipulated in Article 335 of this Code;

- (2) the electronic customs declaration does not contain mandatory details required by the law;
- (3) the customs declaration is filed with violation of other requirements established by this Code

12. In case of refusal to accept the customs declaration by the revenue and duties official, a card of refusal to accept the customs declaration shall be filled in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy. One copy of that card shall be immediately given (sent) to the declarant or the person authorised by him. Information on refusal to accept the electronic customs declaration shall be sent to the declarant via email, certified with an electronic signature of the revenue and duties authority official.

13. Documents, which particulars are specified in the customs declaration, shall be kept by the declarant or the person authorised by him for at least 1,095 days. The declarant and the person authorised by him shall bear the liability established by this Code and other laws of Ukraine for indication of false information in the customs declaration, for destruction or loss of documents, which particulars are specified in the customs declaration until the end of the retention period set out in this Section.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 265. Declarants

1. Declarants may be:

- (1) a resident who entered into the agreement or on whose behalf it is entered into in the case of movement of goods, means of transport for commercial use across the customs border of Ukraine or change of the customs procedure for goods based on foreign trade agreement entered into by a resident;
- (2) a person who under the laws of Ukraine is entitled to perform legally significant action on his behalf in relation to goods, means of transport for commercial use in other cases.

2. Only the residents may be declarants, except when:

- (1) personal belongings, private use vehicles and other goods for personal, family, or other purposes not related to business activities are moved across the customs border of Ukraine by citizens;
- (2) goods, which import into or export from the customs territory of Ukraine are subject to preferential treatment, are moved across the customs border of Ukraine by persons who have privileges in accordance with Articles 383 — 386, 388, 389, 391, 392 of the Code;
- (3) goods not subject to disposal and intended for official use by representative offices of foreign firms when declaring for the customs procedure of temporary import,

re-export, transit and import of goods imported for personal needs of such representative offices are moved across the customs border of Ukraine by such representative offices of foreign firms;

(4) goods, means of transport for commercial use are moved in transit across the customs border of Ukraine by foreign carriers;

(5) otherwise the resident has the right to dispose of the goods in the customs territory of Ukraine under the legislation of Ukraine.

3. Entities may be declarants, provided that they are registered with the revenue and duties authorities of Ukraine.

4. Citizens may be declarants after they reach 16 years of age.

5. Declarants may declare the goods, means of transport for commercial use themselves or authorise other persons to carry out the declaration on their behalf.

6. Declaration of goods belonging to citizens may be carried out by those citizens or other citizens authorised by the holders of the goods through the notarised orders.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 266. Obligations, rights and liability of the declarant and the person authorised by him

1. The declarant shall:

(1) declare the goods, means of transport for commercial use in accordance with the procedure established by this Code;

(2) at the request of the revenue and duties authority, present goods, means of transport for commercial use to customs supervision and customs clearance;

(3) provide the revenue and duties authority with the documents and information necessary for the performance of customs formalities as required by the law;

(4) in the cases specified in this Code and the Tax Code of Ukraine, pay customs duties or secure their payment in accordance with Title X of this Code;

(5) as prescribed by this Code and other laws of Ukraine, pay other fees charged under control of the revenue and duties authorities.

2. Before filing a customs declaration the declarant shall be entitled with the authorisation of the revenue and duties authority to carry out physical examination of goods in order to verify their compliance with description (information) specified in accompanying documents, take samples of goods.

3. In cases and in the manner provided by this Code, the declarant may request from the revenue and duties authority to release the goods, subject to payment of customs duties in accordance with Title X of this Code.

4. In the case of self-declaration of goods, means of transport for commercial use, the declarant shall bear full liability for violation of customs rules provided for in this Code.

5. The person authorised to declare goods, means of transport for commercial use on behalf of the declarant shall have the same duties, rights and bear the same liability as the declarant.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 267. Declaring goods with significant number of items in one consignment

1. In the case of various items of goods in quantities more than 10 subheadings in one consignment, they may, at the request of the declarant or the person authorised by him, be declared for free circulation in the customs territory of Ukraine under one classification code according to the Ukrainian Classification of Goods for Foreign Economic Activity, provided that this code corresponds to the highest rate of import duty. If separate goods included in that consignment are subject to non-tariff regulation of foreign economic activity, such method of declaration shall not relieve the declarant or the person authorised by him from compliance with that regulation for those goods.

2. In order to verify compliance by the declarant with the conditions mentioned in Section 1 of this Article, the revenue and duties authority may require more detailed information on specific goods declared.

3. The provisions of this Article shall not apply to imports of:

(1) excisable goods;

(2) goods, for which the laws establish quantitative import restrictions;

(3) goods, for which specific types of customs duties are imposed.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 268. Mistakes in a customs declaration

1. Mistakes in the customs declaration that did not result in improper relief from customs duties or their reduced amount, failure to comply with tariff and/or non-tariff regulation of foreign economic activity shall not entail penalties stipulated by this Code and other legislative acts of Ukraine, save as provided for in Section 3 of this Article.

2. In the cases specified in Section 1 of this Article, the revenue and duties officials shall give the declarant or the person authorised by him the possibility to correct errors made in the customs declaration.

3. If a person regularly (more than twice a month) makes mistakes in the customs declaration mentioned in Section 1 of this Article (except spelling mistakes), the revenue and duties authority shall apply to such person the penalties stipulated by this Code and other legislative acts of Ukraine.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 269. Amendment, revocation and invalidation of a customs declaration

1. Pursuant to the provisions of this Article, upon written request of the declarant, or the person authorised by him and with the authorisation of the revenue and duties authority, the information specified in the customs declaration may be amended or declaration may be revoked. In case of refusal to grant such authorisation, the revenue and duties authority shall immediately, in writing or in electronic form, communicate to the declarant the grounds and reasons for such refusal.

2. Amendments to the customs declaration accepted by the revenue and duties authority shall be allowed until the completion of customs clearance of goods and means of transport for commercial use under the declared customs procedure and within three years from the date of completion of customs clearance. Amendments shall relate only to goods, means of transport for commercial use specified in the customs declaration.

3. If, after the release of goods for free circulation, the customs supervision of which was carried without customs examination, the declarant has identified goods moved across the customs border of Ukraine and not specified in the customs declaration, at the written request of the declarant and with the authorisation of the revenue and duties authority amendment shall be made to the customs declaration on the increase in the number of goods released for free circulation in the customs territory of Ukraine in connection with the identification of undeclared goods.

4. Amendments to the customs declaration that affect the application of tariff and/or non-tariff regulation of foreign economic activity to the goods shall be provided that such regulation is observed.

5. Revocation of the customs declaration shall be allowed only till the completion of customs clearance of goods and means of transport for commercial use under the declared customs procedure.

6. Where goods, means of transport for commercial use registered under the declaration for export outside the customs territory of Ukraine, have not crossed the state border of Ukraine within 180 days, the revenue and duties authority shall recognise that customs declaration invalid. The said period may be reduced upon written request of the declarant or the person authorised by him.

7. The procedure for amendments to the customs declarations, their revocation and invalidation shall be established by the Cabinet of Ministers of Ukraine.

8. Upon revocation or invalidation of the customs declaration, the goods, means of transport for commercial use declared therein, shall be released from customs supervision at the re-

quest of the declarant or the person authorised by him, if prior to customs clearance of goods and means of transport for commercial use, they were in free circulation in the customs territory of Ukraine, or declared within 10 days for the selected customs procedure.

9. Officials of the revenue and duties authorities shall have no right to fill in the customs declaration, modify the information specified in the customs declarations, except for the introduction of information within the powers of the revenue and duties authorities.

10. In case of violation of customs rules regarding goods, means of transport for commercial use declared in the customs declaration, amendment, revocation and invalidation of that declaration until the end of proceedings in appropriate cases shall be prohibited. Proceedings in cases of violation of customs rules shall not be initiated, where the declarant or the person authorised by him independently applied to the revenue and duties authority to amend the customs declaration in accordance with Sections 2 to 4 of this Article.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title IX CUSTOMS CHARGES

Chapter 41. General provisions

Article 270. Customs charges on goods moved across the customs border of Ukraine

1. Charging rules for the goods, moved across the customs border of Ukraine, with a customs duty, except for special kinds of duties, shall be established by this Code and international treaties, ratified by the Verkhovna Rada of Ukraine. Rules of charging with special kinds of duties shall be set by the Laws of Ukraine On Protection of the National Producer against Dumped Imports, On Protection of the National Producer against Subsidised Imports, On Application of Safeguard Measures against Imports to Ukraine.
2. Charging rules for the goods, moved across the customs border of Ukraine, with duties other than a customs duty shall be set by the Tax Code of Ukraine taking into special treatment set out in this Code.
3. Treatment of customs charges on goods, placed under an appropriate customs procedure, shall be defined in Article 286 and Title V of this Code, as well as in the Titles V and VI of the Tax Code of Ukraine.

Chapter 42. Duty

Article 271. Duty and its kinds

1. The expression 'duty' means a national tax set by the Tax Code of Ukraine and this Code, which is computed and paid in accordance with this Code, laws of Ukraine and international treaties, ratified by the Verkhovna Rada of Ukraine.
2. The following kinds of duties shall be applied in Ukraine:
 - (1) import duty;
 - (2) export duty;
 - (3) seasonal duty;
 - (4) specific kinds of duty: special, anti-dumping, countervailing.
3. Any duties other than those set out in this Code may not be applied.

Article 272. Import duty

1. Import duty shall be imposed on the goods imported into the customs territory of Ukraine.

2. Establishment of new and change in the current rates of import duty, defined by the Customs tariff of Ukraine, shall be carried out by the Verkhovna Rada of Ukraine through the adoption of laws of Ukraine.

Article 273. Export duty

1. Export duty shall be imposed by the law on Ukrainian goods exported from the customs territory of Ukraine.

Article 274. Seasonal duty

1. The law may impose seasonal duty on some goods for a period of not less than 60 and not more than 120 consecutive calendar days from the date when seasonal duty is imposed.

Article 275. Specific kinds of duty

1. In cases provided for in the laws of Ukraine (unless otherwise stated by the international treaties ratified by the Verkhovna Rada of Ukraine) to protect the economic interests of Ukraine and Ukrainian producers in case of import of goods into the customs territory of Ukraine, irrespective of other duties, specific kinds of duty may be applied:

- 1) special duty;
- 2) anti-dumping duty;
- 3) countervailing duty.

2. Specific kinds of duty shall be introduced on the basis of the decisions of the Interdepartmental Commission for International Trade on Application of Anti-dumping, Countervailing or Special Measures, adopted in accordance with the Laws of Ukraine On Protection of the National Producer Against Dumped Imports, On Protection of the National Producer against Subsidised Imports, On Application of Safeguard Measures against Imports to Ukraine.

3. Special duty shall be imposed:

- (1) as a means of protecting domestic producers, if the goods are imported into the customs territory of Ukraine in the amount and/or under such conditions that their importation causes or threatens to cause substantial damage to domestic producers;
- (2) as a measure in response to discrimination and/or unfriendly acts of other states, customs unions and economic groups that limit the realisation of legitimate rights and interests of the entities engaged in foreign economic activities of Ukraine.

4. Anti-dumping duty shall be imposed according to the Law of Ukraine on protection of the national producer against dumped imports in the event of dumped imports into the customs territory of Ukraine causing damage or threatening to cause substantial damage to domestic producers.

5. Countervailing duty shall be imposed according to the Law of Ukraine on protection of the national producer against subsidised imports in the event of subsidised imports into the customs territory of Ukraine causing damage or threatening to cause substantial damage to domestic producers.

Article 276. Duty payers

1. Duty payers shall include:

- (1) a person that imports / exports goods into / from the customs territory of Ukraine in the manner and under the conditions prescribed by this Code;
- (2) a person that receives goods moved (sent) by international mail or express mail, in unaccompanied baggage, freight shipments;
- (3) a person that is in charge of compliance with the requirements of customs procedures, which provide for relief from duties, in case of violation of such requirements;
- (4) a person that uses goods, customs clearance of which was carried out with conditional relief from duties, not for intended purposes and/or contrary to the conditions or purposes of such relief under this Code and other laws of Ukraine, as well as any other persons that use relief from duties (tax benefit) without good reason;
- (5) a person that sells or transfers the ownership, use or disposal of the goods that have been released for free circulation within the customs territory of Ukraine with relief from customs duties before the end of the term specified by the law;
- (6) a person that sells goods, vehicles in accordance with Article 243 of this Code.

Article 277. Objects of imposition of duty

1. Objects of imposition of duty shall include:

- (1) goods, which customs value exceeds the equivalent of EUR 100, imported into or exported from the customs territory of Ukraine by the entities, save as provided for in Article 234 of this Code;
- (2) goods, imported (sent) into the customs territory of Ukraine in the amount that is subject to customs charges according to Article 234 and Title XII of this Code, as well as Titles V and VI of the Tax Code of Ukraine;
- (3) goods, vehicles sold under Article 243 of this Code.

Article 278. Tax point

1. Tax point of duty payment in case of import / export of goods into / from the customs territory of Ukraine shall be the date of filing of a customs declaration for customs clearance to

the revenue and duties authority or the date of charge of such tax liability by the revenue and duties authority in the cases defined by this Code and the laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 279. Base of duty taxation

1. Base of duty taxation of the goods, moved across the customs border of Ukraine, shall be:

- (1) customs value for the goods, which the law sets ad valorem duty rates for;
- (2) number in statutory measurement units for the goods, which the law sets specific duty rates for.

Taxation base for the goods, which the law sets compound duty rates for, shall be determined according to paragraphs (1) and (20) of this Section.

2. Base of duty taxation of the goods, moved (sent) across the customs border of Ukraine by international mail or express mail, shall be determined according to Article 234 of this Code.

3. Base of duty taxation of the goods, moved across the customs border of Ukraine by citizens, shall be determined according to this Code.

Article 280. Duty rates

1. The following duty rates shall be applied in Ukraine:

- (1) ad valorem rate in percentage to the taxation base set under Article 279 of this Code;
- (2) specific rate in monetary amount per unit of taxation base set by Article 279 of this Code;
- (3) compound rate consisting of ad valorem and specific duty rates.

2. Other kinds of duty rates, except for those set in the Section 1 of this Article, may not be applied.

3. Duty rates, except for seasonal and specific kinds of duties, shall be set solely by the tax laws of Ukraine.

4. Import duty on the goods, customs clearance of which is carried out in the manner prescribed for the entities, shall be charged at the rates set by the Customs tariff of Ukraine.

5. Import duty shall be differentiated in respect of the goods originating from the countries, which together with Ukraine are the members of customs unions or form free trade zones with it. In case of introduction of any special preferential customs procedure in accordance

with international treaties ratified by the Verkhovna Rada of Ukraine, preferential rates of import duty, set by the Customs tariff of Ukraine shall be applied.

Preferential rates of import duty, set by the Customs tariff of Ukraine, shall be applied for the goods, originating from Ukraine or member countries of the World Trade Organisation or the countries, which Ukraine entered into bilateral or regional agreements on most favourable treatment with, unless otherwise provided by the law.

Full rates of import duty, set by the Customs tariff of Ukraine, shall be applied for the rest of the goods.

6. Import duty on the goods, customs clearance of which is carried out in the manner prescribed for the citizens, shall be charged according to Title XII of this Code.

7. Export duty shall be charged at the rates, set by the law.

8. Seasonal duty shall be charged at the rates, set by the Law of Ukraine on state regulation of agricultural import.

9. Specific kinds of duty shall be charged at the rates, set by the decisions of the Interdepartmental Commission for International Trade on Application of Anti-dumping, Countervailing or Special Measures according to the Laws of Ukraine On Protection of the National Producer Against Dumped Imports, On Protection of the National Producer against Subsidised Import, On Application of Safeguard Measures against Imports to Ukraine.

Article 281. Tariff preferences

1. Tariff preferences as to the rates of the Customs tariff of Ukraine shall be allowed to be introduced in the form of relief from import duty, reduced rates of import duties or introduction of tariff quotas in accordance with the laws of Ukraine and for the importation of the goods originating from the countries which relevant international treaties are entered into with.

2. Tariff quotas in the form of introduction of the volume of goods, intended for import into the customs territory of Ukraine within a specified period at reduced import duty rates, shall be established by applicable laws.

3. Import of goods into the customs territory of Ukraine beyond the tariff quotas shall be carried out with no reduction in import duty rates.

4. Reduction in import duty rates shall be prohibited for certain individuals and under certain agreements.

5. If the import of goods is subject to anti-dumping, countervailing or special measures, tariff preferences shall not be introduced or suspended or terminated, unless otherwise provided for in international treaties ratified by the Verkhovna Rada of Ukraine.

Article 282. Relief from duty (tax benefits)

1. In cases prescribed by this Code and other taxation laws, the following items when imported into or exported from the customs territory of Ukraine shall be exempt from duty:

(1) means of transport for commercial use engaged in scheduled international transportation of goods and/or passengers, as well as items of logistics and equipment, fuel, food and other property necessary for their normal operation, being on route, at points of stopover or purchased abroad in connection with the recovery from an accident (breakage) of those vehicles;

(2) items of logistics and equipment, fuel, raw materials for industrial processing, food and other property, exported from the customs territory of Ukraine for industrial activity of Ukrainian vessels and sea-fishing vessels, leased by Ukrainian entities and organisations, as well as their fishery products imported into the customs territory of Ukraine;

(3) the currency of Ukraine, foreign currency, securities and precious metals;

(4) goods, title to which is acquired by the state in cases stipulated by this Code and other laws of Ukraine;

(5) goods imported into or exported from Ukraine for official and private use by the persons, who enjoy the right to import / export such goods into / from Ukraine with relief from duty under the international treaties, ratified by the Verkhovna Rada of Ukraine and laws of Ukraine;

(6) goods imported into the customs territory of Ukraine within the framework of international technical assistance in accordance with international treaties, ratified by the Verkhovna Rada of Ukraine;

(7) goods originating from other territory, where a duty was paid upon initial importation into the customs territory of Ukraine, temporarily, including for the purpose of repair, exported from and then re-imported into the customs territory of Ukraine;

(8) goods originating from the customs territory of Ukraine, where a duty was paid upon initial exportation outside the territory of Ukraine, temporarily imported into that territory and re-exported abroad;

(9) documents and publications that are sent within the framework of international exchange to educational, scientific or cultural institutions, including libraries. The list of those institutions shall be determined by the Cabinet of Ministers of Ukraine;

(10) within the period of work to prepare for decommissioning and decommission power-generating units of the Chernobyl NPP and transform the “Shelter” site into

an ecologically safe system, goods (raw materials, products, machinery and equipment) coming to Ukraine under international technical assistance given on free and irrevocable basis for further service, preparation for decommissioning and decommissioning of power-generating units of the Chernobyl NPP, transformation of the “Shelter” site into an ecologically safe system and ensuring social protection of the Chernobyl NPP’s personnel;

(11) goods, including products, equipment, machinery, vehicles and other items of material nature, designed to perform the production sharing agreements, as well as products extracted in the exclusive (maritime) economic zone of Ukraine, imported into the customs territory of Ukraine under the production sharing agreement, as well as the goods (excluding property and material assets, value of which was recovered to the investor by means of compensation products and passed into possession of the state) and extracted products exported from Ukraine by the investor under the Law of Ukraine on production sharing agreements and production sharing agreements;

(12) archived documents acquired for inclusion in the National Archival Fund;

(13) pharmaceutical products, compounds used for their production, which are not produced in Ukraine and are classified to commodity groups 28, 29, 30 of the UCGFEA, the list of which is approved by the Cabinet of Ministers of Ukraine;

(14) equipment that operates on renewable power sources, energy-saving equipment and materials, equipment for measurement, control and cost management of fuel and energy resources, facilities and materials for the production of alternative fuel or production of energy from renewable energy sources, provided that those goods are used by a tax payer for own production and if identical goods with similar quality indicators are not produced in Ukraine. The list of such goods stating the codes of the UCGFEA shall be established by the Cabinet of Ministers of Ukraine;

(15) machinery, equipment, property and materials, imported into and exported from the customs territory of Ukraine, intended for private use by intelligence agencies of Ukraine;

(16) materials, equipment and components used for the production of:

(a) equipment that operates on renewable power sources;

(b) materials, raw materials, equipment and components to be used in the production of alternative fuel and energy production from renewable energy sources;

(c) energy-efficient equipment and materials, products, operation of which provides savings and efficient use of fuel and energy resources;

(d) equipment for measurement, control and cost management of fuel and energy resources;

(e) materials, raw materials and equipment that will be used in nanotechnology industries or operate using nanotechnology.

The goods, mentioned in this paragraph, shall be exempt from taxation provided that they are used by a taxpayer for own production and if identical goods with similar quality indicators are not produced in Ukraine. The list of such goods stating the codes according to the UCGFEA shall be established by the Cabinet of Ministers of Ukraine.

(17) machinery and transport equipment, including self-propelled agricultural machines running on bio fuel and classified by the codes according to the UCGFEA, defined in Article 7 of the Law of Ukraine on alternative fuels, if such goods are not produced in Ukraine. The procedure of import of specified technical and transport equipment, including self-propelled agricultural machines, shall be defined by the Cabinet of Ministers of Ukraine;

(18) forms of TIR and A.T.A. carnets, moving between national guaranty associations and foreign guaranty associations that are their correspondents or international organisations;

(19) goods and/or items paid for at the expense of grants (sub-grants) provided under the program of the Global Fund to Fight AIDS, Tuberculosis and Malaria in Ukraine, performed in accordance with law since 1 January 2013.

In case of violation of the requirements for intended use of the mentioned products and/or items a taxpayer shall pay an import duty and a penalty in the manner and amount specified by this Code.

2. If the entities violate the procedure of the intended use of goods which are exempt from taxation, or the conditions under which conditional total or partial relief from duty is granted to those entities, regardless of administrative actions against their officials, provided for in this Code, the rules of paragraph 30.8 of Article 30 and Article 123 of the Tax Code of Ukraine shall be applied.

3. It shall not be allowed to exempt certain legal entities and natural persons from duty and defer its payment for them.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 283. Relief from duty depending on the customs procedure

1. Subject to the requirements and limitations set forth in Title V of this Code, the following goods shall be exempt from:

(1) import duty for goods, placed under the customs procedures of re-import and abandonment;

(2) export duty for goods, placed under the re-export procedures.

Article 284. Conditional total relief from duty

1. Subject to the requirements and limitations set forth in Section V of this Code, conditional total relief from the following duties shall be applied:

(1) import duty for goods, placed under the customs procedures of transit, temporary import, customs warehousing, free customs zone, free trade, inward processing, destruction or elimination;

(2) export duty for goods, placed under the customs procedures of transit, temporary export.

Article 285. Conditional partial relief from import duty

1. Conditional partial relief from import duty shall be applied to the goods listed in Article 106 of this Code, placed under the customs procedure of temporary import, subject to the requirements and restrictions established by Chapter 18 of this Code.

2. Application of conditional partial relief from import duty shall be defined by Article 106 of this Code.

Article 286. Imposition of duty on the goods moved across the customs border of Ukraine depending on the customs procedure

1. Goods placed under the customs procedure of import shall be subject to import duty, unless otherwise provided by the law, under the conditions and restrictions established by Chapter 13 of this Code.

In cases prescribed by the laws of Ukraine, goods placed under the import procedure shall be subject to seasonal duty and/or specific kinds of duty.

2. Goods placed under the re-import procedure shall be subject to relief from import duty, unless otherwise provided by the law, under the requirements and restrictions established by Chapter 14 of this Code.

3. When placing the goods under the re-import procedure according to paragraph 3, Section 2 of Article 78 of this Code the amounts of export duty, paid for export of those goods, shall be returned to the persons who paid them or their legal successors in accordance with this Code and in the manner prescribed by the Tax Code of Ukraine.

4. Goods placed under the export procedure shall be subject to export duty in cases established by the law.

5. Goods placed under the re-export procedure shall be subject to relief from export duty, unless otherwise provided by the law, under the requirements and restrictions, established by Chapter 16 of this Code.

When placing the goods under the re-export procedure the amounts of import duty, paid for import of those goods, shall be returned to the persons who paid them or their legal successors in accordance with this Code and in the manner prescribed by the Tax Code of Ukraine.

6. Conditional total relief from import duty shall be applied to the goods placed under the transit procedure, unless otherwise provided by the law, under the requirements and restrictions, established by Chapter 17 of this Code.

7. Conditional partial relief from import duty shall be applied to the goods placed under the temporary import procedure in the manner, defined by Chapter 18 of this Code.

In case of release of the goods placed under the temporary import procedure with conditional partial relief from import duty for free circulation within the customs territory of Ukraine or transfer of such goods for use by other person, import duty shall be paid in the manner specified by Section 7 of Article 106 of this Code.

8. Conditional total relief from import duty shall be applied to the goods placed under the temporary import procedure subject to the requirements and restrictions established by Chapter 19 of this Code.

9. Conditional total relief from import duty shall be applied to the goods placed under the customs warehousing procedure subject to the requirements and restrictions established by Chapter 20 of this Code.

10. Conditional total relief from import duty shall be applied to the goods placed under the free customs zone procedure subject to the requirements and restrictions, established by Chapter 21 of this Code.

11. Conditional total relief from import duty shall be applied to the goods placed under the duty-free trade procedure subject to the requirements and restrictions established by Chapter 22 of this Code.

12. Conditional total relief from import duty shall be applied to the goods placed under the inward processing procedure subject to the requirements and restrictions established by Chapter 23 of this Code.

In case of release of the processed products, obtained from goods placed under the inward processing procedure for free circulation, payment of import duty shall be carried out in the manner prescribed in Article 155 of this Code.

13. Goods placed under the outward processing procedure shall be subject to export duty according to Chapter 24 of this Code.

Conditional total relief from import duty shall be applied to the goods placed under the outward processing procedure, and their processed products, referred to in Section 2 of Article 168 of this Code, that are returned to Ukraine within a specified period, in the manner, prescribed in Article 168 of this Code.

Conditional partial relief from import duty, according to which positive difference between the amount of import duty, charged on processed products, and the amount of import duty that would have been payable had the goods exported from the customs territory of Ukraine for processing been imported, is payable, shall be applied to the processed products (except for those referred to in Section 2 of Article 168 of this Code).

14. Conditional total relief from import duty shall be applied to the goods placed under the destruction or elimination procedure subject to the requirements and restrictions, established by Chapter 25 of this Code.

15. Goods placed under the abandonment procedure shall be exempt from import duty, unless otherwise provided by the law, subject to the requirements and restrictions, established by Chapter 26 of this Code.

Article 287. Special duty treatment of certain products

1. When importing (sending) into the customs territory of Ukraine, the goods treated as humanitarian aid under the Law of Ukraine on humanitarian aid by the commission on humanitarian aid of the Cabinet of Ministers of Ukraine, shall be exempt from import duty.

Humanitarian aid provided by Ukraine with its export from the customs territory of Ukraine shall be exempt from export duty.

2. Goods (other than those for sale or use for the purposes not directly related to business activity), imported into the customs territory of Ukraine for at least three years by foreign investors in accordance with the Law of Ukraine on the procedure of foreign investment for the purpose of investment on the basis of registered agreements (contracts) or as a foreign investor's contribution to the authorised capital of the company with foreign investments, shall be exempt from import duty. Import duty shall be paid on the general grounds upon sale of such goods earlier than three years from the time of their being put on the balance sheet.

3. Scientific, laboratory and research equipment, as well as components and materials, provided for by the science park project, registered according to the Law of Ukraine on science parks, imported into the customs territory of Ukraine by a science park and science park partners in the framework of implementation of such a science park project, shall be exempt from import duty.

The list of such goods stating the codes according to the UCGFEA and the volume of import of such goods shall be determined by the Cabinet of Ministers of Ukraine.

Relief from import duty shall be granted for the entire duration of the science park project, but not more than for two years for equipment and not more than for a year for the parts and materials upon the date of approval of that list and the volume of the goods.

4. Goods imported into the customs territory of Ukraine to the address of the Red Cross Society of Ukraine, its authorities and local organisations in accordance with the Law of

Ukraine on the red cross society of Ukraine as humanitarian or charitable assistance shall be exempt from import duty.

5. Machinery, equipment and components, as well as materials that are not produced in Ukraine and imported into the customs territory of Ukraine by technological parks, their participants and joint ventures delivering technological park projects for implementation of such technological park projects according to the Law of Ukraine on special procedure for innovation activity in technological parks, shall be subject to import duty on the general grounds.

Charged amounts of import duty shall not be transferred to the budget, but credited to special accounts of technological parks, their participants and joint ventures in the manner prescribed by the Law of Ukraine on special procedure for innovation activity in technological parks.

6. When importing into the customs territory of Ukraine the following items shall be exempt from duty:

— machinery, equipment and their components, materials that are not produced in Ukraine, which are not excisable goods and imported by the initiators, managing companies of industrial parks for arrangement of industrial parks;

— machinery, equipment and their components that are not produced in Ukraine and are not excisable goods, which are imported by the participants of industrial parks for conducting economic activity within the industrial parks.

The lists of such machinery, equipment and their components, materials shall be approved by the central executive authority responsible for implementing the state policy in the field of investment activity and management of national projects under the procedure established by the Cabinet of Ministers of Ukraine.

Released funds shall be used by the corresponding entities for:

(1) arrangement of industrial parks, including the use of modern, energy-saving technologies;

(2) introduction of new technologies related to business activity within the industrial parks;

(3) increase in output and reduction in costs by the types of economic activity under this Law within the industrial parks;

(4) research activity within the industrial parks;

(5) repayment of loans and payment of other borrowings used for arrangement of industrial parks and business activity within them, as well as for payment of interests on such loans and borrowings.

7. Violation of the requirements and conditions set out in Sections 1 to 4 and 6 of this Article shall give rise to the obligation to pay import duty and penalty within the terms and in the manner prescribed by this Code.

8. Imposition of import duty on the goods imported (sent) into the customs territory of Ukraine by citizens shall be determined by Title XII of this Code.

(as amended by the Law of Ukraine
No 5018-VI of 21.06.2012,
No 183-VII of 04.04.2013,
No 588-VII of 19.09.2013)

Article 288. Specific kinds of duty

1. Special duty, anti-dumping duty and countervailing duty shall be applied irrespective of other duties under the conditions stipulated by the law.

2. Section 2 is repealed.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Chapter 43. Collection of customs charges

Article 289. Origination of liability to pay customs charges

1. The liability to pay customs charges shall originate:

(1) in case of import of goods into the customs territory of Ukraine upon their actual importation into the customs territory of Ukraine;

(2) during the illegal movement of goods in the territory of a free customs zone or a customs warehouse, upon such movement of the goods;

(3) in case of export of goods from the customs territory of Ukraine:

(a) during the clearance of goods under the export procedure, upon acceptance of a customs declaration by the revenue and duties authority;

(b) when exporting the goods outside the customs territory of Ukraine without drawing up a customs declaration and during the illegal export of goods outside the customs territory of Ukraine, upon actual exportation of goods outside the customs territory of Ukraine;

(c) if the terms, set out in respect of the goods exported from the customs territory of Ukraine with relief from export duty, are not satisfied, from the time when those goods arrive at any destination other than that in respect of which relief is granted;

(4) when the customs clearance of the goods and their release is completed, if the revenue and duties authority independently determines additional tax liabilities for a taxpayer as a result of verification of the customs declaration or as a result of the documentary examinations;

(5) in other cases established by the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 290. Termination of liability to pay customs charges

1. The liability to pay customs charges shall be terminated:

(1) once the liability to pay customs charges is discharged;

(2) if the goods before their release appear to be destroyed or irretrievably lost due to an accident or force majeure event at normal conditions of transportation, storage or use (operation) and in the absence of violations of the requirements and conditions, set out in this Code, and also due to natural losses that are supported by appropriate reports;

(3) if the goods are destroyed or abandoned to the state pursuant to this Code;

(4) if the goods are confiscated under this Code.

2. As for the goods released for free circulation in the customs territory of Ukraine or exported from this territory without charging customs duties, the obligation to pay them shall be also terminated in cases stipulated by this Code, the Tax Code of Ukraine and other laws of Ukraine.

Article 291. Discharge of liability to pay customs charges

1. The liability to pay customs charges shall be deemed to be discharged (customs charges shall be deemed to be paid):

(1) when a person, liable for customs payments, fulfils the instructions on the use of advance payments:

(a) during the customs clearance of goods, upon completion of customs clearance;

(b) if payment is not related to the customs clearance of goods, upon debiting of money from the advance account during its transfer to the state budget;

(2) when it is directly paid to the state budget as prescribed by the laws of Ukraine, upon:

(a) debiting of money from a taxpayer's bank account;

- (b) depositing of money to the bank cash desk;
- (3) when a bank, or another organisation under the furnished guarantee (security of customs charges) effect a payment of customs charges to the state budget;
- (4) when money of cash collateral is debited from the corresponding customs account during its transfer to the state budget for payment of customs charges;
- (5) upon occurrence of other circumstances, set out in the Tax Code of Ukraine.

Article 292. Cases when customs charges are not paid

1. Customs charges shall not be paid if under this Code, the Tax Code of Ukraine, other laws of Ukraine, as well as international treaties ratified by the Verkhovna Rada of Ukraine:

- (1) goods are not subject to customs charges;
- (2) relief or conditional total relief from customs charges is granted in respect of the goods within the period of such relief and subject to the conditions under which it is granted;
- (3) when importing / exporting goods into / from the customs territory of Ukraine, the goods are placed under the customs procedure, which under the provisions of the Code does not provide for customs charges, for the duration of that procedure and under the conditions arising from it;
- (4) when the total invoice value of goods, imported into or exported from the customs territory of Ukraine by citizens does not exceed the volumes that are not subject to customs charges under Title XII of this Code.

Article 293. Persons obliged to pay customs charges

- 1. The declarant shall be the person, who is obliged to pay customs charges. If the declaration of goods is carried out by the person authorised by the declarant, such person shall be obliged to pay customs charges jointly with the declarant.
- 2. The person, who is obliged to pay additional customs charges, i.e. tax liability as per findings of documentary examination, shall be the corresponding taxpayer.
- 3. In addition to the persons mentioned in Sections 1 and 2 of this Article, the persons, who are obliged to pay customs charges, shall include:

- (1) in case of illegal import / export of goods into / from the customs territory of Ukraine, the person who unlawfully imported / exported goods, as well as the persons involved in such illegal import / export of goods if they knew or should have known of illegality of such import / export of goods, and the persons who acquired

ownership or possession of illegally imported / exported goods if at the time of purchase they knew or should have known of illegal import / export, that is duly proved in accordance with the laws of Ukraine;

(2) in case of withdrawal of goods temporarily stored under customs control in violation of the requirements of this Code and other laws and regulations, the person, who illegally withdrew such goods, as well as those involved in such illegal withdrawal of goods, who stored and purchased such goods, or the person, responsible for safekeeping of those goods;

(3) in case of failure to comply with the provisions of this Code on use and disposal of goods or meet other requirements and conditions, established by this Code for application of customs procedures that allow for total or conditional partial relief from customs charges, the persons, responsible for compliance with the customs procedure;

(4) in case of failure to fulfil the obligations on use or consumption of the goods, arising from the intended use, for which a tax benefit is provided when goods are released for free circulation, the person charged with satisfying those conditions;

(5) the person, who committed to deliver goods, means of transport for commercial use to the revenue and duties authority of destination, when they are declared under the transit procedure;

(6) the guarantor, in case the person, responsible for payment of customs charges, fails to fulfil the obligation to pay customs charges, when their payment is secured by the guarantor according to the provisions of this Code.

4. If the obligation to pay customs charges is imposed on several persons according to the provisions of this Code, such persons shall be held jointly and severally liable for discharging such obligation.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 294. Object and base of taxation with customs charges

1. Object and base of taxation with customs charges during the movement of goods across the customs border of Ukraine shall be determined according to this Code, the Tax Code of Ukraine and other laws of Ukraine.

Article 295. Assessment of customs charges

1. Customs charges shall be assessed by the declarant or other persons, obliged to pay customs charges, independently, unless the assessment of customs charges according to this Code, the Tax Code of Ukraine and other laws of Ukraine is assigned to the revenue and duties authorities.

2. Customs charges shall be assessed in the national currency of Ukraine.

3. The rates effective on the date of filing of a customs declaration for the goods to the revenue and duties authority for the purpose of assessment of customs charges shall be applied, and if the customs clearance is carried out without filing a customs declaration, on the date of its completion.

4. If the purpose of assessment of customs charges, including the customs valuation of goods, requires foreign currency conversion, the exchange rate of Ukrainian to foreign currency, set by the National Bank of Ukraine on the day of assessment of customs charges, shall be applied.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 296. Specific application of customs charge rates
for illegal movement of goods across the customs border of
Ukraine and use of goods in violation of the restrictions set**

1. In the case of illegal import / export of goods into / from the customs territory of Ukraine, the amount of customs charges due is assessed at the rate applicable on the date of movement of the goods across the customs border of Ukraine, and if such a date can not be established, on the date, when the fact of such import / export is revealed.

2. In case of loss, non-delivery or unauthorised release of goods under customs control and moved in transit or in temporary storage, customs charges shall be assessed at the rate applicable on the date of acceptance of those goods for transportation or placing them for temporary storage.

3. In case of illegal import of goods into the customs territory of Ukraine, the tax base shall be the customs value of those goods, their number and other indicators, established by the law that are used to determine the taxation base, on the day of assessment of customs charges in accordance with Section 1 of this Article. If it is impossible to determine the amount of customs charges due as a result of failure to provide the revenue and duties authority with accurate information about the nature of the goods, their name, number, country of origin and customs value, the amount of customs charges shall be determined on the basis of the higher of the rates of customs charges, number or value of goods that can be determined on the basis of available information.

4. In case of improper use of the goods benefiting from conditional relief from duty, as well as breach of conditions of customs procedures, which placement involves conditional relief the rates of customs charges in force on the date of acceptance of the customs declaration for customs clearance by the revenue and duties authority shall be applied. The customs value of goods, their number or other characteristics used to determine the taxation base shall be determined on the day of application of the rates of customs charges.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 297. Terms of payment (discharge of payment obligation) of customs charges

1. In case of import of goods into the customs territory of Ukraine, the amount of customs charges assessed by the revenue and duties authority shall be payable to the state budget of Ukraine by a taxpayer before or on the date of filing a customs declaration for customs clearance to the revenue and duties authority, unless the goods are imported into the customs territory of Ukraine with relief from customs charges in accordance with this Code.

2. When placing goods for temporary storage, customs charges shall be payable not later than the date of expiry of temporary storage. If before the expiration of temporary storage those goods are placed under the customs procedure that provides for the payment of customs charges, customs charges shall be paid not later than the release of goods under that procedure.

3. In case of export of goods from the customs territory of Ukraine, export duty shall be payable not later than the date of accepting a customs declaration for customs clearance by the revenue and duties authority, unless otherwise provided by this Code.

4. If the customs procedure is changed, customs charges shall be payable not later than on the day following the release of goods under the next customs procedure.

5. For the purposes of calculating a penalty, the due date for payment of customs charges shall be:

(1) the first date when the person violates the restrictions on use and/or disposal of goods in case of the use of goods imported into the customs territory of Ukraine with conditional relief from customs charges for the purposes other than those for which such relief is granted. If such date can not be determined, the due date for payment of customs charges shall be the date when the customs declaration for such goods is accepted for customs clearance by the revenue and duties authority;

(2) the date of violation in case of violation of customs procedure requirements and conditions that gives rise to the obligation to pay customs charges in accordance with this Code. If such date can not be determined, the due date for payment of customs charges shall be the date when the relevant customs procedure becomes effective;

(3) the date when the obligation to pay customs charges originates, in other cases.

6. Due dates for payment of customs charges when goods are moved (sent) across the customs border of Ukraine by citizens, moved across the customs border of Ukraine via pipelines and power supply lines, temporarily imported into the customs territory of Ukraine with conditional partial relief from customs charges, as well as illegally moved across the customs border of Ukraine shall be determined by this Code and the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 298. Procedure and forms of payment of customs charges

1. The amounts of customs charges, assessed by the revenue and duties authority, shall be paid to the state budget by a taxpayer directly to a single treasury account.
2. The amounts of customs charges shall be payable in cash over the counter of the revenue and duties authority or a financial institution or via bank transfer through a financial institution, except as provided by this Code and the laws of Ukraine.
3. Transfer of the amounts of customs charges to the state budget of Ukraine from the mentioned accounts of the revenue and duties authority shall be made by that revenue and duties authority.
4. Customs charges shall be payable in national currency of Ukraine. In some cases, enumerated by the Cabinet of Ministers of Ukraine, customs charges may be payable in foreign currency at the exchange rate established by the National Bank of Ukraine.
5. Conversion of the amounts of customs charges, denominated in national currency of Ukraine, to foreign currency for the purposes of payment of customs charges, assessed in national currency of Ukraine, shall be carried out at the exchange rate, set by the National Bank of Ukraine in force on the date of filing a customs declaration, or on the date of actual payment when the obligation to pay customs charges is not related to the filing of the customs declaration.
6. Customs charges may be payable in any other form prescribed by the law.
7. Procedure for assessing, recording and transferring the amounts of customs charges to the state budget shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.
8. At the request of a taxpayer the revenue and duties authorities shall be required to prove the payment of customs charges in writing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 299. Advance payments (prepayment)

1. Customs charges may be paid through advance payments (prepayment).
2. The expression 'advance payments (prepayment)' means cash deposited by the taxpayers at their own discretion to the accounts opened in the name of the revenue and duties authorities with agencies that provide treasury service of public funds as a security for payment of future customs charges.
3. Advance payments shall be effected in national currency of Ukraine.

4. The advance payments shall not be considered the payment of customs charges until the person effecting such prepayments makes an order for so doing to the revenue and duties authority and the relevant customs formalities are completed. When the customs formalities are initiated, the advance payments in the amount of such order shall not be used for any other purposes. After the customs formalities are completed, the advance payments in the amount of such order shall be transferred by the revenue and duties authority to the state budget. In case of refusal to complete the customs formalities, the advance payments in the amount of such order shall be re-assigned the status of advance payments.

5. The advance payments shall be refunded in the manner prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy, if the refund application is submitted to the revenue and duties authority within 1,095 days from the date such funds are deposited to the account of the revenue and duties authority. However, the interest on the amount of funds, paid as advance payments, shall not be accrued.

6. The funds of advance payments that are deposited on the account of the revenue and duties authority without any order to use them over 1,095 days from the date when they are effected shall be transferred to the state budget.

7. At the request of a taxpayer the revenue and duties authority shall provide him with written information on the use of funds, paid as advance payments, not later than 30 days upon receipt of the request. If a taxpayer disagrees with the information of the revenue and duties authority, joint reconciliation on the use of those funds shall be carried out. The results of that reconciliation shall be documented in the report, which form is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy. A copy of such report signed off shall be supplied to the taxpayer.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 300. Relief (conditional relief) from customs charges

1. The terms and conditions for granting a relief (conditional relief) from customs charges shall be established by this Code, the Tax Code of Ukraine, other laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine.

2. The procedure for presenting documents, required to verify the right to relief (conditional relief) from customs charges shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 301. Refund of erroneously and/or excessively paid amounts of customs charges

1. Erroneously and/or excessively paid amounts of customs charges shall be refunded according to the Budget and Tax Codes of Ukraine.

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2. In the event of erroneously and/or excessively paid amounts of customs charges the revenue and duties authority shall, within one month from the date when it is identified, communicate to the taxpayer of the overpaid amount of customs charges.
 3. Erroneously and/or excessively paid amounts of customs charges, transferred to the state budget, shall be refunded from the state budget in the manner specified by the central executive authority responsible for formulating and implementing the state tax and customs policy.
 4. If the overpaid amount of customs charges originates through the fault of the revenue and duties officials, such overpaid amounts of customs charges shall be refunded in the first place.
 5. The paid amounts of customs charges shall be also refunded:
 - (1) where the law provides for the refund of the paid amounts of duty when placing the goods under the re-import or re-export procedure in accordance with Title V of this Code, as well as in other cases stipulated by this Code;
 - (2) in the cases and in the manner provided by this Code, where the customs procedure declared before is changed, provided that the amounts of customs charges payable when placing the goods under a new customs procedure are lower than those paid when the previous customs procedure was applied;
 - (3) where the most favourable or duty-free trade procedure are restored;
 - (4) where the customs declaration is modified or invalidated;
 - (5) where the goods imported into or exported from the customs territory of Ukraine have defects or otherwise do not meet the agreed specifications, provided that those goods have not been repaired or used within or outside the territory of Ukraine (except for operations, required to detect defects or inefficiencies) and shall be refunded within the term specified in subparagraph (a) of paragraph (3), Section 2 of Article 78 of this Code;
 - (6) where the taxpayer presents documents to the revenue and duties authority confirming his right to be exempt from customs charges on the date of filing a customs declaration to the revenue and duties authority for customs clearance.
 6. The refund of the amounts of customs charges in the cases, specified in Section 5 of this Article, shall be conducted in the same order as the recovery of erroneously and/or excessively paid amounts of customs charges at the request of the taxpayer, provided that such request is submitted not later than one year upon the date following the date of occurrence of the circumstances resulting in the recovery of the amounts of customs charges.
 7. The refund of paid amounts of customs charges shall be effected in national currency of Ukraine. If the payment or collection of customs charges is made in foreign currency, the refund of customs charges shall be effected at the exchange rate set by the National Bank of Ukraine on the date when they were paid.

8. The refund shall not be effected:

- (1) if the refundable amount of customs charges does not exceed UAH 20;
- (2) in other cases established by the Tax Code of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 302. Fine

1. Upon expiry of the due dates for payment of customs charges, set by this Code and the Tax Code of Ukraine, a fine shall be charged on the customs debt in the amount and manner determined by the Tax Code of Ukraine.

2. If claims for payment of customs charges are brought to the guarantor in accordance with the Tax Code of Ukraine, a fine shall be charged for the period not exceeding three months from the date following the date of expiry of guaranteed obligations.

3. During the transportation under the TIR procedure the charging of fine shall be suspended for the term of up to three months upon receipt of the claim by the guarantee association and resumed, if the claim remains unsettled upon expiry of that period.

4. Fine shall be payable regardless of the application of other enforcement actions for violation of the requirements of the legislation of Ukraine, laid down in this Code, the Tax Code of Ukraine and other laws of Ukraine.

5. Fine shall be charged by the taxpayer independently and paid along with payment of customs charges.

6. Payment, collection and refund of fine shall be carried out according to the rules established by the law for payment, collection and recovery of customs payments.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 303. Recovery of customs charges

1. In the event of failure to pay or incomplete payment of customs charges within the prescribed time limit, such charges shall be recovered in the manner and within the time limits set by the Tax Code of Ukraine.

2. The amount due of customs charges shall be recovered from those responsible for their payment.

3. Customs charges shall not be subject to recovery and a tax notice shall not be served to the taxpayer if the unpaid amount of customs charges on the goods indicated in the customs declaration, or the goods sent during a day by one sender to the address of one recipient is less than UAH 20, and in other cases established by the Tax Code of Ukraine.

Article 304. Payment in instalments and deferred payment of customs charges

1. If there are circumstances with indications of threatening origination or accumulation of customs debt, and the occurrence of such circumstances enumerated by the Cabinet of Ministers of Ukraine can be evidenced, under a written request of the taxpayer, the central executive authority responsible for formulating and implementing the state tax and customs policy, or the revenue and duties authority, appointed by it, may, under the Tax Code of Ukraine, defer or allow the payment of customs charges in instalments.

2. The procedure for payment in instalments or deferred payment of customs charges shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title X **SECURITY TO COVER CUSTOMS DEBT**

(name is amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 44. Forms, terms and methods of securities to cover customs debt

(name is amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 305. General provisions

1. In the cases stipulated by this Code, the customs debt of the persons arising from the customs-approved treatment or use shall be guaranteed by providing a security to the revenue and duties authorities to ensure payment of customs charges in the manner prescribed for a relevant customs-approved treatment or use.
2. The provision of security to the revenue and duties authorities to ensure payment of customs charges shall be required for importing into the customs territory of Ukraine and/or moving through the territory of Ukraine by internal transit the goods according to the list, approved by the Cabinet of Ministers of Ukraine.
3. Method of security to cover the customs debt shall be at the discretion of the holder of the goods or the person authorised by him, unless otherwise provided by this Code and other legislative acts of Ukraine.
4. If goods are moved into Ukraine in transit by sea, river and air transport or remain in storage within one checkpoint or customs control area of sea (river) port, airport, the security to cover the customs debt shall not be provided.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 306. Methods of security to cover the customs debt

1. Security may be provided by either:
 - (1) a financial guarantee;
 - (2) a guarantee under the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) of 1975;
 - (3) a guarantee under the Convention on Temporary Admission (Istanbul, 1990) using the ATA Carnet.

Chapter 45. Financial guarantees

Article 307. Terms of financial guarantees

1. Legal entities, who intend to act as a guarantor to secure the customs debt of the person to the revenue and duties authorities of Ukraine, shall be authorised to so do and entered in the register of guarantors in the manner prescribed by this Title.
2. The relationship between the central executive authority responsible for formulating and implementing the state tax and customs policy and the guarantors shall be governed by the concluded agreements.
3. Financial guarantee shall be furnished by a guarantor and provided to the revenue and duties authorities by a person, who is liable for payment of customs charges, or by any other person to that who is liable for payment of customs charges, unless otherwise provided by this Code. The financial guarantee shall be valid throughout the customs territory of Ukraine.
4. Information interaction between the guarantors and the revenue and duties authorities shall be ensured by means of electronic communication via authorised messages in electronic form, certified with an electronic signature of the guarantors and/or officials of the revenue and duties authorities, within 24 hours, at intervals of not more than 30 minutes. In the course of information exchange the guarantor shall be provided with the information on status of all financial guarantees received, namely:
 - (1) acceptance or refusal to accept, termination of financial guarantees furnished by the guarantors;
 - (2) details (number and date of issue) of customs declarations or bonded transportation declarations with attached financial guarantees stating the date and time of attachment;
 - (3) date of commencement of goods movement (and/or commencement of movement of each consignment of the goods or its part) stating the number plates, due date of delivery to the revenue and duties authorities of destination, codes under the UCGFEA, the number of goods (in basic and additional measurement units), and the amount of customs debt;
 - (4) lack of financial guarantees for drawing up customs declarations or bonded transportation declarations stating the amount of insufficient security to cover the customs debt;
 - (5) number and date of reporting on a guarantee event under financial guarantees furnished by the guarantors;
 - (6) release of financial guarantees stating the date and time of delivery of the goods (each consignment of the goods or its part) to the revenue and duties authorities of destination and details (number and date of issue) of customs declarations or bonded

transportation declarations, for which the extinguishment of customs debt secured by guarantees is confirmed.

5. In case of failure to extinguish the customs debt secured by a financial guarantee, provided in the form of a document, the revenue and duties authority engaging the representatives of the guarantor who furnished the guarantee shall find out the circumstances of such failure, and then send to such guarantor a demand for payment of customs charges due. The copies of documents confirming the failure to extinguish the customs debt certified by the revenue and duties authority shall be added to the demand. The procedure for sending a demand and the list of required documents, attached thereto, shall be determined in the agreement provided for in Section 3 of Article 314 of this Code.

6. The financial guarantee to ensure payment of customs charges shall not be furnished, unless the amount of customs charges due exceeds the equivalent of EUR 1,000.

7. The financial guarantee shall be released (returned) within two hours upon receipt of the proof of actual extinguishment of secured customs debt from the revenue and duties authority.

8. In the event of partial delivery of the goods to the revenue and duties authority of destination the financial guarantee shall be released (returned):

(1) upon completion of movement of all goods specified in the customs declaration or bonded transportation declaration;

(2) when the declarant or the person authorised by him states that there is no further movement of goods specified in the customs declaration or bonded transportation declaration.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 308. Determination of the amount of a financial guarantee

1. The amount of a financial guarantee shall be determined by the revenue and duties authority based on the amount of customs charges due while releasing goods for free circulation within the customs territory of Ukraine or exporting goods outside that territory under the export procedure.

2. If the amount of customs debt arising from failure to provide the revenue and duties authority with accurate information about the nature, name, quantity, country of origin, customs value of such goods and code according to the UCGFEA can not be accurately determined while computing the amount of a financial guarantee, it shall be based on the highest of tax rates, value and/or quantity of goods that can be determined on the basis of available information.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 309. Forms of security to cover the customs debt by a financial guarantee. Types of financial guarantees

1. Customs debt may be secured by a financial guarantee in the form of:
 - (1) a financial guarantee furnished by the guarantor (guarantee provided in the form of a document);
 - (2) a cash deposit on the account or through the cash desk of the revenue and duties authority.
2. Financial guarantee may be individual (one-time), multiple and general.
3. Individual (one-time) financial guarantee in the form of a written undertaking shall be produced in paper or electronic form for the amount of customs debt under:
 - (1) a single customs declaration within one foreign trade transaction;
 - (2) a single customs declaration within one transit operation;
 - (3) a single bonded transportation declaration;
 - (4) a single operation of movement of the goods by citizens across the customs border of Ukraine as prescribed by Title XII of this Code.
4. Individual (one-time) financial guarantee in paper form shall be applied only during the movement of goods across the customs border of Ukraine under cover of a customs declaration or a bonded transportation declaration in hard copy. A soft copy of such individual (one-time) financial guarantee shall be sent to a unified automated information system of the revenue and duties authority of Ukraine via authorised email of the guarantor. Individual (one-time) financial guarantee in the form of an electronic document shall be applied during the movement of goods across the customs border of Ukraine under cover of a customs declaration or a bonded transportation declaration in hard or soft copy.
5. Multiple financial guarantee shall be provided to secure the customs debt under several customs declarations or bonded transportation declarations during the importation of goods into the customs territory of Ukraine for transit purposes or for free circulation in that territory for one holder within one foreign trade agreement.
6. General financial guarantee shall be provided to secure the customs debt under customs declarations or bonded transportation declarations that the declarant or the person authorised by him intends to file within one year.
7. Multiple and general financial guarantees shall be provided in the form of an electronic document only.

8. Financial guarantees in the form of an electronic document shall be sent in the form of an authorised email of the guarantor via a unified automated information system of the revenue and duties authority of Ukraine.

9. Attachment of a soft copy of individual (one-time) financial guarantee on paper or a financial guarantee in the form of an electronic document to the customs declaration or bonded transportation declaration shall be carried out via automated customs clearance system.

The completion of customs declaration or bonded transportation declaration shall prove the acceptance of a financial guarantee as security to cover the customs debt to the revenue and duties authority of Ukraine.

The proof of acceptance of individual (one-time) financial guarantee on paper shall be a mark put by the revenue and duties authority of Ukraine using appropriate customs instrumentality on all copies of the financial guarantee.

10. Financial guarantees shall be subject to numbering by the guarantor.

11. Financial guarantee may be edited by the guarantor before its attachment to the customs declaration or bonded transportation declaration. If such changes are made, the guarantor shall send an authorised email to a unified automated information system of the revenue and duties authority of Ukraine.

12. Customs debt under the financial guarantee may be secured in any of the forms referred to in Section 1 of this Article at the discretion of the person who is liable for customs debt, unless otherwise provided by this Code.

13. If the furnished guarantee is insufficient to secure the customs debt, the persons, referred to in Section 3 of Article 307 of this Code, at the written request of the revenue and duties authority, shall provide additional guarantee or, at their discretion, replace the furnished guarantee for a new one.

(as amended by the Law of Ukraine
No 5210-VI of 06.09.2012,
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 310. Procedure for provision of financial guarantees to the revenue and duties authorities

1. In the cases referred to in this Code, financial guarantees shall be provided to the revenue and duties authorities during or before the declaration of goods under the transit procedure, advance declaration of goods prior to their arrival at the customs territory of Ukraine and during the declaration of goods to the customs procedures, that provide for the payment of customs charges or provide for the goods to be under customs control until the discharge of the customs procedure.

2. Financial guarantees shall be provided:

(1) in the form of a document (drawn up in a written or electronic form of the guarantor's obligation to pay the specified amounts of customs charges at the request of the revenue and duties authority);

(2) in the form of a cash deposit, made by the declarant, the person authorised by him, the carrier or the guarantor on the appropriate account of the revenue and duties authority.

3. Financial guarantees shall be provided to cover the customs debt on the goods declared under cover of a single declaration or declared for the transit procedure under cover of a single transport document.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 311. Financial guarantee provided in the form of a document

1. For security of customs debt the revenue and duties authorities shall accept financial guarantees furnished by the guarantors, entered into the registry of the guarantors, kept by the central executive authority responsible for formulating and implementing the state tax and customs policy.

2. The financial guarantee provided in the form of a document shall be an irrevocable obligation of the guarantor, entered into the registry of the guarantors, to pay a certain amount of money at the request of the revenue and duties authority in the event of failure to extinguish the secured customs debt.

3. Forms of financial guarantees shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. The revenue and duties authority shall send the guarantor who furnished the guarantee in the form of a document the demand for payment of customs charges if:

(1) the term, set by Article 95 of this Code, for delivery of goods, means of transport for commercial use under customs supervision to the revenue and duties authority of destination (from one unit to another if moving within operation area of one revenue and duties authority) exceeds by more than 10 days;

(2) the revenue and duties authority identifies the violation of the requirements and conditions of customs procedures with conditional relief from customs charges;

(3) tax liabilities fall due in accordance with Title III of this Code;

(4) the revenue and duties authority identifies the violation of the requirements and conditions of temporary importation or transit of goods, private use vehicles that are moved across the customs border of Ukraine by citizens in accordance with Title III of this Code.

5. The guarantor shall, within three working days following the date of receipt of the demand and the proof of occurrence of a guarantee event, transfer the appropriate amount of customs debt to the state budget.

6. If the transfer of customs debt in accordance with the demand by the revenue and duties authority is delayed, the guarantors shall bear liability (including as provided for in the Tax Code of Ukraine) as the persons who are liable for secured customs debt. If the guarantor fails to pay under the financial guarantees, such amounts due shall be considered to be the guarantor's customs debt subject to recovery in accordance with the laws.

7. The provisions of the legislation of Ukraine on banks and banking activity and civil legislation of Ukraine insofar as not regulated by this Code shall be applied to legal relations associated with the provision of a financial guarantee, extinguishment of customs debt by the guarantor and termination of a financial guarantee.

8. Financial guarantee provided in the form of a document shall be withdrawn by the revenue and duties authority and placed under control. The revenue and duties authority official shall make an entry on the customs declaration on the details of such guarantee and the amount of customs debt that is unconditionally payable in the event of violation of the commitments given to the revenue and duties authority.

9. The revenue and duties authority shall review the sufficiency of the amount of a financial guarantee in accordance with the procedure established by Article 308 of this Code.

10. When the customs clearance of goods or customs-approved treatment of transit carriage of goods are completed and in the absence of violation of customs debt procedure by the person, the financial guarantee shall, within two hours upon receipt by the revenue and duties authority of proof of actual extinguishment of secured customs debt, be released (returned) by such revenue and duties authority. During the release (return) of individual (one-time) financial guarantee on paper all of its copies shall bear a mark put by the revenue and duties authority using appropriate customs instrumentality.

11. The actual extinguishment of secured customs debt shall be proved by:

(1) a notice, including in electronic form, of the revenue and duties authority of destination to the revenue and duties authority of departure (completion of transit carriage) that the goods, means of transport for commercial use have been delivered in accordance with the commitments given, when it concerns the transit carriage of goods;

(2) the completion of customs supervision and customs clearance of goods under the customs procedure, for which the goods are declared;

(3) the expiry of the customs procedure that provided for the goods being under customs supervision within the entire period of that procedure;

(4) the extinguishment of the customs debt if the customs value is adjusted in accordance with Title III of this Code.

12. Financial guarantee shall be terminated:

- (1) at the request of the guarantor via an authorised e-mail;
- (2) in the absence of the fact of importation of goods into the territory of Ukraine under the previous customs declaration with an individual (one-time) financial guarantee attached, within 30 days upon the date of processing of such declaration by the revenue and duties authority;
- (3) in case of revocation or invalidation in the manner, prescribed by this Code, of a customs declaration with an individual (one-time) financial guarantee attached.

(as amended by the Law of Ukraine
No 5210-VI of 06.09.2012,
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

**Article 312. Implementation of a financial guarantee provided
in the form of a document**

1. In case of failure to extinguish the customs debt secured by a financial guarantee provided in the form of a document, the amount of customs debt shall be transferred to the account of the revenue and duties authority by the guarantor within three working days upon receipt of the revenue and duties authority demand for such payment by the guarantor. A form of the demand shall be determined in the agreement provided for in Section 3 of Article 314 of this Code.
2. The funds received from the guarantor in payment for the extinction of customs debt shall be transferred by the revenue and duties authority to the state budget within one working day.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 313. Financial guarantee in the form of a cash deposit

1. A cash deposit shall be made in the currency of Ukraine.
2. In some cases the movement of goods within the territory of Ukraine in internal transit by the foreign carrier or the person authorised by him shall be allowed by making a cash deposit in foreign currency at the rate established by the National Bank of Ukraine on the date of such cash deposit by the non-resident.
3. Interest on the amount of cash deposit shall not be accrued.
4. When the customs debt secured by a cash deposit is extinguished, the money paid shall be returned to the person who made such deposit or the person authorised by him not later than three working days.
5. The return of cash deposit may be carried out at any revenue and duties authority, even if it is deposited to the account of another revenue and duties authority.

6. Upon written request of the person who made a cash deposit or the person authorised by him the funds placed as a cash deposit may be used to pay or secure the customs debt under other obligations of that person to the revenue and duties authority.

7. The funds placed as a cash deposit on the account of the revenue and duties authority any order on their use within 1,095 days from the date when they are deposited, shall be returned to the person who deposited them, or the person authorised by him within 30 days, and if it makes it impossible to return them, they shall be transferred to the state budget.

8. When the customs debt secured by a cash deposit is not extinguished, the outstanding amount of customs debt shall be transferred to the state budget using such cash deposit.

9. The procedure for cash depositing and return shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 314. Guarantor

1. A guarantor may be:

(1) a banking institution that provides guarantees directly or may use them as a financial security of guarantees furnished to the revenue and duties authorities by independent financial intermediaries;

(2) an independent financial intermediary that is a legal entity incorporated in the form of unlimited or limited company.

2. The banking institution, other legal entity, referred to in Section 1 of this Article that intends to obtain the powers of a guarantor from the central executive authority responsible for formulating and implementing the state tax and customs policy in the manner prescribed by this Code, shall meet the following criteria:

(1) possess a valid licence (authorisation, extract from the register) of the National Bank of Ukraine, when it concerns banking institutions;

have appropriate agreements with banks and/or insurance companies on financial guarantees provided by legal entities, when it concerns other legal entities;

(2) have experience in banking or other financial activities of at least five years;

(3) have a proven record of solvency for the last three calendar years evidenced by compliance with established ratios that ensure unconditional fulfilment of payment obligations to the state budget, when it concerns banking institutions;

(4) have the clearance for the last three calendar years of not being subject to any enforcement actions by the National Bank of Ukraine for violation of ratios (criteria)

in the form of limitation, suspension or termination of certain activities, forced re-organisation of the institution, or appointment of temporary administration, when it concerns banking institutions;

have the clearance within the last three calendar years of not being subject to any special penalties, provided for in the Law of Ukraine on foreign economic activity, and not being subject to imposition of administrative sanctions for violation of customs rules under Articles 472, 482-485 of the Code, when it concerns other legal entities;

(5) not operate at a loss for the last three calendar years (except for banking institutions);

(6) not have any tax or customs debts to the budgets of all levels;

(7) have the capacity to create full cash provisions for possible losses in the amount determined by them of all financial guarantees given to the revenue and duties authorities, when it concerns banking institutions;

(8) not have any debts under previously furnished financial guarantees to the revenue and duties authority;

(9) have an electronic system of storage and exchange of information with the revenue and duties authorities that protects the information from unauthorised use, reproduction and/or modification, including the system of application and transmission of an electronic guarantee document of an independent financial agent or a bank letter to a unified automated information system of the revenue and duties authorities of Ukraine;

(10) have the authorised representatives at all the Ukrainian border checkpoints.

3. The relationship between the central executive authority responsible for formulating and implementing the state tax and customs policy and the guarantors shall be governed by the concluded agreements that state the obligation of the guarantor to unconditionally pay the customs debt in the event of failure to discharge the obligations to the revenue and duties authority by certain persons and annually, not later than March 1 of the year following the reporting one, provide evidence of the conditions specified in paragraphs (1) to (5), Section 2 of this Article, for the prior year.

4. The central executive authority responsible for formulating and implementing the state tax and customs policy shall keep a register of guarantors and forms of financial guarantees provided by them in accordance with the concluded agreements approved by such authority, and ensure regular (at least four times a year) publication of that register on its website. A guarantor may be included in the register free of charge.

5. The term of decision-making on inclusion of guarantors in the register shall not exceed 30 calendar days from the date of submission of the documents evidencing the fulfilment of the conditions of Section of this Article to the central executive authority responsible for formulating and implementing the state tax and customs policy.

6. In case of violation of the terms set forth in Section 5 of this Article, a legal entity that is conferred the status of a guarantor shall be included in the register of guarantors and may be excluded from it only if the criteria, set out in Section 2 of this Article, are not satisfied.

(as amended by the Law of Ukraine
No 5210-VI of 06.09.2012,
No 405-VII of 04.07.2013)

Article 315. Procedure of obtaining the status of a guarantor

1. A legal entity that intends to obtain the status of a guarantor under Article 314 of this Code, shall receive an official confirmation on:

(1) the compliance with current ratios for banking institutions to ensure unconditional fulfilment of payment obligations to the state budget, in the cases stipulated by the legislation of the National Bank of Ukraine, when it concerns banking institutions;

(2) the absence of losses and tax or customs duties to the budgets of all levels for the last three calendar years from the regulator at the place of incorporation of a legal entity being a taxpayer;

(3) an unqualified audit opinion for the last three reporting years from an independent audit firm included in the register of banking auditors of the National Bank of Ukraine, that conducts audits in accordance with the International Standards on Auditing, when it concerns banking institutions.

2. The information, referred to in paragraphs 1 and 2 of Section 1 of this Article, shall be provided by the public authorities within one month upon the date of request.

3. The term of verification conducted by the revenue and duties authority to check the availability of debts to the revenue and duties authority under previous financial guarantees shall not exceed three working days upon submission of an application for the status of a guarantor by a legal entity and the documents referred to in Article 314 of this Code and this Article. The opinion on the results of such verification in any form, signed by the head of the revenue and duties authority, shall, within one working day, be sent to the legal entity and its copy attached to other documents.

(as amended by the Law of Ukraine
No 5210-VI of 06.09.2012,
No 405-VII of 04.07.2013)

Chapter 46. Other ways to secure the customs debt

Article 316. Guarantee under the conditions of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) of 1975

1. Guarantee under the conditions of the Customs Convention on the International Transport of Goods under Cover of TIR Carnets (TIR Convention) of 1975 as a measure to ensure the delivery of goods (except alcohol and tobacco products), which are under customs super-

vision, to the revenue and duties authority of destination shall be applied, provided that during the transportation the goods cross the customs border of Ukraine and their movement on the route or its part is carried by road transport.

2. If the amount of customs debt exceeds the amount of guarantees under the TIR Convention, other forms of security of customs debt provided for in this Code shall be applied.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 317. Guarantee under the conditions of the Convention on Temporary Admission (Istanbul, 1990) using ATA Carnet

1. During the transportation of goods under the conditions of the Convention on Temporary Admission (Istanbul, 1990) the A.T.A. carnet, a standardized international customs document used as a customs declaration for customs clearance of goods and as a guarantee document for payment of customs charges, shall be applied.

Title XI CUSTOMS SUPERVISION

Chapter 47. Organisation of customs supervision

Article 318. General principles of customs supervision

1. Any goods and means of transport for commercial use crossing the customs border of Ukraine shall be subject to customs supervision.
2. Customs supervision shall be carried out exceptionally by the revenue and duties authorities in accordance with this Code and other laws of Ukraine.
3. Customs supervision shall provide for a minimum set of customs controls, required to enforce the customs legislation of Ukraine, by the revenue and duties authorities.
4. Customs supervision of goods and means of transport at the Ukrainian border checkpoints shall be carried out in accordance with the standard customs control flowcharts, approved by the Cabinet of Ministers of Ukraine.
5. Timetable of means of transport, engaged in scheduled international trips, shall be approved by the central executive authority responsible for formulating and implementing the state transport policy by agreement with the central executive authority responsible for formulating and implementing the state tax and customs policy, and the central executive authority responsible for implementing the state border protection policy.
6. In order to improve the efficiency of customs control the revenue and duties authorities shall interact with the authorised economic operators, other persons, whose activity is related to foreign trade, and their professional communities (associations).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 319. Interaction between the revenue and duties authorities and public authorities that perform controls at the time of goods crossing the customs border of Ukraine

1. In addition to customs supervision, goods crossing the customs border of Ukraine may be subject to state sanitary and epidemiological, veterinary and sanitary, phytosanitary, environmental and radiological control. Those state controls at the Ukrainian border checkpoints, save for radiological one, shall be carried out by the revenue and duties authorities in the form of preliminary documentary examination based on information obtained from the public authorities empowered to apply those controls, using information technology. The revenue and duties authorities shall interact with the public authorities empowered to apply those controls, coordinate their application at the state border checkpoints and at the customs control areas within the customs territory of Ukraine in the manner prescribed by this Code and other laws of Ukraine.

2. If any damage to packaging or clear indications of deterioration of goods are detected, or goods are expired, or at least one document or particulars required for preliminary documentary examination are missing, or the movement of goods is in conflict with legal requirements, or it is made known by a public authority that those goods are banned to cross the state border of Ukraine, the revenue and duties authorities shall decide to terminate the preliminary documentary examination and engage the officials of competent authorities to apply controls referred to in Section 1 of this Article, that arrive at the Ukrainian border checkpoint to do so.

3. Controls referred to in Section 1 of this Article shall be applied:

(1) at the Ukrainian border checkpoints in the case where certain goods are banned to cross the customs border of Ukraine, as set out in the legislation of Ukraine;

(2) when placing under the customs procedure in the case where certain goods may cross the customs border of Ukraine with some restrictions, as set out in the legislation of Ukraine.

4. Controls applied by other public authorities when certain goods are crossing the customs border of Ukraine shall be carried out under the 'one-stop shop' principle in accordance with international practices and recommendations of international organisations using the unified information and telecommunication systems shared with the revenue and duties authorities.

5. Controls referred to in Section 1 of this Article shall be applied with the use of information technologies, including electronic database of the goods, the movement of which is controlled by other public authorities verifying that those goods are not banned to cross the customs border of Ukraine. Public authorities that apply those controls shall provide the revenue and duties authorities with electronic information, required to apply them.

6. Exhaustive lists of goods with their description and UCGFEA code, which are subject to state control, including in the form of preliminary documentary examination, when moved across the customs border of Ukraine, as well as the procedure of preliminary documentary examination shall be approved by the Cabinet of Ministers of Ukraine. Any proposed amendments to those lists shall be submitted to the Cabinet of Ministers of Ukraine by the public authorities empowered to apply the appropriate controls. This list shall specify the goods that are banned to cross the border without authorisation and the goods that are subject to some restrictions when placed under the customs procedure.

7. The revenue and duties authorities shall inform the competent public authorities of Ukraine on the results of customs supervision and customs clearance of goods controlled by those authorities, including via electronic means of communication.

8. Customs supervision and customs clearance of goods crossing the customs border of Ukraine shall end only upon completion of controls, established by the laws of Ukraine for each item and referred to in Section 1 of this Article. When exporting the goods from the

customs territory of Ukraine, radiological control may be carried out at the revenue and duties authorities of departure upon completion of customs clearance or at the Ukrainian border checkpoints upon completion of customs supervision of the goods.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 320. Selectivity of customs supervision

1. Forms and scope of controls, sufficient to ensure that the customs legislation and international treaties of Ukraine are observed at the time of customs clearance, shall be selected by the customs offices (customs stations) on the basis of the risk management system. Forms and scope of customs controls may not be determined by other public authorities, and their officials may not engage in applying customs controls.

2. Forms and scope of controls, sufficient to ensure that the customs legislation and international treaties of Ukraine, concluded in accordance with the law, are observed after customs clearance is completed, shall be determined in the manner prescribed by this Code. At the request of the holder of the goods, for which the form and scope of customs controls are determined, or the person authorised by him, the revenue and duties authorities shall notify of it in writing within an hour, unless another period of notice is set by this Code.

3. If the risk management system suggests that no customs examination of goods, means of transport for commercial use is needed, customs clearance and release of goods and means of transport under the decision of the customs office (customs station) may be carried out without presenting those goods, means of transport to the customs office (customs station) or with it but without their customs examination. The central executive authority responsible for formulating and implementing the state tax and customs policy shall coordinate the activity of the public authorities applying controls to certain goods crossing the customs border.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 321. Period of customs supervision

1. Goods, means of transport for commercial use shall remain under customs supervision from its start and until its completion according to the declared customs procedure.

2. Where goods, means of transport for commercial use enter the customs territory of Ukraine, customs supervision shall start at the time of their crossing the customs border of Ukraine.

3. Where goods, means of transport for commercial use exit the customs territory of Ukraine, customs supervision shall start at the time when goods, means of transport for commercial use are presented for customs clearance and declared in the manner prescribed by this Code.

4. The maximum period of customs supervision of goods, means of transport for commercial use until they are placed under the appropriate customs procedure may not exceed 180 calendar days.

5. Goods, means of transport for commercial use placed under customs supervision that are not claimed by the owner or person authorised by him before the expiration of maximum period established by this Article shall be conferred the status of goods and means of transport for commercial use stored in a warehouse of the revenue and duties authority.

6. The period of customs supervision of goods, means of transport for commercial use shall end:

(1) in the case where they are imported into the customs territory of Ukraine, upon completion of customs clearance of goods, means of transport for commercial use moved across the customs border of Ukraine, save for the customs procedures that require them to remain under customs supervision as long as such customs procedure is valid;

(2) in the case where they are exported from the customs territory of Ukraine, upon completion of customs clearance of goods, means of transport for commercial use and their crossing the customs border of Ukraine, save for the customs procedures that require them to remain under customs supervision as long as such customs procedure is valid.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

**Article 322. Terms of presentation of goods, means of
transport for commercial use moved across the customs border
of Ukraine to the revenue and duties authority**

1. Goods moved across the customs border of Ukraine with their packaging and marking together with means of transport for commercial use carrying them across the customs border of Ukraine shall be presented in the unaltered state for customs supervision, and the documents for the goods and means of transport shall be submitted to the revenue and duties authorities at the Ukrainian border checkpoints and any other places within the customs territory of Ukraine, designated by the revenue and duties authorities, for customs supervision and customs clearance not later than three hours upon arrival of such goods at the Ukrainian border checkpoint or any other places, designated by the revenue and duties authorities.

2. The person delivering goods, means of transport for commercial use to the place, designated by the revenue and duties authorities, shall inform the appropriate revenue and duties authority at the earliest opportunity or, in case of arrival outside of working hours fixed for the revenue and duties authority, within the shortest possible time when such authority is open.

3. Empty means of transport and vehicles carrying passengers while entering the customs territory of Ukraine shall be declared to the revenue and duties authority not later than three

hours upon their arrival at the Ukrainian border checkpoint, and while leaving the customs territory, at least three hours before crossing the customs border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 323. Access of officials of the revenue and duties authorities to the territory or premises of entities for customs supervision

1. For the purposes of customs supervision, the officials of the revenue and duties authorities in the cases, stipulated by this Code and other laws of Ukraine, shall have the right of unimpeded access to the territory or premises of any entity regardless of its ownership and management domain, where the goods subject to customs supervision are or may be stored.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 324. Application of technical and special equipment and use of working dogs for customs supervision

1. In order to reduce the time of customs supervision and increase its efficiency, the revenue and duties authorities may use technical and special equipment as well as working dogs.

2. Application of technical and special equipment for customs supervision shall be friendly to human life and health, animals and plants without causing any damage to the goods and means of transport.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 325. Handling of goods, means of transport for commercial use with pending customs clearance

1. If the holder of the goods or person authorised by him requests in writing and once permitted by the revenue and duties authority, the following handling operations may be carried out to include loading, unloading, reloading, removal of damaged packaging, unpacking, packing, repacking, weighing and identification of other significant features of goods under customs supervision, sampling and probing of such goods, change of identification signs or markings on those goods or their packaging, means of transport for commercial use and replacement of means of transport for commercial use. Such operations shall be carried out at the expense of the owner of the goods moved across the customs border of Ukraine or person authorised by him. In case of refusal to grant a permission to perform those operations, the revenue and duties authority shall immediately notify the requesting person of the reasons and grounds for refusal.

2. In the cases prescribed by this Code, the revenue and duties authorities shall, on their own initiative or on the initiative of law enforcement agencies, have the right to require in writing the persons moving the goods, means of transport for commercial use across the customs border of Ukraine to carry out the operations provided for in Section 1 of

this Article. If this is the case, the cost of operations shall be reimbursed by the initiating authority. If the legislation of Ukraine is violated as a result of those operations, their cost shall be reimbursed by the owner of the goods, means of transport for commercial use or person authorised by him.

3. The use and disposal of goods and means of transport for commercial use under customs supervision shall be prohibited save for the cases stipulated in this Code and other laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 326. Identification of goods, means of transport for commercial use, premises and other places in the course of customs supervision

1. The means of identification may be applied by the revenue and duties authorities to the goods, means of transport for commercial use under customs supervision, premises, where the goods subject to customs supervision are stored, or the activity, for whose control the revenue and duties authorities are responsible, as well as to energy, electric, heating and other power metering devices.

2. Identification shall be ensured by attaching customs instrumentality: single numbered locking and sealing devices, seals, holographic labels, numerical, alphabetic or other marking, identification signs, stamping, sampling and probing, description of goods and means of transport for commercial use, drawings, scale representations, photos, illustrations, use of transport documentation etc. Furthermore, single numbered locking and sealing devices and seals may be applied to means of transport for commercial use without customs examination of the goods carried by those means of transport across the customs border of Ukraine, whereof an appropriate mark shall be made in transport documentation.

3. For the purposes of identification of goods placed under the customs procedure, the list of means specified in Section 2 of this Article may be extended with marking, including micro- or other electronic devices, or serial numbers affixed to the goods or their parts by the producer, other commercial means of identification, export (import) certificates, copies of documents that are used by the revenue and duties authority to released the goods under the previous customs procedure and allow for clear identification of goods, and other similar instruments.

4. In the cases stipulated by international treaties, concluded in accordance with the law, the revenue and duties authorities of Ukraine shall recognize the customs instrumentality of other countries and regard identification devices and other instruments referred to in Sections 2 and 3 of this Article as customs instrumentality, provided that they appear to be sufficiently reliable.

5. Means of identification may be changed or destroyed only by the revenue and duties authorities or, with their authorisation, by other authorities, except for the cases where there is a real threat of destruction, irretrievable loss or significant damage to goods, means of transport for commercial use. If this is the case, the revenue and duties authority shall im-

mediately notify of the change, removal or destruction of the identification means providing documentary evidence for the existence of such threat.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 327. Engagement of specialists and experts in customs supervision

1. Specialists and experts may be engaged in customs supervision if necessary.
2. Specialists and experts shall be engaged by the head or deputy head of the revenue and duties authority by agreement with the head of the entity, institution, or organisation employing a specialist or expert.
3. Specialists and experts, engaged in customs supervision, shall be entitled to reimbursement of expenses related to their engagement in customs supervision. Their average salary at their primary place of employment shall be retained for the period of such engagement.
4. Costs related to the engagement of specialists and experts by the revenue and duties authority, including travel expenses, per diem allowances and fees paid for the work performed by such specialists and experts shall be covered by the state budget in the manner determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.
5. If necessary, the declarant (the holder of the goods and/or means of transport) may engage specialists and experts at his own will. If this is the case, any costs related to the engagement of such specialists and experts in customs supervision shall be reimbursed by the declarant (the holder of the goods and/or means of transport) on the basis of the signed contracts.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 328. Joint customs supervision

1. Joint customs supervision with the customs authorities of neighbouring states may be carried out at the Ukrainian border checkpoints under the international treaties of Ukraine concluded in accordance with the law.

Chapter 48. Customs control areas

Article 329. Location of customs control areas

1. Customs control areas shall be set up for the purposes of the revenue and duties authorities carrying out customs supervision of goods and means of transport moving across the customs border of Ukraine, and taking actions of detection, prevention and cessation of smuggling and customs offense at the Ukrainian border checkpoints on the territory of sea and river ports, airports, at railway stations and in business premises, free customs zones and

customs warehouses, temporary storage warehouses and other places designated in accordance with this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 330. Establishment of customs control areas

1. Procedure for establishment of customs control area shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

2. The boundaries of customs control areas at the Ukrainian border checkpoints shall be determined by the revenue and duties authorities by agreement with the competent national border control authorities and administration of sea (river) ports, airports, and railway stations. In other places within the customs territory of Ukraine the revenue and duties authorities shall determine the boundaries of customs control areas in the territories, where they operate, at their own discretion.

3. Customs control areas may be permanent in case of regular placement of goods subject to customs supervision within their territory or temporary, established for the period of customs supervision.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 331. Placement of buildings and facilities in the customs control areas established within the Ukrainian border checkpoints

1. Buildings and facilities owned by the public authorities empowered to apply controls set out in Section 1 of Article 319 of this Code shall be placed in the customs control areas, established within the Ukrainian border checkpoints, with the authorisation of the central executive authority responsible for formulating and implementing the state tax and customs policy, the central executive body responsible for implementing the state border protection policy and the central executive body responsible for formulating and implementing the state transport policy.

2. In case of refusal to issue the authorisation, the decision-making authority shall, within one month, notify the appropriate public authority of it in writing or in electronic form stating the reasons for refusal.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 332. Customs control area rules. Enforcement of law and order in the customs control area

1. Customs control area rules shall cover official orders, prohibitions and/or restrictions, as laid down by the customs laws of Ukraine, applicable to goods, means of transport for com-

mercial use and citizens being in the customs control area, as well as buildings and facilities placed and maintenance activities conducted therein.

2. Maintenance activities in the customs control area, movement across or within the customs control area of goods, means of transport and citizens, that do not cross the customs border of Ukraine, officials of the regional offices, other than customs ones, of the central executive authority responsible for formulating and implementing the state tax and customs policy, as well as public officials who do not carry out the controls set out in Article 319 of this Code shall take place in compliance with the customs control area rules and shall be allowed only with written authorisation of then-current or acting head of the relevant customs office (customs station), and, in cases where the customs control areas is located at the Ukrainian border checkpoints, by agreement with the head of the competent state border protection authority. The persons admitted into the customs control area shall be prohibited to interfere with the actions of officials of the customs office (customs station) carrying out customs supervision and customs clearance, as well as to take any actions in respect of goods, means of transport and other persons staying within the customs control area, unless otherwise provided by the law.

3. Safety of goods and means of transport for commercial use moved across the customs border of Ukraine, adherence to the customs control area rules, security of citizens, enforcement of law and order in the customs control area shall be ensured by the relevant customs offices (customs stations).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 333. Rights of the revenue and duties authorities to enforce the customs control area rules

1. The revenue and duties authorities within their powers, stipulated by this Code, shall have the right to take enforcement actions against violators of the customs control area rules.

2. The revenue and duties authorities shall be entitled, by enforcement, to: (i) stop the means of transport and citizens that enter the customs territory of Ukraine from the customs control area without any authorisation of the revenue and duties authorities, as well as sea and river vessels that leave the customs control area outside the customs territory of Ukraine without any authorisation of the revenue and duties authorities and are not in the territorial waters of other countries, and (ii) return them to the customs control area.

3. The list and procedure of enforcement actions shall be determined by this Code and other laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 49. Performance of customs supervision

Article 334. Documents and information required for customs supervision

1. The revenue and duties authorities shall require the persons moving the goods and means of transport for commercial use across the customs border of Ukraine or running the activi-

ties, for whose control the revenue and duties authorities are responsible under this Code, to provide only those documents and information that are required for customs supervision and set out by this Code.

2. Persons mentioned in Section 1 of this Article shall provide the revenue and duties authorities with the documents and information required for customs supervision in oral, written and/or electronic form.

3. Information from the official documents, presented for customs supervision and/or customs clearance, shall not require any additional confirmation.

4. Law enforcement agencies, financial institutions and other regulatory authorities of Ukraine in accordance with the law shall notify the revenue and duties authorities of any available information required for customs supervision upon written requests of the revenue and duties authorities or on their own initiative.

5. For the purpose of customs supervision upon release of goods, the revenue and duties authorities shall be entitled to send written requests and receive documents or their certified copies, information, including soft copies, relating to the movement of goods and means of transport for commercial use across the customs border of Ukraine, release of goods and their use within or outside the customs territory of Ukraine.

6. The documents and information, including soft copies, submitted to the revenue and duties authorities by the declarants or persons authorised by them for the purposes of customs supervision, shall be kept by the revenue and duties authorities for at least 1,095 days upon completion of customs controls.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 335. Submission of documents and information required for customs supervision

1. During the movement of goods and means of transport for commercial use across the customs border of Ukraine the declarant, person authorised by him or a carrier, depending on the type of vehicle carrying goods, shall provide the revenue and duties authority with the following documents and information in paper or electronic form:

(1) if carried by road transport:

(a) documents relating to the vehicle, including those containing information on its state registration (nationality);

(b) transport (carriage) documents (international consignment notes);

(c) a document that accompanies international mail, if any, determined by the acts of the Universal Postal Union;

- (d) commercial documents, if any, for the goods being carried, which contain information on the name and address of a carrier, country of origin and country of destination of goods, name and address of a sender (or seller) and a recipient of goods;
 - (e) information on the quantity of cargo items and type of packing;
 - (f) description of goods;
 - (g) gross weight of goods in kilograms or volume of goods in cubic meters, except bulk goods;
- (2) if carried by water transport:
- (a) general declaration containing, inter alia, the name and description of a vessel, details of its registration and nationality, captain's name, surname and address of a vessel's agent;
 - (b) cargo declaration, which contains, inter alia, information on the name of ports of departure, ports of call, loading and unloading of goods, the first port of departure of goods, port of unloading of the goods that remain on-board, the list of bills of lading or other documents confirming the existence and content of the contract of sea (river) carriage, the quantity of cargo items, description and type of packing of goods subject to unloading at the given port;
 - (c) (onboard) stores declaration, which contains, inter alia, details on the name of marine stores available aboard and their number;
 - (d) declaration of personal belongings of the crew;
 - (e) crew list containing information on the number and composition of the crew at the time of arrival and departure of a vessel, including, surnames, first names, nationality, rank or position, date and place of birth, type and number of identity card;
 - (f) the list of passengers that contains information about the passengers at the time of arrival and departure of a vessel, including the number of passengers aboard, surnames, first names, nationality, date and place of birth, ports of embarkation and disembarkation;
 - (g) a document that accompanies international mail, if any, determined by the acts of the Universal Postal Union;
 - (h) transport (shipping) documents for the goods, if any, that contain, inter alia, information on the total number of goods, number of packages, description of goods, type of packaging;

(i) commercial documents, if any, for the goods and information on placement of goods aboard;

(j) information on (non-)availability of goods aboard, which are prohibited or restricted to be imported into the customs territory of Ukraine, including currency valuables available to the crew, medicine comprising drugs, potent drugs, psychotropic and toxic substances;

(k) information on (non-)availability of dangerous goods, weapons and ammunition aboard;

(3) if carried by air transport:

(a) carrier's standard document stipulated by the international civil aviation agreements (general declaration) concluded in accordance with the legislation;

(b) documents containing information on the goods carried aboard (cargo information, air waybills);

(c) a document containing information about (onboard) stores and the number of (onboard) stores, loaded on and unloaded from the aircraft;

(d) transport (traffic) documents;

(e) commercial documents, if available to the carrier, for the goods being transported;

(f) a document that accompanies international mail, if any, determined by the acts of the Universal Postal Union;

(g) information on nationality signs and registration marks of an aircraft, flight number, flight route, point of departure and point of arrival of an aircraft;

(h) information on the name of the entity (organisation, institution) operating an aircraft, and the number of crew members;

(i) the list of passengers stating their number onboard, names and initials, embarkation and disembarkation points, information on the passengers' luggage (passenger boarding list);

(j) description of goods, numbers of bills of lading, quantity of cargo items for each bill of lading, loading and unloading points;

(k) information on (non-)availability of goods aboard, which are prohibited or restricted to be imported into the customs territory of Ukraine, including currency valuables available to the crew, medicine comprising drugs, potent drugs, psychotropic and toxic substances;

(l) information on (non-)availability of dangerous goods, weapons and ammunition aboard;

(4) if carried by railway transport:

(a) transport (carriage) documents;

(b) rolling stock transfer slip;

(c) a document certifying the availability of stores, if any;

(d) a document that accompanies international mail, if any, determined by the acts of the Universal Postal Union;

(e) commercial documents, if available to the carrier, for the goods being transported;

(5) if carried by pipeline transport and power supply lines:

(a) foreign economic agreement (contract) or other documents confirming the ownership, use and/or disposal of goods;

(b) acceptance certificate or statement confirming the number of goods;

(c) commercial and supporting documents, if available to the holder of pipeline transport, power supply lines, for the goods moved across the customs border of Ukraine, and invoice at the time of customs clearance;

(d) name and address of the sender;

(e) name and address of the recipient;

(f) documents (permissions, certificates) confirming the goods quality.

2. Regardless of the type of transport carrying the goods, upon their arrival at the Ukrainian border checkpoint the documents (information) or their details confirming that prohibitions and/or restrictions on goods crossing the customs border of Ukraine imposed by the laws of Ukraine are observed, save for those required exclusively for placing the goods under the customs procedure, shall be presented, including by using information technologies (or electronically).

3. The invoice or other document that determines the value of goods and, in the cases prescribed by this Code, the declaration of customs value shall be submitted to the revenue and duties authority together with customs declaration. The following information shall be stated in the customs declaration by the declarant or person authorised by him in the manner prescribed by this Code:

(1) documents confirming the powers of the declarant;

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- (2) foreign economic agreement (contract) or other documents confirming the ownership, use and/or disposal of goods;
 - (3) transport (carriage) documents;
 - (4) commercial documents available to the declarant;
 - (5) if necessary, documents confirming that non-tariff regulation of foreign economic activity is observed;
 - (6) documents confirming that restrictions arising from the application of protective, anti-dumping and countervailing measures, if any, are observed;
 - (7) in the cases provided by this Code, documents confirming the country of origin of goods;
 - (8) if necessary, documents confirming that customs charges are paid and/or secured;
 - (9) if necessary, documents confirming the right to customs privileges, full or partial relief from customs charges under the selected customs procedure;
 - (10) if necessary, documents confirming the changed due dates of customs charges;
 - (11) if necessary, documents confirming the declared customs value of goods and applied valuation method in accordance with Article 53 of this Code.

4. When serving to the revenue and duties authority an advance notice of intention to move goods, means of transport for commercial use across the customs border of Ukraine, the following documents and/or information, including by using information technology, shall be presented to the revenue and duties authority:

- (1) for importation of goods into the customs territory of Ukraine:
 - (a) a statement of intention to import goods into the customs territory of Ukraine (advance notice or preliminary customs declaration) in a prescribed form;
 - (b) information on the name, volume (quantity) and cost of goods to be imported into the customs territory of Ukraine;
 - (c) means of transport expected to be used for the importation of goods into the customs territory of Ukraine;
 - (d) name of the Ukrainian border checkpoint (revenue and duties authority) through which the goods are planned to be imported;

(e) information on the documents confirming that prohibitions and/or restrictions on goods crossing the customs border of Ukraine imposed by the applicable legislation are observed;

(2) for exportation of goods from the customs territory of Ukraine: customs declaration or supporting documents for the goods in the cases set out by this Code to be presented to the revenue and duties authority for customs supervision.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 336. Forms of customs supervision

1. Customs supervision shall be carried out directly by the officials of the revenue and duties authority through:

(1) verification of documents and information presented to the revenue and duties authority when goods, means of transport for commercial use are moving across the customs border of Ukraine in accordance with Article 335 of this Code;

(2) customs examination ((re-)examination of goods, means of transport for commercial use, (re-)examination of hand luggage and baggage, personal inspection of citizens);

(3) accounting of goods, means of transport for commercial use, moved across the customs border of Ukraine;

(4) oral questioning of citizens and business officials;

(5) inspection of the territories and premises of temporary storage warehouses, customs warehouses, free customs zones, duty-free shops, and other places, where goods, means of transport for commercial use subject to customs supervision are stored, or activities, for whose control the revenue and duties authorities are responsible under this Code and other laws Ukraine, are conducted;

(6) review of the records of goods that are moved across the customs border of Ukraine and/or placed under customs supervision;

(7) desktop audit to verify compliance with the customs legislation of Ukraine, including those verifying timeliness, accuracy, and completeness of assessment and payment of customs charges;

(8) requests sent to other public authorities, institutions and organisations, competent foreign authorities to verify the authenticity of documents submitted to the revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 337. Examination of documents and information submitted to the revenue and duties authorities when goods, means of transport for commercial use are moving across the customs border of Ukraine

1. Documents and information, which according to Article 335 of this Code are submitted to the revenue and duties authorities when goods, means of transport for commercial use are moving across the customs border of Ukraine, shall be subject to visual examination with application of information technology (through format and logical control, reconciling control, and risk management system control) and any other means as provided for in this Code.
2. Format and logical control shall cover an automated verification of accuracy of data input in customs declarations and verification results, examination of customs declarations and other documents for their authenticity and legality, statistical, currency control, control of assessed customs charges, verification of correct application of non-tariff regulation of foreign economic activity.
3. Reconciling control shall cover an automated comparison of data contained in customs declarations or other documents submitted for customs supervision and customs clearance with that contained in soft copies of customs declarations and other documents received from customs and law enforcement agencies of neighbouring countries, in unified electronic permits received from other public authorities and other electronic documents related to the verification of authenticity of the data being examined.
4. Risk management system control shall comprise risk assessment by analysing, including through information technology, documents submitted in a particular case of goods, means of transport for commercial use moving across the customs border of Ukraine to select the form and scope of customs supervision, sufficient to ensure that the requirements of the customs laws of Ukraine are met.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 338. (Re-)examination of goods, means of transport

1. Examination of goods, means of transport for commercial use presented to the revenue and duties authority, including those presented for re-calculation and weighting, shall be carried out shortly after the decision on such examination is taken.
2. Based on the results produced by risk management system, the examination of goods, means of transport for commercial use may be: (i) identifiable, i.e. without opening shipping units or inspecting means of transport, (ii) partial, i.e. with opening 20 per cent of shipping units, (iii) selective inspection of means of transport, and (iv) full-scope, i.e. with opening up to 100 per cent of shipping units and thoroughly inspecting means of transport.
3. Upon written decision of the head or acting head of the revenue and duties authority, the examination of goods, means of transport for commercial use may also be carried out if:

(1) customs declaration is not filed by the declarant within the period specified in Article 263 of this Code provided that there are sufficient grounds for considering that those goods move across the customs border of Ukraine in violation of requirements of this Code and other customs laws;

(2) goods are detected (found) in the course of customs supervision in the customs control areas and/or means of transport moving across the customs border of Ukraine and their holder is unknown;

(3) the declarant fails to fulfil the obligations specified in Article 266 of this Code.

4. Goods, means of transport for commercial use shall be re-examined if any damage or loss of customs instrumentality attached to those goods, means of transport is found, or there are other visible indications of possible unauthorised access to the goods being under customs supervision. The costs related to such re-examination shall be paid by the holder of the goods, means of transport or person authorised by him.

5. Except as specified in Sections 2 to 4 of this Article, goods, means of transport for commercial use may be (re-)examined if there are sufficient grounds for considering that goods and means of transport are moving across the customs border of Ukraine beyond or concealed from customs supervision, including in the event the relevant official information is received from the law enforcement agencies. An exhaustive list of grounds shall be determined by the Cabinet of Ministers of Ukraine. For the purpose of (re-)examination of goods, the officials of the revenue and duties authority shall take reasonable actions, as stipulated by this Code, throughout the customs territory of Ukraine, including the stop of vehicles for their (re-)examination within the controlled border area and frontier zone. The (re-)examination shall be conducted at the expense of the authority, on the initiative or under the information of which the decision on such (re-)examination is taken. If the (re-)examination establishes the fact of illegal movement of goods, means of transport for commercial use across the customs border of Ukraine, the costs related to such (re-)examination shall be reimbursed by the holder of the goods, means of transport or person authorised by him.

6. (Re-)examination of goods, means of transport for commercial use shall be carried out in the presence of the person carrying those goods and vehicles across the customs border of Ukraine or storing goods under customs supervision, and, if absent, in the presence of at least two witnesses. Witnesses shall be persons who are not interested in the results of (re-)examination. The employees of the revenue and duties authority may not attest as witnesses.

7. The procedure of examination and re-examination of goods, means of transport for commercial use shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

8. Customs (re-)examination findings shall be documented in the (re-)examination report drawn up in two copies and containing information on:

(1) officials of the revenue and duties authority that carried out the (re-)examination and persons present at the time of (re-)examination;

(2) grounds for (re-)examination in the absence of the person that moves the goods, means of transport for commercial use across the customs border of Ukraine or stores the goods under customs supervision;

(3) scope of (re-)examination and its findings;

(4) other information relating to the goods, means of transport for commercial use under (re-)examination.

9. (Re-)examination report shall be certified with an impression of personal numbered seal of the revenue and duties authority official who carried out the (re-)examination.

10. A copy of the report shall be provided (sent) to the person that moves the goods across the customs border of Ukraine or stores them under customs supervision.

11. The form of (re-)examination report of goods, means of transport, hand luggage and baggage shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 339. (Re-)examination of hand luggage, baggage

1. If there are grounds for considering that hand luggage or baggage of a citizen contains the goods moved across the customs border of Ukraine, including transit goods, which are to be recorded and subject to respective controls, referred to in Section 1 of Article 319 of this Code, or the goods during the customs clearance of which customs charges are levied, as well as the goods prohibited or restricted to be moved across the customs border of Ukraine, the revenue and duties authority shall have the right to carry out the examination and, if necessary, re-examination of hand luggage and baggage with their unpacking.

2. (Re-)examination of hand luggage, baggage of a citizen shall be carried out in the presence of the holder or person authorised by him.

3. (Re-)examination of hand luggage, baggage in the absence of the holder or person authorised by him shall be carried out:

(1) if there are grounds for considering that unaccompanied baggage contains goods which are hazardous to human life and health, animals and plants, as well as the environment;

(2) if a citizen or person authorised by him does not appear within one month from the date of arrival of unaccompanied baggage at the customs office of destination;

(3) if hand luggage, baggage is left within the territory of Ukraine with violation of obligation of its transit through the territory of Ukraine.

4. (Re-)examination of hand luggage, baggage in the absence of a citizen or person authorised by him shall be carried out in the presence of representative of an entity that transports, delivers hand luggage, baggage or stores it.

5. The (re-)examination report, which form is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy, shall be issued.

6. A copy of (re-)examination report shall be handed over to a citizen or person authorised by him, or representative of an entity that transports, delivers hand luggage, baggage or stores it.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 340. Personal inspection

1. Personal inspection as an exceptional form of customs supervision shall be carried out under the written decision of the head or acting head of the revenue and duties authority, if there are reasonable grounds for considering that the person crossing the customs border of Ukraine or being in the customs control area or transit area of an international airport hides smuggled items or goods that are direct objects of customs offense or are banned to be imported into Ukraine, exported outside Ukraine or transited through the territory of Ukraine.

2. Prior to the inspection, the revenue and duties authority official shall show to a citizen a written decision of the head or acting head of the revenue and duties authority to inform on his rights and obligations during such inspection and offer to voluntarily reveal hidden and/or non-declared goods.

3. Acknowledgement of a citizen with the decision on personal inspection shall be certified by the revenue and duties authority official with relevant inscription made to the decision on such inspection. In case a citizen refuses to reveal hidden and/or non-declared goods, the decision on personal inspection shall contain a relevant entry certified with the signature of the revenue and duties authority official that showed the mentioned decision to a citizen.

4. A citizen subject to personal inspection shall be entitled to:

- (1) read and understand the decision on personal inspection and its sequence prior to personal inspection;
- (2) be made aware of his rights and obligations during personal inspection;
- (3) provide representations and solicit;
- (4) voluntarily reveal the goods moved across the customs border of Ukraine in violation of the customs legislation;
- (5) make statements with their mandatory documentation in the inspection protocol by the revenue and duties authority official conducting personal inspection;

(6) speak native language and use the interpreting services;

(7) read personal inspection report upon its execution and make a statement to be documented in the report;

(8) appeal against the decision, actions of the revenue and duties authority regarding such inspection.

5. Personal inspection shall be conducted in an isolated room that meets sanitary and hygiene requirements by the revenue and duties authority official of the same sex to a citizen under personal inspection in the presence of at least two witnesses of the same sex. Witnesses shall be persons who are not interested in the results of the inspection. Relatives of a person subject to personal inspection and the revenue and duties officials may not attest as witnesses. Access to the premises, where the inspection is carried out, by any citizens not involved into the inspection and the opportunity to observe the inspection by such citizens shall be excluded. Examination of the body of a citizen subject to personal inspection shall be made exclusively by a medical professional.

6. During personal inspection a protocol shall be drawn up in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

7. The protocol shall be signed by the revenue and duties authority official that carried out the inspection, citizen inspected, witnesses present during the inspection and, in case of inspection by a medical professional, by such professional as well. The citizen inspected shall be entitled to make a statement to be mandatory documented in the protocol.

8. A copy of the protocol shall be given to the citizen.

9. The President of Ukraine, Chair of the Verkhovna Rada of Ukraine, members of parliament, Prime Minister of Ukraine, First Vice-Prime Minister of Ukraine, President and judges of the Supreme Court of Ukraine, President and judges of the Constitutional Court of Ukraine, Minister of Foreign Affairs of Ukraine, Prosecutor General of Ukraine and members of their families accompanying them shall not be subject to personal inspection.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 341. Accounting of goods and means of transport moved across the customs border of Ukraine

1. Goods and means of transport moved across the customs border of Ukraine shall be accounted by the revenue and duties authority for the purpose of their customs supervision.

2. Goods and means of transport moved across the customs border of Ukraine shall be accounted under customs declarations for goods and national registration documents for means of transport.

3. Goods moved across the customs border of Ukraine by pipeline transport and via power supply lines shall be accounted with the use of appropriate metering equipment.

4. Procedure for accounting of goods and means of transport moved across the customs border of Ukraine by the revenue and duties authorities and forms of accounting documents, including those in electronic form, shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 342. Oral questioning of the citizens and business officials

1. The revenue and duties officials may question orally the citizens and business officials for the purposes of customs supervision.

2. Oral questioning of the citizens and business officials in the course of customs supervision shall consist in obtaining information, relevant to customs supervision, by the revenue and duties authority official from the persons who possess it.

3. If necessary, during the oral questioning the protocol shall be drawn up, the form of which is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy. A person being questioned shall be made aware of the protocol being drawn up before the questioning.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 343. Inspection of the territory and premises of temporary storage warehouses, customs warehouses, duty-free shops, free customs zones, and other places, where goods, means of transport for commercial use subject to customs supervision are stored, or activities, for whose control the revenue and duties authorities are responsible, are conducted

1. Inspection of the territory and premises of temporary storage warehouses, customs warehouses, duty-free shops, free customs zones, and other places, where goods, means of transport for commercial use subject to customs supervision are stored, or activities, for whose control the revenue and duties authorities are responsible, are conducted (except for residential houses), may be carried out by the revenue and duties officials under the written decision of the head or acting head of such authority in order to:

(1) verify that the importation of goods, means of transport for commercial use into the customs territory of Ukraine is legitimate and compliant, and customs charges are accurately assessed and fully paid;

(2) verify that the actual quantity of imported goods, means of transport for commercial use is consistent with the information stated in the customs declaration;

(3) verify that the rules, set out of this Code and other laws of Ukraine, that apply to the activities, for whose control the revenue and duties authorities are responsible, are observed.

2. Inspection shall be conducted upon presentation of appropriate decision and ID of the revenue and duties authority official to a person holding or using the territory, person in charge of warehouse operation of the humanitarian aid beneficiary, keeper of a temporary storage warehouse, customs warehouse, duty free shop, free customs zone, or person authorised by him.

3. Inspection shall be conducted as long as one day, unless otherwise provided by the law.

4. The inspection findings shall be documented in the report, a copy of which is given to a person holding or using the territory, person in charge of warehouse operation of the humanitarian aid beneficiary, keeper of a temporary storage warehouse, customs warehouse, duty free shop or person authorised by him, the head or deputy head of the governing authority of an appropriate special (free) economic zone. The report form shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 344. Review of the records of goods, means of transport for commercial use that are moved across the customs border of Ukraine and/or placed under customs supervision

1. Review of the records of goods, means of transport for commercial use that are moved across the customs border of Ukraine and/or placed under customs supervision shall consist in actions taken by the revenue and duties authorities to verify that the documentation on those goods, means of transport for commercial use comply with the requirements, established by this Code and other customs laws of Ukraine.

2. Review of the records of goods, means of transport for commercial use placed under customs supervision as part of customs controls shall cover:

(1) entities engaged in the activities, referred to in Article 404 of this Code;

(2) entities that enjoy special facilitations under this Code;

(3) entities handling the goods placed under the customs procedure that provides for accounting of such goods.

3. Based on the findings of review of the records of goods, means of transport for commercial use under customs supervision, the revenue and duties officials shall issue a report, a copy of which is given to the head of the reviewed entity.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 345. Desktop audit to verify compliance with the customs legislation of Ukraine, including those verifying timeliness, accuracy, completeness of assessment and payment of customs charges

1. Desktop audit shall include actions taken by the revenue and duties authorities to verify that: (i) the customs declarations and declarations of customs value are correctly filled out, (ii) the declared data is reliable, (iii) importation/exportation (transfer) of goods into/from the customs territory of Ukraine or the territory of free customs zone is legitimate, and (iv) customs charges are assessed and paid on time, in full and in an accurate manner.
2. Desktop audit to verify compliance with the customs legislation of Ukraine, including those verifying timeliness, accuracy, completeness of assessment and payment of customs charges shall be conducted by the revenue and duties authorities considering the limitation period referred to in Article 102 of the Tax Code of Ukraine.
3. The revenue and duties authorities shall be entitled to carry out customs supervision through (scheduled or unscheduled) on-site and off-site desktop audits to verify compliance with the customs legislation of Ukraine, in particular:
 - (1) correct determination of tax base, timeliness, accuracy, completeness of assessment and payment of customs charges;
 - (2) relevance and legality of granting (obtaining) tax privileges and exemptions;
 - (3) correct classification of goods subject to customs clearance according to the UC-GFEA;
 - (4) compliance of actual use of the goods moved across the customs border of Ukraine with the declared purpose of such movement and/or compliance of financial and accounting records, statements, agreements (contracts), calculations and other documents of an auditee with the information indicated in the customs declaration, declaration of customs value used for customs clearance under relevant customs procedure;
 - (5) legality of movement of goods across the customs border of Ukraine, including the importation/exportation of goods into/from the territory of free customs zone.
4. In the course of desktop audit the revenue and duties officials must exercise powers specified in this Code exclusively to the extent required to clarify the issues concerned.
5. Any losses and/or damage caused by the revenue and duties officials to the auditee in the course of the audit shall be indemnified in the manner prescribed by the law.
6. The audit findings shall be documented in the report (statement) and serve the basis for the revenue and duties authority to assess the amount of tax liability of the auditee for payment of customs charges and to take actions provided by the laws of Ukraine.

7. If in the course of the audit the revenue and duties authority finds any indications of customs offense or smuggling, the revenue and duties officials shall take legally established actions.

8. If based on the desktop audit findings the decisions on classification of goods for customs purposes taken by the revenue and duties authority in accordance with Article 69 of this Code, or the decisions on adjustment of the declared customs value of the goods taken by the revenue and duties authority under Title III of this Code are cancelled or amended, the actions taken by the auditee to implement those decisions shall not invoke the imposition of penalties (financial sanctions), fine, administrative penalties, except for the cases where such decisions are taken based on incorrect documents, inaccurate information submitted by the auditee and/or due to failure to supply all the information available to the auditee and required to take those decisions, that significantly affected the nature of those decisions.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 346. Grounds and procedure for on-site desktop audits by the revenue and duties authority

1. On-site desktop audits shall be carried out under the order of the appropriate revenue and duties authority considering the circumstances and grounds set out in this Code.

2. Scheduled on-site desktop audit is an audit included in the schedule of the revenue and duties authority and shall be carried out at the location of the auditee. In the absence of appropriate conditions for the revenue and duties officials at the auditee's premises, the audit may be carried out at the premises of the revenue and duties authority with consent of the auditee's manager.

3. Scheduled on-site desktop audits shall be carried out by the revenue and duties authority based on its quarterly plans taking into account the results of risk-based analysis of foreign economic operations of entities. Procedure for planning of on-site audits by the revenue and duties authorities shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. Scheduled on-site desktop audit may be carried out at the same entity not more than once in every 12 months and at the entity bearing the status of authorised economic operator not more than once in every 30 months.

5. In case the customs and other regulatory authorities plan to conduct a scheduled on-site audit of the same entity, it shall be carried out by such authorities at the same time. Procedure for coordination of scheduled on-site audits by the central executive authority responsible for formulating and implementing the state tax and customs policy shall be determined by the Cabinet of Ministers of Ukraine.

6. The right to conduct a scheduled desktop audit of an entity shall be granted only in case a copy of the order on scheduled desktop audit and a written notice indicating its start date

is served within 10 calendar days before the date of audit to the auditee's manager or person authorised by him against receipt or by registered mail with return receipt.

7. **Unscheduled on-site desktop audit** is an audit of an entity that is not scheduled by the revenue and duties authority and may be carried out if at least one of the following circumstances occurs:

(1) as part of control, the central executive authority responsible for formulating and implementing the state tax and customs policy examines the materials of desktop audit conducted by the revenue and duties authority, and establishes that the audit findings are inconsistent with legal requirements or clarification of the issues which should have been clarified during the audit is insufficient for issuing an objective opinion on compliance of the auditee with the customs legislation. This unscheduled on-site desktop audit may be initiated by the central executive authority responsible for formulating and implementing the state tax and customs policy only provided that official investigation or criminal proceedings are commenced in respect of the revenue and duties officials who conducted relevant audit. If this is the case, the central executive authority responsible for formulating and implementing the state tax and customs policy shall designate the revenue and duties authority that will carry out such audit;

(2) it is identified or it has been well documented that the auditee violated the customs legislation, unless it provides reasonable representations and documentary evidence at the written request of the revenue and duties authority within 10 working days upon receipt of such request;

(3) the customs declaration is not filed by the auditee within the prescribed term;

(4) the winding-up (except for restructuring) or bankruptcy proceeding is initiated against the auditee;

(5) the auditee lodges to the revenue and duties authority in the prescribed manner an appeal against the audit report or a complaint against the tax notice served on the basis of such audit, that require full or partial review of audit findings or annulment of the tax notice served on the basis of such audit, and state the circumstances that were not examined during the audit and objective consideration of which is impossible without additional audit. Such additional audit shall be focused only on the issues disputed.

8. **On-site desktop audit** shall not exceed 30 working days. This duration shall not include:

(1) period of time between a written request for documents and particulars necessary to clarify the audit issues being served to the auditee's manager or person authorised by him and such documents and particulars being supplied;

(2) time required for recovering lost, damaged or prematurely destroyed documents necessary to clarify the audit issues in the cases stipulated by the Tax Code of Ukraine;

(3) time required for correcting the financial accounts if there are any gaps found in the accounting documents and/or financial statements;

(4) time required for drawing up an audit report (statement).

9. The term of on-site desktop audit may be extended under the order of the competent revenue and duties authority but such an extension shall not exceed 15 working days. The grounds for extension of scheduled on-site audits shall include:

(1) the entity's application (if it is required to present the documents relating to the audit issues);

(2) shift-based working hours or summarized time sheet of the entity and/or its entities;

(3) cases provided for in the third indent of paragraph 44.7 of Article 44 of the Tax Code of Ukraine;

(4) cases where the auditee fails to present the documents required for clarifying the audit issues within the period of on-site desktop audit at the written request of the revenue and duties authority official authorised to conduct the audit.

10. The terms established by this Article, basis and procedure for on-site desktop audits shall not apply to the audits carried out at the request of the entity itself, authorised economic operators (including companies that apply for such status), as well as to the audits carried out in accordance with the criminal and procedural law, or in the administrative proceedings on customs offense against the official of such entity.

11. On-site (scheduled or unscheduled) desktop audit may be suspended under the order of the revenue and duties authority, a copy of which shall be sent to the auditee not later than the next working day by registered mail with return receipt or served against receipt to the auditee's manager or person authorised by him with its subsequent renewal for the unused period, if at least one of the following grounds exists:

(1) there is a need for the entity to recover lost documents or a justified need for additional time to present the documents specified in the request of the revenue and duties authority official;

(2) there is a need for customs expert examination;

(3) there is a need for cross-check;

(4) there is a need for obtaining information from other public authorities of Ukraine or competent foreign authorities.

12. Suspension of on-site (scheduled or unscheduled) desktop audit shall halt the elapse of audit provided that a copy of the order to suspend such audit is served to the auditee's man-

ager or person authorised by him against receipt, or sent by registered mail with return receipt. The audit may be suspended for the overall period of not more than 30 working days, and in cases where there is a need for: (i) customs expert examination, (ii) obtaining information from other public authorities of Ukraine or competent foreign authorities, (iii) court proceedings on audit issues, and (iv) for the entity to recover lost documents, the audit may be suspended for the period required to complete those procedures.

13. The decision to suspend and renew desktop audit shall be taken by the head or acting head of the revenue and duties authority upon the written solicitation of the auditor, or at the justified request of the auditee.

14. The revenue and duties officials authorised to conduct the audit shall be prohibited to stay in the auditee's premises for the period when audit is suspended, unless there is a need for removing or replacing customs instrumentality attached under paragraph 14 of Section 1 of Article 347 of this Code.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

**Article 347. Rights and obligations of the revenue and duties
officials in the course of on-site desktop audits**

1. The revenue and duties officials in the course of on-site desktop audits to clarify the audit issues shall be entitled to:

- (1) verify monetary, financial and accounting documents, reporting, contracts, declarations, calculations and other documents that may relate to the operations of importation/exportation (transfer) of goods into/from the customs territory of Ukraine or the territory of free customs zone, including information required to clarify the audit issues, which is available to the auditee in electronic form;
- (2) obtain free information, representations, certificates in writing on the issues arising in the course of the audit, copies of the documents signed by the auditee's manager or person authorised by him and sealed, if applicable, from the auditees;
- (3) inspect production, warehousing, commercial and other facilities of the auditee documenting the observations and findings in the relevant report;
- (4) take samples and/or probes of goods, if possible;
- (5) carry out, as prescribed by the Cabinet of Ministers of Ukraine, a check analysis of raw materials, supplies and finished goods, test processing of raw materials and supplies that were or are under customs supervision or were used by the auditee in finishing goods made of raw materials and supplies placed under the appropriate customs procedure, or procure that those actions are taken by the authorised ex-

perts, procure that the authorised experts make control measurement of the scope of construction, installation, repair and other work;

(6) conduct cross-checks at the entities;

(7) require the auditee's managers and other officials to cease any actions that impede the revenue and duties officials to exercise their powers;

(8) require the auditee's managers to conduct a stock-taking of fixed assets and inventories that were or are under customs supervision or were used by the auditee together with the goods that have been placed under the appropriate customs procedure, observe the stock-taking, and, in case of refusal to do so, apply to court as prescribed by the law to oblige the auditee to conduct such stock-taking;

(9) if the revenue and duties officials are not given access to inspect the territories and production, warehousing, commercial or other facilities or conduct check analyses referred to in this Article, apply to court with a petition to suspend debit transactions of the entity on its accounts by seizing funds and other assets of the entity kept in the bank, save for the payment of salary/wage, customs charges and other taxes and duties, USC and financial obligations of the entity assessed by the regulatory authority);

(10) draw up customs offense reports in the manner prescribed by this Code;

(11) assess the amount of tax liabilities of the entity in the manner prescribed by this Code;

(12) receive information from insurance companies and banking institutions in the manner and to the extent determined by the law;

(13) make official use of communication facilities owned by the auditee once authorised by the auditee's officials;

(14) for the time of clarifying the audit issues, attach customs instrumentality to computers, safe boxes, archives and other places where documents required for audit, including those in electronic form, are stored, as well as to warehousing, production, and commercial facilities, if there is a probability of unauthorised withdrawal, destruction, substitution, change in the state or quality of the goods stored at those facilities, which may have an impact on the decision-making based on the audit findings;

(15) enjoy other rights provided for in this Code and the laws of Ukraine.

2. In the course of on-site desktop audit the revenue and duties officials shall be obliged to:

(1) carry out an audit in accordance with its programme approved by the appropriate audit order of the revenue and duties authority;

- (2) respect the rights and legitimate interests of the auditee's employees and avoid causing damage to the auditee through unlawful decisions, actions or omission;
- (3) not to violate the normal operation mode of the auditee;
- (4) use any information made known in the course of the audit solely for customs purposes;
- (5) not to disclose information that is made known in the course of the audit and comprises state, banking or trade secret protected by the law;
- (6) provide information on the provisions of the laws relating to the audit issues at the request of the auditee's officials;
- (7) ensure that the documents received and executed in the course of the audit are stored, not to disclose their contents without the consent of the auditee save as prescribed in this Code;
- (8) inform the auditee's officials on their rights and obligations in the course of customs supervision after the release of goods, on initiation and performance of expert examination (research), taking of samples and probes;
- (9) provide the auditee manager or acting manager with a copy of the report or statement based on the audit findings;
- (10) perform other duties stipulated by this Code and other laws of Ukraine.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 348. Cross-checks

1. For the purposes of clarifying the audit issues, the revenue and duties officials shall be entitled to conduct cross-checks in the course of on-site desktop audit.
2. The basis for a cross-check shall be a necessity to verify information received from a person, directly or indirectly engaged in handling the goods, moved across the customs border of Ukraine, including those imported/exported into/from the territory of free customs zone, or from any other person that may have documents and data required for the decision-making based on the audit findings, unless such person provides representations and necessary documentary evidence at the written request of the revenue and duties authority within three working days upon receipt of the request.
3. Cross-check shall be focused on compliance with the laws while running foreign economic activities, information contained in the customs declaration, declaration of customs value, as well as the type and volume of operations with goods and relevant payments to satisfy themselves as to their authenticity and accuracy.

4. The results of cross-check may be used only to confirm or refute the information contained in the customs declaration, declaration of customs value, as well as commercial and other documents attached thereto.
5. Cross-checks shall not be deemed to be audits and shall be carried out in the manner prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.
6. The results of cross-check shall be documented in the statement that is to be submitted, within ten days upon completion of cross-check, to the manager of the entity subject to cross-check for signing-off.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 349. Conditions for admission of the revenue and
duties officials to (scheduled or unscheduled) on-site desktop
audits and cross-checks**

1. The revenue and duties officials shall be entitled to conduct a (scheduled or unscheduled) on-site desktop audit of the declarant or a cross-check at the entity, if there are reasonable grounds for it as prescribed by this Code, and after the auditee's manager or person authorised by him is presented against receipt an audit certificate indicating the date of its issue, name of the revenue and duties authority, audit objectives, type (scheduled or unscheduled) and grounds, start and end dates, titles, special ranks and names of the revenue and duties officials who will conduct the audit, ID cards of those persons are shown and a copy of the audit order of the revenue and duties authority is handed over.
2. Audit certificate shall be valid if signed by the head of the revenue and duties authority and sealed by the revenue and duties authority.
3. Failure to hand over a copy of the audit order of the revenue and duties authority to the auditee's manager or person authorised by him, failure to show ID cards of the revenue and duties officials who will conduct the audit and audit certificate, or their presentation in violation of the requirements laid down in Sections 1 and 2 of this Article shall constitute the basis for non-admission of the revenue and duties officials to conduct the audit.
4. Non-admission of the revenue and duties officials to conduct the audit for the reasons other than those specified in Section 3 of this Article shall not be permitted.
5. Upon presentation of the audit certificate the auditee's manager or person authorised by him shall sign it indicating his/her full name, position, date and time of acknowledgement.
6. In case the auditee's manager or person authorised by him refuses to sign the audit certificate, the revenue and duties officials shall document it in the report on refusal. The report on refusal to sign the audit certificate shall constitute the ground for the start of such audit.

7. In case the auditee's manager or person authorised by him refuses to admit the revenue and duties officials to conduct the audit, it shall be documented in a separate report.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 350. Rights and obligations of the auditee's officials in
the course of desktop audits**

1. The auditee's officials shall be entitled to:

- (1) require the revenue and duties officials to give grounds for audit, present the audit certificate, their ID cards and hand over a copy of the audit order issued by the revenue and duties authority;
- (2) provide the revenue and duties authority auditors with written statements, comments, representations on the audit issues;
- (3) submit to the revenue and duties officials the requests for and obtain from them information on legal provisions relating to the audit issues;
- (4) provide the revenue and duties officials with any available documents and particulars confirming that the declaration and customs clearance of goods is completed in line with the appropriate customs procedure and the customs legislation is observed;
- (5) require the revenue and duties officials to verify the particulars and facts that may testify in auditee's favour;
- (6) apply to the revenue and duties authority whose officials are leading the audit for extension of the period for filing the documents, or audit period;
- (7) submit written comments or objections to the audit report in case of disagreement with its observations and findings, require the revenue and duties officials to consider those comments or objections on merits and incorporate them in the report based on the audit findings;
- (8) obtain from the revenue and duties officials a copy of the report (statement) drawn up on the basis of the audit findings upon completion of audit;
- (9) appeal against the decision taken by the revenue and duties authority based on the audit findings;
- (10) calculate losses and/or damage caused to the auditee in connection with desktop audit and claim an indemnification in the manner prescribed by the law, and incorporate the calculations in the report based on the audit findings as its integral annex;
- (11) enjoy other rights stipulated by this Code and other laws of Ukraine.

2. The auditee's officials shall be obliged:

- (1) not to interfere with legitimate activities of the revenue and duties officials in the course of the audit and fulfil their legal requirements, including those received in writing, relating to the provision of documents, their copies, information, including, if available, those in electronic form, for audit purposes, stock-taking, examination and exercise of other rights of the revenue and duties officials provided for in this Code and the Tax Code of Ukraine;
- (2) to provide, during working hours, an unobstructed access of the revenue and duties authority auditors to the auditee's locations and ensure the conditions for performance of their duties;
- (3) to provide, if necessary, the revenue and duties officials with working places at the auditee's location, computer and other office equipment, if available;
- (4) to make an entry of acknowledgement in the audit certificate;
- (5) to appoint those responsible for the provision of information to the revenue and duties authority auditors within two working days from the start date of audit;
- (6) to ensure the storage of documents required to clarify the audit issues for the period referred to in paragraph 44.3 of Article 44 of the Tax Code of Ukraine and recover them in case of loss or premature destruction;
- (7) perform other duties stipulated by this Code and other laws of Ukraine.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 351. Off-site desktop audits

1. Off-site desktop audits shall be focused on the data about timeliness, accuracy, completeness of assessment and payment of customs charges when goods are moved by the entities across the customs border of Ukraine, as well as when goods are moved across the customs border of Ukraine by the citizens filing a customs declaration set forth in the legislation of Ukraine for the entities.
2. Off-site desktop audit shall be conducted if:

- (1) there are indications of possible violation of the customs legislation of Ukraine according to the analysis of soft copies of customs declarations, information, which relates to the cleared goods, received from the foreign economic entities and producers of such goods, opinions issued by the experts accredited under the law;
- (2) the competent foreign authorities provide documented information about unconfirmed authenticity of documents submitted to the revenue and duties authority in respect of the cleared goods, inaccurate data contained therein, or send requests

for information on foreign economic transactions with engagement of foreign economic entities that are residents of Ukraine.

3. Off-site desktop audit shall be conducted under the order of the revenue and duties authority.
4. Off-site desktop audit shall be conducted by the revenue and duties officials in the premises of such authority, provided that a written notice indicating the start date and place of audit has been served to the auditee's manager or citizen concerned by registered mail with return receipt or delivered to those persons or their authorised representatives against receipt.
5. The presence of authorised officials of the auditee or citizen concerned in the course of the audit shall not be required.
6. Audit period shall be indicated in the appropriate order of the revenue and duties authority and may not exceed the terms set in Section 8 of Article 346 of this Code for off-site desktop audits. Audit period may be extended for the term and on the grounds provided for in Section 9 of Article 346 of this Code.
7. The revenue and duties authority shall inform the auditee (citizen concerned) about the extension of the audit period in the manner prescribed by Section 4 of this Article.
8. The revenue and duties officials in the course of the audit shall not be entitled to:
 - (1) examine any data beyond the audit scope;
 - (2) require the auditee to provide any documents or information not related to what is audited;
 - (3) disclose information on the auditee which constitute confidential information, state, trade or banking secret and is made known to such persons in performing their official duties.
9. The findings of off-site desktop audit shall be documented as prescribed by this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 352. Materials that may be used to issue audit opinions

1. In the course of the audit the revenue and duties officials may use the following documents:
 - (1) documents specified in this Code;
 - (2) tax information;
 - (3) expert opinions;
 - (4) court decisions;

(5) documented particulars, obtained from the competent foreign authorities, on cost, quantitative or qualitative characteristics, country of origin, composition and other characteristics that matter for taxation of goods, their importation/exportation (transfer) into/from the customs territory of Ukraine or the territory of free customs zone, that differ from those declared during the customs clearance;

(6) other documents, obtained in the way and manner provided by this Code or other laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 353. Provision of documents by the auditee's officials

1. No documents may be requested by any revenue and duties officials from the auditee's officials if it is not provided for in this Code.

2. The auditee shall provide the revenue and duties authority auditors with a full package of documents, including those in electronic form, that relate to or are associated with what is audited, may relate to the movement of goods across the customs border of Ukraine, including their bringing into/out of the territory of free customs zone, not later than on the first working day following the start date of desktop audit.

3. The documents which constitute a trade secret or are deemed to be confidential shall be passed to the revenue and duties authority official separately from other documents. Transfer of documents for their verification, examination and return shall be documented in free-form reports signed by the revenue and duties authority official and auditee's authorised signatory. Seizure of the original copies of primary financial and economic, accounting and other documents, except as stipulated in the Criminal Procedure Code of Ukraine, shall not be allowed.

4. In the course of the audit, in order to receive documents (their copies), representations, and references the revenue and duties authority auditors shall send to the auditee's manager or person authorised by him written requests against personal signature on the second copy of such requests specifying the list of documents (their copies), representations, and references required for audit and the term for their provision. Such requests may be sent not later than five working days prior to termination of the audit period, including extended one.

5. In case the auditee's manager or person authorised by him refuses to provide the revenue and duties authority auditor with the documents specified in the request, such auditor shall draw up a refusal report in a free form indicating the position and full name of the auditee's manager or person authorised by him and the list of documents requested and grounds for such refusal in respect of each document. The above-mentioned report shall be signed by the revenue and duties authority official and the auditee's manager or person authorised by him. In case the auditee's manager or person authorised by him refuses to sign it, there shall be made a corresponding entry.

6. The auditee's manager or person authorised by him shall be entitled to apply in writing to the head of the revenue and duties authority that initiated the audit for extension of the period for the provision of documents (their copies) specified in the written request of the revenue and duties authority official but not more than for 15 working days.

7. If there are objective factors, the auditee's manager or person authorised by him shall be entitled to apply so on each written request sent by the revenue and duties authority official.

8. The head of the revenue and duties authority shall take a reasoned decision within two working days upon receipt of the auditee's application for extension of the period for the provision of documents (their copies).

9. If the decision is taken to extend the period for the provision of documents (their copies), the response shall be sent to the auditee.

10. In the cases provided by this Code, the revenue and duties authority auditor shall be entitled to obtain the copies of documents relating to what is audited from the auditee. Those copies must be certified by the auditee's manager or person authorised by him and sealed, if applicable. The receipt of the copies of documents shall be documented in the form of description. A copy of description prepared by the revenue and duties officials shall be delivered to the auditee's manager or person authorised by him against personal signature. If the auditee's manager or person authorised by him refuses to acknowledge the receipt of a copy of the description by putting a signature, the revenue and duties officials that receive the copies shall make an entry on refusal to sign in the description.

11. If before or at the time of the audit the original copies of source documents, accounting and other registers, financial and statistical reports, and other documents related to computation and payment of customs charges and other issues relating to the state customs affairs are seized by the law enforcement and other authorities, those authorities shall provide the copies of such documents to the revenue and duties authority for audit. Those copies must be provided within three working days upon receipt of a written request from the revenue and duties authority, sealed and signed by the officials of the law enforcement and other authorities that have seized the original documents.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 354. Documentation of audit findings

1. Audit findings shall be documented in the form of a report or statement signed by the revenue and duties officials and the auditee's manager or person authorised by him. If the audit identifies any violations, there shall be issued a report. If no violations are noted, there shall be issued a statement. The results of cross-check shall be documented in a statement.

2. Audit report (statement) shall be made in two original copies signed by the revenue and duties authority auditors and registered with the revenue and duties authority within 10

working days following the end date of the audit period. Once registered with the revenue and duties authority the report (statement) shall, within three working days, be given to the auditee's manager or person authorised by him for signing-off or sent to the auditee in the manner prescribed by the Tax Code of Ukraine for communication (delivery) of tax notices.

3. The time for drawing up an audit report (statement) shall not be included in the audit period established by this Code.

4. The auditee's manager or person authorised by him shall, within five working days following the date of receipt of the report (statement), return a signed copy of the report (statement) to the revenue and duties authority. The second copy of the report (statement) shall kept by the auditee.

5. If the auditee's manager or person authorised by him refuses to sign the audit report or statement, the revenue and duties officials shall document it in a separate report. A copy of the report or statement shall be delivered or served to the auditee's manager on the date of its issue.

6. If the auditee's manager or person authorised by him refuses to receive a copy of the audit report or statement, or if it is impossible to have it delivered and signed due to the absence of the auditee at its location, this report or statement shall be sent to the auditee in the manner prescribed by the Tax Code of Ukraine for communication (delivery) of tax notices. In such cases the revenue and duties authority shall document it in a separate report.

7. Refusal of the auditee's manager or person authorised by him to sign the audit report or to receive its copy shall not release the auditee from obligation to pay the amounts of financial obligations assessed by the revenue and duties authority based on the audit findings.

8. If the auditee's manager or person authorised by him disagrees with the audit opinion or observations and data set forth in the audit report or statement, they shall sign the report or statement with objections they may lodge within five working days upon receipt of the report or statement. Such objections shall be an integral part of the audit report or statement. The objections shall be considered by the revenue and duties authority within five working days following the date of receipt (completion date of the audit necessitated to clarify the circumstances that have not been examined in the course of the audit and are mentioned in the comments). After due consideration, the response shall be sent to the auditee in the manner established by the Tax Code of Ukraine for communication (delivery) of tax notices. The auditee's manager or person authorised by him shall be entitled to engage in the consideration of objections. They shall indicate their intention to engage in the consideration thereof in those objections.

9. If the auditee's manager or person authorised by him express their intention to engage in the consideration of objections to the audit report or statement, the revenue and duties authority shall inform such persons of the place and time of consideration. The notification shall be sent to the auditee's manager or person authorised by him within the next working day upon receipt of objections, but not later than two working days prior to the date of their consideration.

10. The head or acting head of the revenue and duties authority shall be necessarily engaged in considering the auditee's objections to the audit report or statement.

11. The decision to assess the financial obligations of the auditee shall be taken by the head or acting head of the revenue and duties authority based on the results of the consideration of auditee's objections, if any. The auditee's manager or person authorised by him may be present at the time of such decision being taken.

12. Tax notice shall be issued by the head or acting head of the revenue and duties authority taking into account the results of the consideration of auditee's objections, if any, within ten working days following the date when the audit report is sent or delivered to the auditee in the manner prescribed by the Tax Code of Ukraine for communication (delivery) of tax notices, and, if there are auditee's objections to the audit report, taking into account the opinions based on the results of the consideration of objections to the audit report within three working days following the date when the hearing of objections takes place and a written response is communicated (sent) to the auditee.

13. If the financial obligation is calculated by the revenue and duties authority on the basis of the findings of the audit prescribed in accordance with the Criminal Procedure Law, the tax notice based on such audit findings shall not be issued until the relevant court decision comes into force. Audit papers together with the opinions of the revenue and duties authority shall be referred to the law enforcement agency that initiated the audit for their use in accordance with the Criminal Procedure Law. Status of audit papers and opinions of the revenue and duties authority shall be determined under the Criminal Procedure Law.

14. The audit report shall contain the facts of understated and overstated tax liabilities of the auditee. The decision on the accuracy of UCGFEA commodity headings, their customs value and country of origin, grounds for exemption from taxation declared in the customs declarations shall be included in the audit report rather than separate documents.

15. The arguments of disagreement with the decisions taken by the revenue and duties authority on the accuracy of UCGFEA commodity headings, their customs value and country of origin, grounds for exemption from taxation declared in the customs declarations shall be set out by the auditee in the course of appealing against tax notices on assessment of financial obligations issued on the basis of the desktop audit findings, as prescribed by Article 56 of the Tax Code of Ukraine.

16. The provisions of this Article shall also apply to the citizens subject to off-site desktop audit in accordance with Article 351 of the Code.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 355. Obligation to store documents

1. The entities shall ensure the storage of customs declarations and documents referred to in Article 335 of this Code, financial, economic, accounting and other documents nec-

essary for desktop audits to verify compliance with the customs legislation of Ukraine, including those verifying timeliness, accuracy, completeness of assessment and payment of customs charges within the terms set in paragraphs 44.3 and 44.4 of Article 44 of the Tax Code of Ukraine, and their recovery within the terms and in the manner set out in paragraph 44.5 thereof in the event of loss or premature destruction. In case of failure to perform this obligation, the provisions of Article 121 of the Tax Code of Ukraine shall apply to the entities.

Chapter 50. Customs expert examination

Article 356. Taking of probes (samples)

1. Probes (samples) of goods shall be taken by the revenue and duties officials as part of customs supervision and customs clearance to establish the characteristics critical for:

- (1) classifying goods under the UCGFEA;
- (2) verifying the declared customs value;
- (3) identifying the country of origin;
- (4) identifying that goods are narcotic drugs, psychotropic substances, their analogues and precursors, potent or toxic substances;
- (5) identifying that goods are items of artistic, historic or archaeological value;
- (6) identifying that goods are produced with the use of intellectual property rights protected by the law.

2. Probes (samples) of goods shall be taken by authorised officials of the revenue and duties authority on the basis of a reasoned written decision made by the head or acting head of such revenue and duties authority.

3. In case of (re-)examination of hand luggage and baggage in the absence of the holder or person authorised by him, probes (samples) shall be taken in the presence of two witnesses.

4. Probes (samples) of goods stored in a customs warehouses, temporary storage warehouse may also be taken with the permission of the revenue and duties authority.

5. When exporting goods from the customs territory of Ukraine, probes (samples) of goods may be taken only at the premises of the revenue and duties authority of departure. In this regard probes (samples) may be taken before loading the goods aboard provided that all the goods intended for loading can be reliably identified.

6. Taking of probes (samples) of goods under customs supervision by the officials of other public authorities, as well as by the declarants or persons authorised by them shall be carried out jointly with the relevant revenue and duties officials.

7. The declarants or persons authorised by them shall be entitled to be present when probes (samples) of goods are taken by the officials of the revenue and duties authority and other public authorities.

8. The revenue and duties authorities shall be made aware of the results of testing (analyses, expert examinations) of probes (samples) of goods taken by other public authorities, declarants or persons authorised by them not later than the next working day upon their receipt by the said authorities and persons, and shall have copies of the results of testing (analyses, expert examinations).

9. The declarants or persons authorised by them shall provide the revenue and duties officials with the assistance necessary to facilitate such taking of probes (samples) and carry out cargo and other handling required.

10. A separate declaration on probes (samples) of goods shall not be filed provided that the relevant information about them is stated in the customs declaration filed for all the goods moved across the customs border of Ukraine.

11. The revenue and duties authorities may require the foreign economic entities to provide only technical and production documentation for large-size and technically sophisticated goods (machines, manufacturing lines, industrial engineering structures, etc.).

12. Credible technical and production documents shall include officially published books, national and industry standards, technical conditions, specifications, catalogues, drawings and producer's data cards.

13. Probes (samples) of goods other than large-size and technically sophisticated ones (machines, manufacturing lines, industrial engineering structures, etc.) shall be taken in minimum amount in two (test and control) copies, each of them being sufficient for examination.

14. If control probes (samples) may not be taken for objective reasons, i.e. single commodity, limited number, content of postal item, etc. probes (samples) shall be taken in one (test) copy.

15. The standards for taking of probes (samples) shall determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

16. Probes (samples) shall be taken with compulsory compliance with occupational and fire safety regulations.

17. A report on taking of probes (samples) of goods shall be issued in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

18. Separate customs instrumentality shall be attached to each probe (sample) taken.

19. The declarants or persons authorised by them shall see the results of testing (analysis, expert examination) of the samples and probes, and obtain from the revenue and duties

authority responsible for such testing (analysis, expert examination) the copies of those results not later than the working day following the date when such testing (analysis, expert examination) is conducted by a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy or its separate structural unit, or when the revenue and duties authority receives the copies of the results of such testing (analysis, expert examination) from other public authorities. Failure to provide the copies of the results of testing within the specified period shall be considered to be a misconduct in office by the revenue and duties officials.

20. The revenue and duties authorities shall not compensate for expenses incurred by the declarant or person authorised by him due to taking of probes (samples) of goods under customs supervision. The costs of testing (analysis, expert examination) of probes (samples) incurred by the revenue and duties authority shall not be compensated by the declarant or person authorised by him, except where such testing (analysis, expert examination) is initiated by such persons.

21. At the request of the declarant or person authorised by him, provided that the payment of customs charges under the given customs procedure is secured, the goods, probes (samples) of which are taken for testing (analysis, expert examination), shall be released by the revenue and duties authority before obtaining the results of such testing (analysis, expert examination), unless they are subject to prohibitions and/or restrictions on movement across the customs border of Ukraine laid down in the legislation of Ukraine.

22. To establish the characteristics of the goods necessary for their customs clearance, the revenue and duties authorities may, in writing, including with the use of information technology, require the producers, foreign economic entities and citizens to provide available technical and production documentation on composition, physical and chemical properties of the goods, information on their main production stages and purpose.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 357. Handling of probes (samples) taken

1. Probes (samples) with customs instrumentality attached and the report on their taking shall be delivered by mail or by the revenue and duties authority official to a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy or to its separate structural unit or other expert institution (organisation) for testing (analysis, expert examination).

2. Testing (analysis, expert examination) shall be conducted by the professionals of a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy or its separate structural unit, or other expert institutions (organisations) appointed by the revenue and duties authority. Such testing (analysis, expert examination) shall be carried out with a view to ensuring that customs supervision and customs clearance is completed, and shall not constitute forensic examination.

3. The testing (analysis, expert examination) may be conducted at other institutions (organisations) only provided that a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy or its separate structural unit is unable to conduct testing (analysis, expert examination), or when the declarant or person authorised by him so requests to confirm or refute the results of testing (analysis, expert examination) completed.

4. The testing (analysis, expert examination) of probes (samples) shall be conducted within 10 days upon their receipt by a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy or its separate structural unit, or other expert institution (organisation). If necessary, this period may be extended by the decision of the head of a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy, the head of the revenue and duties authority at the location of separate structural unit of such specialised agency, or the head of the relevant expert institution (organisation), but not more than for 20 days.

5. The testing (analysis, expert examination) of probes (samples) of goods that are perishable or have limited shelf life shall be carried out instantly.

6. The period of testing (analysis, expert examination) of probes (samples) shall be suspended if an expert calls the revenue and duties authority that initiated the testing (analysis, expert examination) for additional materials. Additional materials must be provided within 10 days from the date when they are called for. In case of failure to provide additional materials within the prescribed period, the head of a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy, the head of the revenue and duties authority at the location of separate structural unit of such specialised agency, or the head of the relevant expert institution (organisation) shall decide to conduct a partial testing (analysis, expert examination) or refuse to conduct a testing (analysis, expert examination).

7. In case of failure to conduct the testing (analysis, expert examination) within the period fixed by this Article, or impossibility to conduct it, the revenue and duties authority shall inform the declarant or person authorised by him. The losses caused to the declarant or person authorised by him as a result of failure to conduct the testing (analysis, expert examination) within the period fixed by this Article, shall be reimbursed by the revenue and duties authority as prescribed by the law.

8. According to the results of testing (analysis, expert examination) an expert shall prepare an opinion in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

9. The opinion on the results of testing (analysis, expert examination) shall contain:

- (1) place and date of testing (analysis, expert examination);

- (2) person in charge and permission for testing (analysis, expert examination);
- (3) questions put to the expert;
- (4) objects of testing (analysis, expert examination);
- (5) materials and documents provided to the expert;
- (6) content and results of testing (analysis, expert examination) indicating their methods;
- (7) assessment of the results of testing (analysis, expert examination), conclusions and their justification.

10. If in the course of the testing (analysis, expert examination) the expert identifies substantial circumstances in respect of which he was not asked any questions, he may include them in the opinion.

11. In case of lack of clarity and completeness of the expert opinion, additional testing (analysis, expert examination) assigned to the same or another expert may be initiated.

12. In case of unjustified opinion or any doubts as to its accuracy, re-testing (analysis, expert examination) assigned to another expert may be initiated.

13. Additional and re-testing (analysis, expert examination) shall be initiated following the standard procedure.

14. Control probes (samples) as well as the remaining tested probes and samples damaged during the testing (analysis, expert examination) shall be stored by a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy (its separate unit) within 60 days upon their receipt. Within that period the declarant or person authorised by him may appeal against the decision taken by the revenue and duties authority based on the results of testing (analysis, expert examination) in the manner prescribed by this Code.

15. Probes (samples) of goods that are perishable or have limited shelf life shall be kept over their storage life.

16. Probes (samples) of goods that contain narcotic drugs, psychotropic substances, their analogues or precursors, potent or toxic substances according to the results of testing (analysis, expert examination), and probes (samples) of goods taken in one copy shall, shortly after their testing (analysis, expert examination) is completed and the opinion issued, be passed to the revenue and duties authority that initiated such testing (analysis, expert examination) under the acceptance certificate the form of which is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

17. Probes (samples) of goods, including damaged ones, technical and production documentation shall be reserved by their holders. Upon completion of testing (analysis, expert examination), taking into account the storage period established by Section 14 of this Article probes (samples) shall be returned to the declarant or person authorised by him upon their written request under the acceptance certificate, the form of which is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

18. Probes (samples) of goods not claimed by the holder or person authorised by him within the storage period established by Section 14 of this Article shall be destroyed under the report the form of which is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy. The value of those probes (samples) shall not be reimbursed to the holder or person authorised by him.

19. Technical and production documentation and other documents containing information about the characteristics of goods, probes (samples) of which are taken for testing (analysis, expert examination), shall be returned to the holder of the goods or person authorised by him after customs clearance of those goods is completed or the copies of those documents certified in the prescribed manner are presented to the revenue and duties authority with their subsequent inclusion in the files of the revenue and duties authority.

20. The testing (analysis, expert examination) of probes (samples) of goods shall be paid at the expense of the state budget.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 51. Special customs controls

Article 358. Exemption from certain customs controls

1. Exemption from certain customs controls shall be determined by this Code and other laws of Ukraine and international treaties ratified by the Verkhovna Rada of Ukraine.

2. Non-application of certain customs controls shall not constitute an exemption from compulsory compliance with the procedure of movement of goods, means of transport for commercial use across the customs border of Ukraine.

Article 359. Exemption from customs examination

1. Hand luggage and accompanied baggage of the President of Ukraine, Chairman of the Verkhovna Rada of Ukraine, members of the Parliament of Ukraine, Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, Chief Justice and judges of the Supreme Court of Ukraine, Chief Justice and judges of the Constitutional Court Ukraine, Minister of Foreign Affairs of Ukraine, Prosecutor General of Ukraine and their family members travelling with them shall not be subject to customs examination.

2. Rail and air transport carrying official government delegations shall not be subject to customs examination. The basis for exempting means of transport from customs examination shall be the official notification of the Ministry of Foreign Affairs of Ukraine to the revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 360. Priority customs treatment of certain goods

1. When crossing the customs border of Ukraine, goods required to mitigate the aftermath of acts of God, accidents, disasters, epidemics, as well as live animals, organs and other anatomical human materials required for the purposes of transplantation, goods with limited shelf-life or special storage treatment, goods for military purpose, radioactive materials, photo, audio and video products for mass media, goods of international technical and humanitarian aid, goods transported under the industrial cooperation agreements, goods transported under the TIR procedure shall be subject to priority customs treatment.

2. (Re-)examination of goods referred to in Section 1 of this Article, as well as taking probes and samples of such goods shall be carried out only under exceptional circumstances.

3. The laws of Ukraine may determine other categories of goods that will be subject to priority customs treatment.

Chapter 52. Risk management system

Article 361. Objectives of risk management system application

1. Risk management is the activities performed by the revenue and duties authorities to analyse, identify and assess risks, develop and take actions aimed at mitigating risks, assess their efficiency and follow up their application. Risk refers to the probability of failure to comply with the customs legislation of Ukraine.

2. The revenue and duties authorities shall apply risk management system to identify goods, means of transport, documents and persons that are subject to customs supervision, customs controls applicable to such goods, means of transport, documents and persons, as well as scope of customs supervision.

3. Objectives of the application of risk management system shall include:

(1) preventing, predicting and detecting violations of the customs legislation of Ukraine;

(2) ensuring more efficient use of resources available to the revenue and duties authority and targeting specific group objects of risk analysis that need to go through separate customs controls or their combination and to enhance the efficiency of customs controls (risk areas);

(3) ensuring the actions to protect national security, life and health of humans, animals, plants, environment, consumers' interests are taken within the powers of the revenue and duties authorities;

(4) facilitating customs clearance of goods moved across the customs border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 362. Risk analysis and its objects

1. Risk analysis is a systematic use of available information by the revenue and duties authorities to determine the circumstances and conditions of risk occurrence, identify risks and assess possible consequences of failure to comply with the customs legislation of Ukraine.

2. Risk analysis objects shall include:

(1) characteristics of goods, means of transport moved across the customs border of Ukraine;

(2) nature of foreign economic operation;

(3) characteristics of entities engaged in foreign economic activities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 363. Risk assessment and risk management by the revenue and duties authorities

1. Risk assessment and risk management by the revenue and duties authorities shall consist in performing the following tasks:

(1) setting up a risk management database of the revenue and duties authority;

(2) analysing, identifying and assessing risks, including through the use of information technologies, that comprises systematic:

(a) identification of conditions and factors affecting the risk occurrence;

(b) identification of risk areas;

(c) definition of the criteria with predefined parameters that enable to target the controls (risk indicators);

(d) estimation of the probability of risks and possible damage in case of their occurrence;

(3) developing and taking risk management measures with due consideration of:

(a) risk assessment and analysis results;

(b) resourcing and deliverables analysis results;

(4) analysing the outcome and adjusting the measures taken to manage risks, including:

(a) supervision of measures being actually taken;

(b) collection, processing and analysis of information on the outcome of measures taken with a view to correcting and improving risk management system.

2. Procedure for risk assessment and analysis, development and implementation of risk management measures shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

3. Risk management system shall involve the application of random selection.

4. If goods, means of transport for commercial use moved across the customs border of Ukraine in 25 per cent and more instances of such movement during a year are subject to customs supervision with application of the risk management system resulting in delayed customs clearance for more than 4 working hours, unless any customs offenses are found, such entity shall have the right to know the reasons and grounds for applying appropriate customs controls to those goods and means of transport.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Title XII
CUSTOMS AND TAX TREATMENT OF GOODS MOVED
(SENT) BY CITIZENS ACROSS THE CUSTOMS BORDER
OF UKRAINE**

**Chapter 53. General provisions on customs and tax treatment
of goods moved (sent) by citizens across the customs border
of Ukraine**

Article 364. Scope

1. This Title shall regulate the conditions and procedure for customs and tax treatment of goods moved (sent) by citizens across the customs border of Ukraine for personal, family and other non-business-related purposes.
2. Business-related goods moves by individual entrepreneurs across the customs border of Ukraine shall be subject to customs clearance in the manner prescribed by this Code and other legislative acts of Ukraine for entities, in which case the provisions of this Title shall not apply.
3. The provisions of this Title shall not cover goods moved by the persons enjoying customs privileges in accordance with Title XIII of this Code, except as stipulated in this Code.

**Article 365. Procedure for movement of goods by citizens across the customs border of
Ukraine and place of their customs clearance**

1. Subject to the compliance with the requirements of this Code and other legislative acts of Ukraine, citizens may move any goods other than those prohibited for importation into Ukraine, including for transit purpose, and exportation from Ukraine across its customs border.
2. Citizens entering or leaving the territory of Ukraine by road and rail transport as well as means of transport for private use shall be allowed to declare goods moved by them across the customs border of Ukraine without getting off those means of transport.
3. Transit passengers who stay within the transit area shall not be subject to customs supervision. However, the revenue and duties authorities shall be entitled to take measures provided for in this Code if there is any suspicion of customs offense or smuggling by such passengers.
4. Customs clearance of goods brought by citizens out of the customs territory of Ukraine may be carried out at any revenue and duties authority throughout the customs territory of Ukraine.
5. Customs clearance of goods brought into the customs territory of Ukraine, except for those transported in unaccompanied baggage and freight shipments and goods under commodity headings 8701-8707, 8711, 8716 according to the UCGFEA that are subject to state registration, shall be carried out at the Ukrainian border checkpoints.

6. Customs clearance of goods brought by citizens in unaccompanied baggage and freight shipments into the customs territory of Ukraine shall be carried at the revenue and duties authority according to the place of residence or temporary stay of those citizens at the final destination of their carrier or at the Ukrainian border checkpoints if the citizen so requests.

7. Places of customs clearance of goods brought into the customs territory of Ukraine under commodity headings 8701-8707, 8711, 8716 according to the UCGFEA that are subject to state registration shall be designated by the central executive authority responsible for formulating and implementing the state tax and customs policy.

8. Coffins with bodies (funerary urns) or remains of the deceased shall be moved across the customs border of Ukraine on the basis of a written application made by citizens in a free form and documents determined in the Law of Ukraine on burials and funeral business.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 366. Dual-channel system of customs supervision
of goods, means of transport moved by citizens across the
customs border of Ukraine**

1. Dual-channel system is a simplified customs control that allows citizens to proceed with declaration through one of the two channels for entry (drive by means of transport for private use) across the customs border of Ukraine.

2. Channel marked with green colour (“green channel”) shall be intended for declaration by citizens moving goods across the customs border of Ukraine: (i) in the amounts that are not subject to customs charges and (ii) do not fall under prohibition or restriction on importation into or exportation from the customs territory of Ukraine as established by legislation and (iii) are not subject to written declaration.

3. Channel marked with red colour (“red channel”) shall be intended for all other citizens.

4. A citizen may choose the appropriate channel (“green” or “red”) for passing customs control under the dual-channel system.

5. The choice of “green channel” shall be regarded as citizen’s statement that goods moved by them across the customs border of Ukraine are not subject to written declaration, customs charges, or any legally imposed prohibitions and/or restrictions on importation / exportation into / from the customs territory of Ukraine, and are testimony to the facts of legal significance.

6. Citizens entering (driving) through the “green channel” shall be relieved from filling out the customs declaration. Relief from filling out the customs declaration shall not relieve from compulsory compliance with the procedure for movement of goods across the customs border of Ukraine.

Article 367. Sending of goods across the customs border of Ukraine by international and express mail

1. Citizens shall have the right to send goods across the customs border of Ukraine by international and express mail in the manner prescribed by Chapter 36 of this Code, except for those prohibited for such sending.
2. Restrictions on value and volume of goods as well as the list of goods prohibited for sending by international and express mail shall be established by this Code and other laws of Ukraine.

Article 368. Valuation of goods moved (sent) by citizens across the customs border of Ukraine for the purposes of assessing customs charges

1. Invoice value of the goods indicated in cash or sales receipts, tags and other retail trade documents that contain information about the cost of such goods shall be applied for the purpose of taxation of goods moved (sent) by citizens across the customs border of Ukraine.
2. In addition to the cost of goods, the cost of insurance and transportation (freight) until they cross the customs border of Ukraine shall be included in determining the invoice value of goods moved in unaccompanied baggage and freight shipments.
3. The declarant may prove authenticity of the information submitted to determine their invoice value.
4. If there is evidence that the declared invoice value of goods is incorrect, the revenue and duties authorities may determine their value based on the prices for identical or similar (like) goods in accordance with the requirements of this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 369. Movement (sending) of personal belongings of citizens across the customs border of Ukraine

1. Personal items moved (sent) by citizens across the customs border of Ukraine shall be subject to declaration by taking appropriate actions, orally, or, at the discretion of the holder or at the request of the revenue and duties authority, in writing. They shall not be subject to customs charges and shall be relieved from filing documents issued by the public authorities for customs supervision and customs clearance of goods, as well as from application of state controls established by Section 1 of Article 319 of this Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 370. List of goods that can be attributed to personal effects of citizens

1. Personal effects shall include:

- (1) personal care products and individual cosmetic items in the quantities that meet the needs of one person for the period of travel;
- (2) clothing, underwear, shoes clearly of a personal nature that are intended solely for private use and have signs of having been in use;
- (3) personal jewellery, including made of precious metals and stones, that have signs of having been in use;
- (4) individual writing equipment and stationery;
- (5) one camera, one movie, video camera together with a reasonable quantity of photo, video tapes, films and operational accessories;
- (6) one portable projector and accessories therefor together with a reasonable quantity of slides and/or films;
- (7) binoculars;
- (8) portable musical instruments in the quantity not exceeding two pieces;
- (9) one portable sound reproducer, including a recorder, voice recorder, CD player, etc. with a reasonable quantity of tapes, LPs, CDs;
- (10) one portable radio receiver;
- (11) cellular (mobile) phones in the quantity of not more than two pieces, pagers;
- (12) one portable TV set;
- (13) portable personal computers in the quantity of not more than two pieces and peripheral equipment and accessories therefor; memory sticks in the quantity of not more than three pieces;
- (14) one portable printing device;
- (15) calculators, electronic books in the quantity of not more than two pieces;
- (16) individual medical products for human life and health check that have signs of having been in use;
- (17) conventional baby carriages and/or strollers in the quantity corresponding to the number of children who cross the border together with a citizen, and in the absence of children, in the quantity of not more than one piece;
- (18) one wheelchair for every disabled person who crosses the customs border of Ukraine and, in the absence of such person, in the quantity of not more than one piece;

(19) medicine moved (sent) across the customs border of Ukraine in the manner and amount determined by the Cabinet of Ministers of Ukraine;

(20) watches in the quantity not exceeding two pieces;

(21) 0.5 litres of toilet water and/or 100 grams of perfume;

(22) sports equipment: bicycle, angling rod, climbing equipment, scuba diving equipment, skis, tennis rackets, surfboard, windsurfing board, golfing equipment, other similar equipment designed for the use of one person;

(23) special baby food for children who suffer from phenylketonuria or other illness requiring special feeding, which is not produced (or sold) in Ukraine, that is moved (sent) across the customs border of Ukraine in the manner and amount determined by the Cabinet of Ministers of Ukraine;

(24) other goods intended for everyday needs of citizens the list and limiting quantity of which are determined by the laws of Ukraine.

Chapter 54. Customs and tax treatment of goods brought (sent) by citizens out of the customs territory of Ukraine

Article 371. Bringing (sending) of goods by citizens out of the customs territory of Ukraine

1. Goods with total invoice value of not more than EUR 10,000 equivalent, except for those indicated in Section 2 of this Article, shall not be subject to written declaration when brought (sent) by citizens out of the customs territory of Ukraine.
2. Goods with total invoice value of not more than EUR 10,000 equivalent that are subject to export duties under the law and/or providing that the public authorities issue documents, required for customs supervision and customs clearance of such goods moved (sent) by citizens across the customs border of Ukraine, according to the law, shall be subject to written declaration in the manner prescribed for citizens with payment, as prescribed by the laws of Ukraine, of export duty and filing of appropriate documents issued by the public authorities.
3. Goods with total invoice value of more than EUR 10,000 equivalent, except for those indicated in Section 4 of this Article, when brought (sent) by citizens out of the customs territory of Ukraine, shall be subject to written declaration with filing the customs declaration stipulated by the legislation of Ukraine for entities and paying export duties in cases established by the laws of Ukraine.
4. Goods with total invoice value of more than EUR 10,000 equivalent, when brought (sent) by citizens out of the customs territory of Ukraine, shall be subject to written declaration in the manner prescribed for citizens and be relieved from filing documents issued by the public authorities for customs supervision and customs clearance of goods moved across the customs border of Ukraine, provided that those goods:

- (1) are brought out because of leaving Ukraine for permanent residence;
- (2) are part of the heritage arranged in Ukraine in favour of a non-resident citizen, if the inherited items are attested by notary authorities;
- (3) are temporarily exported by resident citizens from the customs territory of Ukraine under the written arrangement of their re-import;
- (4) were temporarily admitted into the customs territory of Ukraine under the arrangement of their re-export that is supported by relevant papers;
- (5) were obtained by non-resident citizens in the form of prizes and awards for participating in the competitions, contests, festivals, etc. held in the territory of Ukraine, which is supported by relevant papers.

5. Goods purchased by non-resident citizens in the territory of Ukraine, which total invoice value does not exceed the amount of foreign currency brought by those citizens into Ukraine, and goods exported by non-resident citizens in connection with their final departure from Ukraine shall be subject to written declaration for the amount of income earned while working or studying in Ukraine, which is supported by relevant papers, in the manner prescribed for citizens with paying, in cases established by the laws of Ukraine, export duties and filing documents required for customs supervision and customs clearance that are issued by the competent public authorities when such goods are moved (sent) by citizens across the customs border of Ukraine.

**Article 372. Specific treatment of temporary export (sending)
of goods by resident citizens from the customs territory of
Ukraine**

1. Temporary export (sending) of goods by resident citizens from the customs territory of Ukraine shall be carried out by assuming the re-import obligation to the revenue and duties authority.
2. Section 1 of this Article shall not apply to temporary export (sending) of goods from the customs territory of Ukraine, the total invoice value of which does not exceed the equivalent of EUR 10,000, personal effects and means of transport for private use used by citizens to cross the customs border.
3. If there is no A.T.A. Carnet used under the Convention on Temporary Admission (Istanbul, 1990), temporary exportation of goods (excluding means of transport for private use) by resident citizens from the customs territory of Ukraine shall be made under the conditions laid down in Sections 1 and 2 of this Article.
4. The obligation to re-import the goods temporarily exported (sent) from the customs territory of Ukraine with total invoice value of not more than EUR 10,000 equivalent may be assumed at the discretion of a citizen.

5. If a citizen assumes the obligation to re-import the goods, the revenue and duties authority shall take measures to ensure the identification of those goods for the purpose of their re-import without written declaration and application of customs charges.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 373. Restrictions on export (sending) of certain goods by citizens from the customs territory of Ukraine

1. Goods listed by the Cabinet of Ministers of Ukraine, regardless of their total invoice value, may not be exported (sent) by citizens from the customs territory of Ukraine.

2. Procedure for export (sending) of precious metals (except for banking metals, commemorative and jubilee coins of Ukraine made of precious metals), precious stones and products made of them, as well as cultural valuables from the customs territory of Ukraine with the purpose of their disposal by citizens shall be determined by the Cabinet of Ministers of Ukraine.

3. Procedure for export (sending) of banking metals, commemorative and jubilee coins of Ukraine made of precious metals from the customs territory of Ukraine shall be determined by the National Bank of Ukraine.

4. Export of alcoholic beverages and tobacco products by citizens under 18 years of age from the customs territory of Ukraine shall not be allowed.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Chapter 55. Customs and tax treatment of goods imported (sent) by citizens into the customs territory of Ukraine

Article 374. Bringing (sending) of goods by citizens into the customs territory of Ukraine

1. Goods (excluding excisable ones) with total invoice value of not more than EUR 1,000 equivalent brought by citizens into the customs territory of Ukraine in hand luggage and/or accompanied baggage through the Ukrainian border checkpoints open to air traffic, and goods (excluding excisable ones) with total invoice value of not more than EUR 500 equivalent and total weight of less than 50 kg brought by citizens into the customs territory of Ukraine in hand luggage and/or accompanied baggage through the checkpoints other than those open to air traffic shall not be subject to written declaration (except for goods that are subject to restrictions on movement by citizens across the customs border of Ukraine under Article 197 of the Code, and in the cases provided for in Section 2 of this Article) and shall not be subject to customs charges.

2. Provisions of Section 1 of this Article shall apply if the person importing goods into the customs territory of Ukraine enters Ukraine not more than once a day. In order to ensure the compliance with this condition, the state border protection officials who carry out passport

control at the Ukrainian border checkpoints shall, directly in the course of such control, inform the revenue and duties authorities of the citizens who enter Ukraine more than once a day. If goods in amounts not exceeding the limits set out in Section 1 of this Article are imported into the customs territory of Ukraine by the person entering Ukraine more than once a day, those goods shall be subject to written declaration in the manner prescribed for citizens with filing documents issued by the public authorities for customs supervision and customs clearance of such goods, and shall be subject to import duties at the rate of 10 per cent and value added tax at the rate established by the Tax Code of Ukraine.

3. If goods specified in Section 1 of this Article are subject to the state registration in the territory of Ukraine, those goods shall be subject to written declaration in the manner prescribed for citizens with filing documents issued by the public authorities for customs supervision and customs clearance of such goods when moved (sent) by citizens across the customs border of Ukraine, and shall be exempt from customs duties.

4. Goods (excluding excisable ones) imported by citizens in hand luggage and/or accompanied baggage with total invoice value and/or total weight exceeding the limits set out in Section 1 of this Article, but having total invoice value not higher than EUR 10,000 equivalent, shall be subject to written declaration in the manner prescribed for citizens with filing documents issued by the public authorities for customs supervision and customs clearance of such goods, and shall be subject to import duties at the rate of 10 per cent and value added tax at the rate established by the Tax Code of Ukraine, for the amount exceeding the equivalent of EUR 1,000 (for goods imported into the customs territory of Ukraine through the Ukrainian border checkpoints open to air traffic) and equivalent of EUR 500 or the cost of goods calculated in proportion to the weight exceeding 50 kg (when imported through other Ukrainian border checkpoints). The tax base of such goods shall be the share in the total invoice value that exceeds the equivalent of EUR 1,000 (for goods imported into the customs territory of Ukraine through the Ukrainian border checkpoints open to air traffic) and the equivalent of EUR 500 or the cost of goods calculated in proportion to the weight exceeding 50 kg (when imported through other Ukrainian border checkpoints).

5. Cultural valuables under commodity headings 9701 10 00 00, 9701 90 00 00, 9702 00 00 00, 9703 00 00 00, 9704 00 00 00, 9705 00 00 00, 9706 00 00 00 in accordance with the UCGFEA produced 50 or more years ago, regardless of their cost and method of carriage across the customs border of Ukraine, shall be subject to written declaration.

6. Goods (excluding excisable ones) with total invoice value not exceeding the equivalent of EUR 300 brought (sent) into the customs territory of Ukraine to the address of one recipient in one dispatch from one sender by international mail, to the address of one recipient within one day by international express mail, as well as unaccompanied baggage shall be subject to oral declaration based on shipping documentation without imposition of customs duties.

7. Goods (excluding excisable ones) moved (sent) by international mail and international express mail, in unaccompanied baggage, with total invoice value higher than EUR 300 equivalent but not exceeding the equivalent of EUR 10,000, or moved (sent) without complying with the conditions laid down in Section 5 of this Article shall be subject to written declaration in the manner prescribed for citizens with imposition of import duty at the rate of 10 per cent

and value-added tax at the rate established by the Tax Code of Ukraine. The tax base for such goods shall be the share in the total invoice value that exceeds the equivalent of EUR 300.

8. Goods (excluding excisable ones) with total invoice value exceeding the equivalent of EUR 10,000 sent (moved) into the customs territory of Ukraine by international mail and international express mail, in hand luggage, accompanied and unaccompanied baggage, as well as goods (excluding excisable ones), regardless of their invoice value, moved into the customs territory of Ukraine in freight shipments shall be subject to declaration and customs formalities with filing the customs declaration provided for in the legislation of Ukraine for entities, and permits (licenses), certificates of conformity or acknowledgements of conformity in the cases set out by the legislation of Ukraine for foreign economic entities, and shall be subject to import duties at the full rates of the Customs Tariff of Ukraine and value-added tax at the rate established by the Tax Code of Ukraine.

9. Goods imported into the customs territory of Ukraine shall be placed under the customs procedures of abandonment, destruction or elimination in the manner prescribed by this Code.

10. The following shall be exempt from customs duties when moved (sent) by citizens into the customs territory of Ukraine:

(1) personal items as defined by Article 370 of this Code;

(2) cultural valuables under commodity headings 9701 10 00 00, 9701 90 00 00, 9702 00 00 00, 9703 00 00 00, 9704 00 00 00, 9705 00 00 00, 9706 00 00 00 in accordance with the UCGFEA produced 50 or more years ago;

(3) goods intended for citizen's everyday needs and initial settlement imported (sent) by citizens in connection with the relocation of permanent residence to Ukraine within six months from the date when the document certifying the right of a citizen to reside permanently in Ukraine is issued, provided that there is documented evidence that before the issue date such citizen had been residing in the country he arrived from for at least three years:

(a) goods for citizen's everyday needs and initial settlement (except for those classified under commodity heading 8802 or one of the codes 8903 91 99 00, 8903 92 99 00, 8903 99 99 00 in accordance with the UCGFEA);

(b) means of transport for private use classified under one of the headings 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711 in accordance with the UCGFEA (one piece per citizen above 18), provided that there is documented evidence that before the day of issuance of the document confirming the right for permanent residence in Ukraine a citizen had been (co-)holding such vehicle for at least one year, and the vehicle had been registered in his name permanently with the competent registration authorities of the country of previous residence for at least one year, where the vehicle is to be registered in that country;

(c) goods classified under commodity heading 8716 in accordance with the UCGFEA (one piece per adult citizen) provided that they are moved at the same time together with means of transport for private use classified in one of the headings 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711 in accordance with the UCGFEA.

If the period for import (sending) of goods into the customs territory of Ukraine specified in this paragraph with relief from customs duties is protracted as a result of accident, force majeure event, illness or for any other valid reasons supported by relevant documents, it may be extended by the competent revenue and duties authority but not more than for two years from the date when the document confirming the citizen's right to permanent residence in Ukraine is issued;

(4) goods that belong to citizens and transited through the customs territory of Ukraine;

(5) goods that are part of the heritage under the law originated outside Ukraine in favour of the resident (including in the quantities of one piece under each commodity heading 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711 in accordance with the UCGFEA), if the inherited items are attested by notarial authorities in the country of its origination. The above attestation shall be subject to certification or legalization in the relevant foreign consular office of Ukraine, unless otherwise stated in the international treaties ratified by the Verkhovna Rada of Ukraine;

(6) goods obtained by resident citizens in the form of awards and prizes in international competitions, contests outside the customs territory of Ukraine (including not more than one item under commodity headings 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711 in accordance with the UCGFEA), provided that there is documented proof of award by the notary agency in the country concerned. The above proof shall be subject to certification or legalization in the relevant foreign consular office of Ukraine, unless otherwise stated in the international treaties ratified by the Verkhovna Rada of Ukraine;

(7) goods (including means of transport for private use) that were previously exported by resident citizens from the customs territory of Ukraine and then re-imported into the customs territory of Ukraine, provided that there is a valid evidence of their prior exportation;

(8) means of transport for private use temporarily imported by non-resident citizens into the customs territory of Ukraine and fuel contained in normal tanks of such vehicles installed by the producer;

(9) goods (except for means of transport) that have signs of those having been in use and intended for personal housing arrangement and life support of citizens who went abroad on business trips (for studies), provided that such goods are imported

(sent) within six months from the date when such citizens return to Ukraine after the expiration of business trip (study) period;

(10) goods (except for means of transport) that have signs of those having been in use and intended for personal housing arrangement and life support of foreign citizens that are officially invited to come on a long-term secondment to Ukraine, provided that such goods are imported (sent) directly by such citizens to Ukraine at the address of their temporary residence during the first six months of their secondment in Ukraine with assumed obligation of their re-exportation;

(11) goods classified in one of the headings 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711 in accordance with the UCGFEA (in the quantity of one item per commode heading) imported by the diplomatic service officers who were abroad in long-term missions or did their diplomatic service for at least one year and return to Ukraine, provided that:

(a) diplomatic service officer is the holder of the goods;

(b) goods were purchased by diplomatic service officer within the period of mission or diplomatic service evidenced by the Decree of the Ministry of Foreign Affairs of Ukraine;

(c) the total cost of goods does not exceed 50 per cent of the remuneration paid to the diplomatic service officers in connection with the long-term mission or diplomatic service abroad and documented in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

11. Goods under commodity headings 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711, 8716 in accordance with the UCGFEA imported into the customs territory of Ukraine in connection with the relocation for permanent residence to Ukraine with exemption from customs duties under this Code shall be temporarily registered with the state registration authorities for up to two years with the issue of documents for the right of temporary use of such goods and may be disposed of or transferred into ownership, use or disposal of other persons (other than family members of such individuals) within two years from the date of entry into the customs territory of Ukraine only after the persons that imported them to Ukraine have paid all the customs duties at the rates effective on the day of filing the customs declaration.

12. Documents for the right of permanent use (with the right of disposal) of the goods specified in Section 11 of this Article may be issued to the citizens holding the goods after they have permanently resided in Ukraine for two years from the date of customs clearance of such goods.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 375. Bringing of pets by citizens into the customs territory of Ukraine

1. Pets brought by citizens into the customs territory of Ukraine shall be subject to written declaration and application of controls as established by the law.

Article 376. Bringing of alcoholic beverages and tobacco products into the customs territory of Ukraine

1. Citizens under 18 may not bring alcoholic beverages and tobacco products into the customs territory of Ukraine.

2. Citizens aged 18 or more may bring alcoholic beverages and tobacco products into the customs territory of Ukraine in hand luggage or accompanied baggage without paying customs duties and without written declaration in the following quantities per person:

(1) 200 cigarettes or 50 cigars, or 250 grams of tobacco, or their combination with total weight not exceeding 250 grams;

(2) 5 litres of beer, 2 litres of wine, 1 litre of strong (with alcohol content over 22%) alcoholic beverages.

3. Alcoholic beverages and tobacco products, regardless of their number, shall not be exempt from customs duties, if the person bringing them into the customs territory of Ukraine was absent in Ukraine for less than 24 hours.

Article 377. Specific customs treatment of certain goods imported by citizens into the customs territory of Ukraine for free circulation

1. Goods under commodity headings 8701-8707, 8711, 8716 in accordance with the UCG-FEA that are subject to state registration, when brought into or entering the customs territory of Ukraine to the address of citizens in unaccompanied baggage or freight shipments for free circulation, regardless of their cost, shall be subject to written declaration and customs formalities in the manner prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy with application of import duties at the full rates of the Customs Tariff of Ukraine, excise tax and value-added tax at the rates set by the Tax Code of Ukraine.

2. Goods specified in Section 1 of this Article imported by citizens into the customs territory of Ukraine for free circulation shall be subject to compulsory certification in the cases prescribed by the law for entities. Documents certifying the compliance of such goods with the technical regulations and national standards shall be submitted to the revenue and duties authorities during the customs clearance of goods for free circulation and to the competent authorities during their state registration in Ukraine.

3. Goods imported by citizens into the customs territory of Ukraine for free circulation specified in Section 1 of this Article that are subject to state registration with the competent authorities of Ukraine may not be disposed of or transferred to any other person into ownership, use or disposal prior to the state registration of those goods.

4. In order to prevent illicit trafficking in means of transport in the territory of Ukraine automated exchange of information on vehicles crossing the state border of Ukraine concerning customs clearance and state registration of such vehicles shall be carried out between the central executive authority responsible for formulating and implementing the state tax and customs policy and traffic safety public authorities.

5. Bodies (including cabs) for motor road vehicles under commodity headings 8701-8705 classified in heading 8707, chassis with installed engines for the goods under commodity headings 8701-8705, classified in heading 8706 in accordance with the UCGFEA shall be subject to customs clearance as assembled means of transport. They shall be subject to import duties at the full rates under the Customs Tariff of Ukraine, excise tax and value-added tax at the rates established by the Tax Code of Ukraine.

6. Goods referred to in Sections 1 and 5 of this Article registered with the competent foreign registration authorities and imported into Ukraine for free circulation shall be removed from the register of those authorities.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

**Article 378. Restrictions on importation of goods by citizens
into the customs territory of Ukraine**

1. Goods classified in groups 1-24 of the UCGFEA and imported by citizens for free circulation may not be released into the customs territory of Ukraine in any quantity.

2. Restriction laid down by Section 1 of this Article shall not apply to:

(1) alcohol and tobacco products imported by citizens in the quantity and manner specified in Section 2 of Article 376 of this Code,

(2) food weighing up to 10 kg in the producer's packing sent to the address of citizens by international mail or express mail,

(3) food for own consumption for the amount not exceeding the equivalent of EUR 200 imported in the manner and volume determined by the Cabinet of Ministers of Ukraine,

(4) pets.

3. Food without producer's packing may not be brought into the customs territory of Ukraine in unaccompanied baggage.

Article 379. Temporary exportation and importation of goods into the customs territory of Ukraine for transit

1. Citizens shall have the right to import, temporarily or for transit purposes, goods with total invoice value and total weight not exceeding the limits set out in Section 1 of Article 374 of the Code, subject to oral or, at the discretion of the holder of the goods or at the request of the revenue and duties authority official, written declaration in the manner prescribed for citizens.
2. Goods (except for means of transport for private use) with total invoice value and/or total weight exceeding the limits set out in Section 1 of Article 374 of the Code imported by citizens into the customs territory of Ukraine temporarily or for transit purposes shall be released across the customs border of Ukraine following the procedure provided for entities under a written undertaking to re-export (transit).
4. Goods (except for means of transport for private use) imported into the customs territory of Ukraine temporarily that have signs of those having been in use and intended for personal housing arrangement and life support of non-resident citizens who are officially invited to come on a long-term secondment in Ukraine shall be released across the customs border of Ukraine under a written undertaking to re-export and without furnishing securities provided for in Title X of this Code.
5. Pets (not more than 3 mammals, 6 birds, 20 aquarium fishes) may be temporarily imported into the customs territory of Ukraine without furnishing securities provided for by this Code, but with presenting to the revenue and duties authorities the documents issued by the public authorities for customs supervision and customs clearance of goods moved by citizens across the customs border of Ukraine.
6. Period for temporary importation of goods by citizens into the customs territory of Ukraine (save as provided in Article 380 of this Code) shall be established under Article 108 of the Code. The period for importation for transit purposes shall be determined under Article 95 of this Code.
7. In case of exportation of goods from the customs territory of Ukraine within the established period, the monetary deposit referred to in Section 2 of this Article shall be returned to citizens. Procedure for monetary deposit and its return shall be established by the central executive authority responsible for formulating and implementing the state tax and customs policy.
8. In case of violation of the period established for re-exportation of goods from the customs territory of Ukraine or for their transit, unless such violation occurred as a result of accident or force majeure event, which is supported by relevant papers, the monetary deposit made shall be used in the manner prescribed by Article 313 of the Code.
9. In case of the loss or total damage of goods, imported into the customs territory of Ukraine temporarily or for transit purposes, as a result of accident or force majeure event and there is documented evidence of such loss or total damage, the customs procedure of temporary

import (transit) in respect of such goods shall be terminated and the monetary deposit shall be returned to the holder of the goods, his heir or person authorised by him.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

**Article 380. Specific treatment of temporary importation of
means of transport for private use by citizens into the customs
territory of Ukraine**

1. Temporary importation of means of transport for private use by non-resident citizens into the customs territory of Ukraine shall be permitted for a period of up to one year. This period may be extended by the revenue and duties authorities in view of force majeure events and personal circumstances of citizens who imported such vehicles, provided that there is documented evidence of such events or circumstances, but not more than for 60 days. Those vehicles shall be temporarily admitted into the customs territory of Ukraine only if they are registered with the competent foreign authorities, which is supported by relevant papers.

2. Means of transport for private use temporarily imported into the customs territory of Ukraine by non-resident citizens shall not be subject to written declaration and shall be exempt from filing documents issued by the public authorities authorised to apply controls specified in Article 319 of this Code. Those vehicles shall be released through the customs border of Ukraine without furnishing securities provided for in Title X of this Code. Fuel contained in normal (installed by the producer) tanks of those vehicles shall be subject to neither written declaration nor customs duties.

3. Temporary importation by resident citizens of means of transport for private use classified under commodity headings 8702, 8703, 8704 (with total weight of up to 3.5 tons), 8711 in accordance with the UCGFEA and trailers for them under commodity heading 8716 in accordance with the UCGFEA shall be permitted for a period of up to one year under a written undertaking to re-export subject to written declaration in the manner laid down in the legislation of Ukraine for citizens, after payment of all import duties imposed on such vehicles by the law.

Temporary importation of other means of transport for private use into the customs territory of Ukraine by resident citizens shall be permitted for a period of up to one year under a written undertaking to re-export subject to written declaration in the manner prescribed by the legislation of Ukraine for citizens, and with furnishing appropriate securities as set out in Title X of this Code.

Periods provided for in the first and second indents of this Section may be extended by the revenue and duties authorities in view of force majeure events and personal circumstances of citizens that imported the vehicles, provided that there is documented evidence of such events or circumstances, but not more than for 60 days.

Resident citizens who are temporarily registered with the consular office of Ukraine abroad shall have the right to temporarily import one medium of transport for private use classi-

fied under commodity heading 8703 (except for sub-heading 8703 10) in accordance with the UCGFEA, and a trailer to it classified under sub-heading 8716 10 in accordance with the UCGFEA (if imported together with the vehicle) into the customs territory of Ukraine under a written undertaking to re-export subject to written declaration in accordance with the legislation of Ukraine for citizens for a period not exceeding 60 days in one calendar year (which can be either continuous or intermittent), without payment of import duties imposed on such vehicles by the law. Those vehicles may be temporarily imported into the customs territory of Ukraine only after the documents confirming the ownership of such vehicles and their registration in the territory of the country concerned have been presented to the revenue and duties authorities.

4. Temporarily imported means of transport for private use may be used in the customs territory of Ukraine only by those citizens who imported them into Ukraine for their personal use

Means of transport for private use classified under commodity heading 8903 according to the UCGFEA may be used by citizens who imported them into Ukraine, as well as by resident and non-resident citizens who are entitled to hold the right of temporary admission, provided that vehicles are used on behalf of and as instructed by the holder of such right.

Such vehicles may not be used for the purposes of doing business in Ukraine, disassembled or transferred into ownership, use or disposal of any other persons.

5. Temporarily imported means of transport for private use must be re-exported from the customs territory of Ukraine within the period established by this Code, or placed under the customs procedures of abandonment, destruction or elimination, or may be released for free circulation in the customs territory of Ukraine upon payment of import duties imposed on such vehicles by the law.

6. In case of the loss or total damage of temporarily imported means of transport for private use as a result of accident or force majeure event, the period for their temporary importation shall be terminated if the holders of such vehicles present sufficient evidence of such loss or damage to the revenue and duties authorities. Such vehicles may be placed under the customs procedure of abandonment or destruction / elimination.

7. Procedure for state registration of means of transport for private use temporarily imported into the customs territory of Ukraine shall be established by the Cabinet of Ministers of Ukraine.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013,
No 588-VII of 19.09.2013)

Article 381. Specific treatment of importation of means of transport for private use by citizens for transit across the customs territory of Ukraine

1. Citizens may import means of transport for private use for transit across the customs territory of Ukraine subject to their written declaration in the manner provided for citizens

and with making a monetary deposit to the account of the revenue and duties authorities that released those vehicles into the customs territory of Ukraine in the amount of customs duties applicable to the import of such vehicles into the customs territory of Ukraine for free circulation. These requirements shall not apply to vehicles permanently registered with the competent foreign registration authorities, which is supported by relevant papers.

2. In case of violation of the obligation of transit of means of transport for private use across the customs territory of Ukraine, unless such violation occurred as a result of accident or force majeure event, which is supported by relevant papers, the monetary deposit made shall be used in the manner prescribed by Article 313 of this Code.

3. In case of destruction or total damage of means of transport for private use imported into the customs territory of Ukraine for transit as a result of accident or force majeure event, the period for their transit shall be terminated, and the monetary deposit paid shall be returned to the payer, his heir or person authorised by him, providing that such person presents sufficient evidence of such destruction or total damage to the revenue and duties authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title XIII
SPECIFIC CUSTOMS AND TAX TREATMENT OF
GOODS MOVED ACROSS THE CUSTOMS BORDER OF
UKRAINE BY REPRESENTATIVE OFFICES OF FOREIGN
STATES,
INTERNATIONAL ORGANISATIONS AND OFFICIALS,
AS WELL AS DIPLOMATIC MISSIONS OF UKRAINE
ABROAD

Chapter 56. Specific customs and tax treatment of
goods moved across the customs border of Ukraine by
representative offices of foreign states, international
organisations and officials, as well as diplomatic missions of
Ukraine abroad

Article 382. Specific customs and tax treatment of goods imported into the customs
territory of Ukraine by foreign diplomatic missions in Ukraine

1. Foreign diplomatic missions in Ukraine, subject to compliance with the procedure for movement of goods across the customs border of Ukraine prescribed by this Code (including the requirements stipulated by Article 319 hereof), may import into and export from the customs territory of Ukraine the goods intended for official use by those missions with exemption from customs examination and payment of customs duties.
2. Motor road vehicles intended for official use of foreign diplomatic missions in Ukraine may be imported by those missions under the conditions specified in Section 1 of this Article, in the quantity necessary for their operation, but not exceeding the number of diplomatic mission staff and two additional means of transport.

Article 383. Specific customs and tax treatment of goods
imported into the customs territory of Ukraine by the head of
foreign diplomatic mission, diplomatic mission staff and their
family members

1. The head of foreign diplomatic mission and diplomatic mission staff, as well as their family members living with them, provided that they are not citizens of Ukraine and do not permanently reside in Ukraine, may import into Ukraine the goods intended for private use, including items for initial settlement, and export from Ukraine the goods intended for private use, including those acquired in the customs territory of Ukraine in compliance with the procedure established by this Code for their movement across the customs border of Ukraine (including the requirements stipulated in Article 319 of the Code) and with relief from customs duties.

2. Personal baggage of the head of foreign diplomatic mission, diplomatic mission staff, as well as their family members living with them shall be exempt from customs examination, unless there are sufficient grounds to believe that it contains the goods not intended for private use, or goods whose import (export) is prohibited by the law or controlled by quarantine and other special rules. Such examination shall be carried out only in the presence of people mentioned in this Article or persons authorised by them and under a written order of the head or acting head of the competent revenue and duties authority.

3. Persons mentioned in Section 1 of this Article may import to Ukraine motor road vehicles intended for private use following the procedure established by this Code for their movement across the customs border of Ukraine and with exemption from customs duties in the amount that does not exceed:

- (1) two units for the mission head;
- (2) one unit for each member of the diplomatic mission staff;
- (3) one unit for each adult member of the family of the diplomatic mission head and staff.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 384. Specific customs and tax treatment of goods
imported into the customs territory of Ukraine by
administrative and technical staff of foreign diplomatic
mission and their family members**

1. Administrative and technical staff of foreign diplomatic mission, as well as their family members living with them, provided that they are not citizens of Ukraine and do not permanently reside in Ukraine, may import into Ukraine the goods intended for initial settlement in compliance with the procedure established by this Code for their movement across the customs border of Ukraine (including the requirements stipulated in Article 319 of the Code) and with relief from customs duties. The list of goods that can be classified as those intended for initial settlement shall be established by the Cabinet of Ministers of Ukraine.

2. Persons mentioned in Section 1 of this Article may import to Ukraine motor road vehicles designed for private use in the manner prescribed by this Code with relief from customs duties in the amount not more than one motor road vehicle per family.

**Article 385. Application of customs privileges provided for in
this Code to foreign diplomatic mission staff, administrative
and technical staff of such mission and their family members**

1. Having regard to the principle of mutuality in relation to each individual state, customs privileges set out in this Code for foreign diplomatic mission staff may apply to administra-

tive and technical staff of such mission, as well as their family members who are not citizens of Ukraine and do not reside permanently in Ukraine.

Article 386. Specific customs and tax treatment of goods imported into the customs territory of Ukraine by foreign consular offices and their staff

1. Foreign consular offices, consular officials, including consular office manager and staff, and their family members shall be entitled to customs privileges set out in this Code for foreign diplomatic missions or their staff concerned.
2. Having regard to the principle of mutuality in relation to each individual state, customs exemptions set out in this Code for foreign diplomatic mission staff concerned may apply to service staff of consular offices and their family members if they are not citizens of Ukraine and do not reside permanently in Ukraine.

Article 387. Movement of diplomatic mail and consular case of foreign states across the customs border of Ukraine

1. Diplomatic mail and consular case of foreign states crossing the customs border of Ukraine shall be neither unsealed nor detained. If there is sufficient ground to believe that the consular case contains goods that are not listed in Section 3 of this Article, the revenue and duties authority may require the authorised officials of such foreign state to open the case in the presence of the revenue and duties officials. In case of refusal to open it, such case shall be returned to the place of departure.
2. All items that constitute the diplomatic mail and consular case must have visible external signs that indicate their nature.
3. Diplomatic mail may contain only diplomatic documents and goods intended for official use and consular case may contain only official correspondence and documents or goods intended solely for official use.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 388. Specific customs and tax treatment of goods imported into the customs territory of Ukraine by foreign diplomatic and consular couriers

1. Foreign diplomatic and consular couriers may import into and export from Ukraine the goods for their private use with exemption from customs examination and customs duties on the basis of mutuality.

Article 389. Specific customs and tax treatment of goods imported into the customs territory of Ukraine by representatives and members of foreign delegations

1. Representatives of foreign states, members of parliamentary and governmental delegations and, based on the principle of mutuality, members of foreign delegations coming to Ukraine to participate in international negotiations, international conferences and meetings or with

other official visits shall be granted customs privileges set out in this Code for foreign diplomatic mission staff. Those privileges shall also be granted to family members of such persons accompanying them.

2. Diplomatic staff, consular officials of foreign representative offices, their family members, as well as persons specified in Section 1 of this Article travelling with the same purpose in transit through the territory of Ukraine shall be granted customs privileges set out in this Code for foreign diplomatic mission staff.

Article 390. Application of mutuality principle

1. If a foreign diplomatic mission of Ukraine or its staff is entitled by the foreign state less favourable treatment than that provided for in this Title, diplomatic mission of such foreign state in Ukraine and its staff shall enjoy the same treatment on the basis of mutuality.

2. The information about customs privileges to diplomatic missions of Ukraine abroad and their staff to determine the conditions of mutuality under this Title in respect of each foreign state shall be provided by the Ministry of Foreign Affairs of Ukraine, central executive authority responsible for formulating and implementing the state tax and customs policy in the manner established by the Cabinet of Ministers of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 391. Specific customs and tax treatment of goods imported into the customs territory of Ukraine by international organisations, their foreign missions and staff

1. Customs privileges for international organisations and their foreign missions, as well as for the staff of such organisations and foreign missions and their family members shall be determined by international treaties of Ukraine entered into in accordance with the law.

Article 392. Specific customs and tax treatment of goods imported into the customs territory of Ukraine by the officials of foreign missions and international organisations in Ukraine

1. Every official who has privileges under Articles 383-386, 388, 389, 391 of this Code shall enjoy them in case of going to Ukraine to hold the respective office after crossing the customs border of Ukraine, and, if staying in the territory of Ukraine, from the date when such person officially assumes his office.

2. Family members of the officials mentioned in Section 1 of this Article, if they are not citizens of Ukraine and do not reside permanently in Ukraine, shall have the same privileges as those officials.

Article 393. Termination of customs privileges for the officials of foreign missions and international organisations in Ukraine

1. Customs privileges stipulated in Article 383, Section 2 of Article 384, Articles 385, 386, 388, 389, 391 of this Code, shall be terminated as soon as the officials of foreign missions and international organisations leave the customs territory of Ukraine.

Article 394. Declaration of goods of foreign missions and international organisations in Ukraine

1. Goods (except for motor road vehicles) intended for official use by foreign missions and international organisations in Ukraine shall be declared to the revenue and duties authorities and released into Ukraine under the import procedure (release for free circulation).

2. Motor road vehicles intended for official use by foreign missions and international organisations in Ukraine shall be declared to the revenue and duties authorities at the place of accreditation of those missions and released into Ukraine under the temporary import procedure for the period specified by those missions, but not exceeding that of their accreditation. Appropriate identification means shall be applied in carrying out customs clearance of such means of transport.

3. Motor road vehicles mentioned in Section 2 of this Article may be disposed of in the customs territory of Ukraine after replacing their then-current customs procedure of temporary admission for the import one. This rule shall not apply to cases when those means of transport are disposed of under Article 109 of the Code to other persons who enjoy customs privileges provided for in Article 383, Section 2 of Article 384, Articles 385, 386, 388, 389, 391 of this Code.

4. At the same time the mission may use motor road vehicles imported under the temporary admission procedure with relief from customs duties in the amount specified in Section 2 of Article 382 of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 395. Declaration of goods held by the staff of foreign missions and international organisations in Ukraine

1. Goods (except for motor road vehicles) intended for official use by the staff of foreign missions and international organisations in Ukraine shall be declared to the revenue and duties authorities at the place of accreditation or stay of those persons, and released into Ukraine under the import procedure (release for free circulation).

2. Motor road vehicles intended for private use by the staff of foreign missions and international organisations in Ukraine shall be declared to the revenue and duties authorities at the place of stay of those persons in the manner stipulated hereby for citizens and shall be released into Ukraine under the temporary admission procedure for the period specified by

those persons, but not exceeding that of their accreditation. Appropriate identification means shall be applied in carrying out customs clearance of such means of transport.

3. Motor road vehicles mentioned in Section 2 of this Article may be disposed of in the customs territory of Ukraine after replacing their then-current customs procedure of temporary admission for the import one. This rule shall not apply to cases when those means of transport are disposed of under Article 109 of the Code to other persons who enjoy customs privileges provided for in Article 383, Section 2 of Article 384, Articles 385, 386, 388, 389, 391 of this Code.

4. Persons mentioned in this Article may at the same time have in Ukraine the motor road vehicles imported under the temporary admission procedure with relief from customs duties in the amount not exceeding two units for the head of mission and one unit for each mission employee.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 396. Procedure for movement across the customs border of Ukraine of goods of foreign diplomatic missions of Ukraine and goods intended for private use by the employees of diplomatic service of Ukraine sent on a long-term secondment or diplomatic service abroad

1. Foreign diplomatic missions of Ukraine, subject to compliance with the established procedure for movement of goods across the customs border of Ukraine, may export from Ukraine the goods intended for official use and logistics of such missions, including the representation products, with relief from customs duties.

2. The employees of diplomatic service of Ukraine sent on a long-term secondment or diplomatic service abroad may export from Ukraine the goods intended for private use, including items for initial settlement, following the procedure provided for in this Code for their movement across the customs border of Ukraine and with relief from customs duties.

3. Goods intended for official use of foreign diplomatic missions of Ukraine and goods intended for private use of the employees of diplomatic service of Ukraine sent on a long-term secondment or diplomatic service abroad, including items for initial settlement, shall be declared and released from Ukraine for the entire period of accreditation of those missions and stay of those employees abroad.

Title XIV
FACILITATION OF INTELLECTUAL PROPERTY
PROTECTION WHILE MOVING GOODS ACROSS THE
CUSTOMS BORDER OF UKRAINE

Chapter 57. Measures of the revenue and duties authorities to
facilitate the protection of intellectual property rights while
goods are moved across the customs border of Ukraine

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 397. Procedure for customs supervision and customs clearance of goods
containing intellectual property items

1. The revenue and duties authorities shall facilitate the protection of intellectual property rights while goods are moved across the customs border of Ukraine in accordance with this Code and other laws of Ukraine.
2. Customs supervision and customs clearance of goods containing intellectual property items protected by the law and imported into or exported from the customs territory of Ukraine shall be carried out under the common procedure with due consideration of specific treatments provided for in this Code and other laws of Ukraine.
3. Measures related to the suspension of customs clearance under the provisions of this Section shall be applied by the revenue and duties authorities to goods imported into or exported from the customs territory of Ukraine for free circulation, except for:
 - (1) personal effects of citizens;
 - (2) goods that contain intellectual property items protected by the law and are moved across the customs border of Ukraine for private use by citizens and are not intended for production or any other business activity the total cost and/or weight of which does not exceed the limits established by Section 1 of Article 374 of this Code;
 - (3) stores.
4. The exportation from the customs territory of goods in the unaltered state the customs clearance of which is suspended on suspicion of infringement of intellectual property rights shall be prohibited till the discharge of such suspension arrangement.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 398. Customs register of intellectual property items

1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall keep the customs register of intellectual property items protected by the law on the basis of applications of the right holders.

2. The right holder having grounds to believe that while goods are moved across the customs border of Ukraine his intellectual property rights are or might be infringed shall have the right to apply to the central executive authority responsible for formulating and implementing the state tax and customs policy for facilitation of protection of his intellectual property rights by entering the relevant information to the customs register of intellectual property items protected by the law.

3. Procedure for registration of intellectual property items protected by the law in the customs register, including the application form, a list of information and documents to be attached thereto, procedure for filing out and processing of applications and keeping of the register shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

4. To facilitate the protection of intellectual property rights protected by the law in the course of customs supervision of goods moved across the customs border of Ukraine, information on the intellectual property items registered in the customs register of intellectual property items protected by the law shall be sent to all revenue and duties authorities of Ukraine.

5. After registering an intellectual property item in the customs register of intellectual property items protected by the law, the revenue and duties authorities shall, on the basis of such register, take measures to prevent the counterfeit goods from being moved across the customs border of Ukraine.

6. The central executive authority responsible for formulating and implementing the state tax and customs policy shall publish the list of intellectual property items included in the customs register of intellectual property items protected by the law on its official website.

7. The right holder shall notify the central executive authority responsible for formulating and implementing the state tax and customs policy of termination or invalidation of intellectual property rights, as well as partial or total transfer of rights to an intellectual property item the information on which is included in the customs register of intellectual property items protected by the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 399. Suspension of customs clearance of goods on the basis of the customs register data

1. If on the basis of customs register of intellectual property items protected by the law the revenue and duties authority identifies any indication of infringed intellectual property rights in respect of goods presented for customs supervision and customs clearance, their customs clearance shall be suspended and goods shall be placed in the warehouse of such authority.

2. The decision to suspend customs clearance of goods for up to 10 days and, if necessary, to extend this period for not more than 10 days shall be made by the head or acting head of the revenue and duties authority.

3. On the day when the decision to suspend customs clearance of goods is made the revenue and duties authority shall notify the right holder by fax and/or electronic communications of the presentation of goods to customs clearance and the declarant of the reasons for the suspension of customs clearance, and indicate the name and address of the right holder to the declarant. The notification of the right holder shall specify: goods the customs clearance of which has been suspended, their quantity, reason for and time of suspension, name and address of the goods holder and other required information.
4. In case of suspension of customs clearance of perishable goods, the suspension period shall be three working days and may not be extended.
5. The right holder may use the information received from the revenue and duties authority only for the purposes related to the suspension of customs clearance of goods.
6. The date of receipt of the notice by the right holder shall be the date when the revenue and duties authority sent such notice by fax and/or electronic communications.
7. If within the first 10 working days upon receipt of the notice of suspended customs clearance the right holder fails to inform the suspending revenue and duties authorities of the judicial recourse to facilitate the protection of intellectual property rights or to address such revenue and duties authority with a written reasoned request for extension of such customs clearance suspension period, then, in the absence of any indications of customs offense, goods the customs clearance of which has been suspended shall be subject to customs clearance in due course.
8. If within the first 10 working days upon receipt of the notice of suspended customs clearance the right holder informs the revenue and duties authority of the judicial recourse to facilitate the protection of intellectual property rights or addresses such revenue and duties authority with a written reasoned request for extension of the customs clearance suspension period, the suspension of customs clearance of the goods specified may be extended by the revenue and duties authority but not for more than 10 working days.
9. If within the period referred to in Section 2 of this Article the right holder brings to the suspending revenue and duties authority a court order prohibiting certain actions in the case of infringed intellectual property rights or any other decision in question issued (made) by other competent public authorities, the revenue and duties authority shall extend the suspension of customs clearance of goods for the period prescribed by such authorities.
10. If within the period referred to in Section 2 of this Article a court order prohibiting certain actions in the case of infringed intellectual property rights or corresponding decision of other competent public authorities fails to be brought to the suspending revenue and duties authority, then, in the absence of any indications of customs offense, the goods affected by the decision on suspended customs clearance shall be subject to customs clearance in due course. If this is the case, the declarant and other persons shall be indemnified the expenses and losses caused by the suspension of customs clearance at the right holder's cost.

11. If the customs clearance of goods containing intellectual property items is suspended by the revenue and duties authority, in the absence of compelling grounds to consider such goods as counterfeit, the right holder may, within the period specified in Section 2 of this Article, address the revenue and duties authority with a written request for resumption of the customs clearance of such goods. In this case, the right holder shall not be entitled to require the destruction of such goods from their owner.

12. The right holder and/or declarant may, with the permission of the revenue and duties authority, take probes (samples) of goods affected by the decision on suspended customs clearance and send them for expert examination. One copy of the expert examination report shall be submitted to the revenue and duties authority.

13. Samples of goods together with a copy of their expert examination report must be returned to the revenue and duties authority before the period specified in Section 2 of this Article expires. The right holder shall ensure such expert examination.

14. If an infringement of intellectual property rights, while goods affected by the decision to suspend customs clearance are moved across the customs border of Ukraine, is confirmed within the period mentioned in Section 2 of this Article by the report on expert examination conducted by the competent authority, the revenue and duties authority shall, in the manner prescribed by this Code, initiate the customs offense proceedings, and the goods, which constitute direct infringement matter, shall be seized.

15. In case of suspended customs clearance of goods mentioned in this Article, the right holder shall indemnify the revenue and duties authority against costs associated with storage of those goods.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 400. Suspension of customs clearance of goods at the initiative of the revenue and duties authority

1. If there are reasonable grounds to believe that as a result of moving across the customs border of Ukraine the goods for which the right holder failed to file an application for facilitation of protection of his intellectual property rights under Article 398 of this Code such rights may be infringed, the revenue and duties authority may, at its own initiative, suspend customs clearance of the said goods. An exhaustive list of reasonable grounds shall be determined by the Cabinet of Ministers of Ukraine.

2. The revenue and duties authority shall, at its own initiative, take measures to suspend customs clearance of goods containing intellectual property items protected by the law only if there is available information on the right holder.

3. When goods specified in Section 1 of this Article enter or exit the customs territory of Ukraine, the revenue and duties authority responsible for customs clearance of such goods shall, on the same day, serve a notice referred to in Section 3 of Article 399 of this Code to the right holder and the declarant by fax and/or electronic communications. The date of receipt

of the notice by the copyright holder and by the declarant shall be the date when the notice is sent by the revenue and duties authority.

4. Prior to notification of the copyright holder of possible infringement of his rights, the revenue and duties authority may request the right holder to provide any information that may assist in confirming or refuting the said infringement. Such a request may only contain information on the actual or estimated quantity of goods and their nature.

5. If the right holder addresses the notifying revenue and duties authority with an application for facilitation of protection of his intellectual property rights within three working days, the customs clearance of such goods shall be suspended for the period specified in Section 2 of Article 399 of the Code and the declarant shall be immediately informed of the grounds for such suspension, whereupon the actions are taken in accordance with the provisions of Sections 7 to 15 of Article 399 of the Code.

6. If the customs clearance of goods mentioned in this Article is suspended, the right holder shall indemnify the revenue and duties authority, the holder of the goods and the declarant against costs associated with storage of such goods.

7. If the right holder fails to file an application for facilitation of protection of his intellectual property rights to the revenue and duties authority within the period determined in Section 5 of this Article, the customs clearance of goods containing such intellectual property items shall be carried out in due course.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 401. Simplified procedure for destruction of goods whose customs clearance is suspended on suspicion of infringed intellectual property rights

1. Should the customs clearance of goods moved across the customs border of Ukraine be suspended on suspicion of infringed intellectual property rights, such goods may be destroyed under customs control following the simplified procedure prior to consideration by the court consideration of the case on infringed intellectual property rights on the merits in the absence of restrictions imposed by the decisions of other competent public authorities.

2. The procedure mentioned in Section 1 of this Article may be applied providing that upon receipt of notice of suspended customs clearance the right holder notifies the suspending revenue and duties authority in writing that the goods concerned infringe his intellectual property rights and provide the revenue and duties authority with a written consent of the holder of the goods to destroy them.

3. The right holder shall be held liable under the law for providing inaccurate information to the revenue and duties authority.

4. Before the destruction of goods, their samples shall be taken and stored by the revenue and duties authority in such conditions so that they can be elements of evidence admissible in court proceedings where their use may be necessary.

5. Destruction of goods under the simplified procedure shall be carried out at the expense of the right holder and under his responsibility by holder's placing goods under the customs procedure of destruction or elimination in accordance with this Code.

6. If the holder of the goods whose customs clearance is suspended on suspicion of infringed intellectual property rights consents to their destruction under the simplified procedure in accordance with the provisions of this Article and, once they have been actually destroyed, the holder of such goods shall be exempt from administrative liability under Article 476 of the Code.

7. If the goods containing intellectual property items are included in the customs register of intellectual property items protected by the law, and the goods for which the right holder failed to lodge an application for facilitation of protection of his intellectual property rights that are moved with violation of intellectual property rights are not found by the revenue and duties authority, the right holder shall not be entitled to indemnification against any material loss due to the fact that no measures were taken to prevent movement of those goods across the customs border of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 402. Change of the marking of goods and their packing

1. Customs clearance shall allow for the change of identification means or marking of goods or their packing to eliminate the indications of infringed intellectual property rights, provided that such operations are agreed upon with the right holder or upon his request. Those operations shall be carried out at the expense of the right holder or other persons in agreement with them.

2. As a result of operations referred to in Section 1 of this Article, the clearance of intellectual property rights infringement shall be drawn up and signed, including by the right holder.

Article 403. Interaction between the revenue and duties authorities and other public authorities in protecting the intellectual property rights

1. In the course of supervision of movement of goods containing intellectual property items across the customs border of Ukraine the revenue and duties authorities shall interact with other public authorities empowered in the area of protection of intellectual property rights in the manner prescribed by the laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title XV
CUSTOMS CONTROLS OF THE REVENUE AND DUTIES
AUTHORITIES APPLICABLE TO CERTAIN ACTIVITIES
OF ENTITIES

(name is amended by the Law
of Ukraine
No 405-VII of
04.07.2013)

**Chapter 58. General provisions on customs controls of the
revenue and duties authorities applicable to certain activities
of entities**

(name is amended by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 404. Types of activities controlled by the revenue and duties authorities

1. Types of activities controlled by revenue and duties authorities shall include:

- (1) customs brokerage;
- (2) opening and operation of a duty-free shop;
- (3) opening and operation of a customs warehouse;
- (4) opening and operation of a free customs zone of commercial or service type;
- (5) opening and operation of a temporary storage warehouse;
- (6) opening and operation of a customs cargo terminal.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 405. License and permits issued to entities

1. Customs brokerage shall be subject to licensing. Activities referred to in paragraphs (2) to (6) of Article 404 of the Code shall be subject to the issue of permits. Entities that obtained such permits shall be included in the appropriate registers kept by the central executive authority responsible for formulating and implementing the state tax and customs policy in accordance with Article 415 of the Code. Such entities shall be issued the extracts from those registers.

2. The right to run the activities referred to in paragraphs (2) to (6) of Article 404 of the Code without obtaining appropriate permits may not be acquired, save as provided for in Chapter 2 of the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 406. Issuing authorities

1. A permit to open and operate a duty-free shop shall be issued by the central executive authority responsible for formulating and implementing the state tax and customs policy along with the central executive authority responsible for implementing the state border protection policy.

2. *Repealed.*

3. Permits to run the activities referred to in paragraphs (3) to (6) of Article 404 of the Code shall be issued by the customs offices in whose operating areas the relevant territories, facilities, reservoirs, refrigerators or freezers, indoor or outdoor sites, which can be used in those activities, are located, in the manner prescribed by this Code, with mandatory notification of the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 407. Forms and procedure for filing and processing of applications, granting of permits and control over the activities of entities granted with permits

1. Forms and procedures for filing and processing of applications, issuance, suspension, revocation of permits to run the activities referred to in paragraphs (2) to (6) of Article 404 of the Code and the rules for running those activities and their controls shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy, unless otherwise provided for in this Code. Requirements for the territories, facilities, reservoirs, refrigerators or freezers, indoor or outdoor sites that can be used in activities referred to in Article 404 of this Code shall be established by this Code and central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 408. Special conditions for obtaining licenses and permits

1. A prerequisite for obtaining a permit to open and operate a customs cargo terminal shall be the availability of customs brokerage license, permits for opening and operating a public temporary storage warehouse and for opening and operating a public customs warehouse.

2. Customs brokerage license shall be issued in the manner and under the terms and conditions specified by the Law of Ukraine on licensing of certain types of activities.

Article 409. Period for processing of applications for permits

1. The decision to grant a permit shall be made within 20 working days upon receipt of the application by the issuing authority.
2. Extract from the appropriate register shall be issued to the applicant within three working days from the date when the decision to grant a permit is taken.

Article 410. Refusal to grant a permit

1. Permit may be denied within the period stipulated in Article 409 of this Code, should the applicant fail to comply with the requirements established for obtaining it.
2. Reasoned refusal to grant a permit shall be sent to the applicant in writing.
3. Refusal to grant a permit may be appealed in the manner prescribed by this Code

Article 411. Indefinite validity of permits

1. Permits for running the activities referred to in paragraphs (2) to (6) of Article 404 of this Code shall be issued for an indefinite period of time.

Article 412. Suspension and revocation of permits

1. Permits may be revoked or suspended for up to 30 days by the issuing authorities.
2. A permit shall be suspended:
 - (1) should the entity fail to comply with the requirements established by this Code, regulations of the Cabinet of Ministers of Ukraine, central executive authority responsible for formulating and implementing the state tax and customs policy within the period specified in Section 1 of this Article, but not longer than until those requirements have been fulfilled;
 - (2) in case of expiry of the lease agreements for territories, facilities, reservoirs, refrigerators or freezers, indoor or outdoor sites used in activities referred to in Article 404 of the Code, where such agreements were concluded;
 - (3) on request of the entity granted with a permit.
3. A permit shall be revoked:
 - (1) should the entity fail to eliminate the circumstances specified in paragraphs (1) or (2) of Section 2 of this Article within 30 days following the date of suspension of a permit,
 - (2) in case there are repeated grounds for termination of a permit during the year resulting in the improper exemption from customs duties or reduction of their

amount, failure to comply with tariff and/or non-tariff regulation of foreign economic activity,

(3) on request of the entity granted with a permit,

(4) in case of discontinued operation of the entity granted with a permit,

(5) should it be noted that a person provided inaccurate information when obtaining a permit,

(6) in case of revocation of other permit, license, whose availability is required in accordance with Article 408 of the Code.

4. Authorities referred to in Article 406 of this Code shall issue an order on suspension or revocation of a permit.

5. A certified copy of the order on suspension or revocation of a permit shall be issued or sent to the applicant by registered mail within five working days from the date of such order.

6. The order on suspension or revocation of a permit may be appealed in the manner established by the law.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 413. Re-issuance of permits

1. The reason for the reissuance of a permit shall be the necessity to alter the information specified in the permit (including change of legal entity's name or surname, name and patronymic of private entrepreneur specified in the permit, change of legal entity's registered office or place of residence of private entrepreneur granted with a permit, change in quantitative characteristics, etc.).

2. Within 30 days of the occurrence of the circumstances specified in Section 1 of this Article, the entity granted with a permit shall apply to the issuing authority for its re-issuance.

3. Application for re-issuance of a permit shall be filed in the same manner and processed within the same period as the application for permit. In this case, the permit to be re-issued shall be valid for the duration of processing.

Article 414. Free issue and re-issue of permits

1. Permits for running the activities referred to in paragraphs (2) to (6) of Article 404 of the Code shall be issued and re-issued free of charge.

Article 415. Registers of the entities granted with permits and licenses

1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall keep the registers of the entities running the activities referred to in Article 404 of this Code and ensure their publication.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 59. Customs brokerage

Article 416. Customs broker

1. Customs broker is an entity that provides services of declaration of goods and means of transport for commercial use crossing the customs border of Ukraine.

2. Customs broker shall carry out customs brokerage at any revenue and duties authority of Ukraine.

3. Customs broker shall be held liable under this Code and other laws of Ukraine for offenses relating to the customs brokerage.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 417. Legal regulation of the customs broker-client relations

1. Customs broker-client relations shall be determined in the relevant agreement.

Article 418. Customs clearance agent

1. Customs clearance agent is an individual resident who is in labour relations with the customs broker and is taking, for the benefit of the customs broker's client, the actions associated with presentation of goods, means of transport for commercial use, and documents required for customs supervision and customs clearance to the revenue and duties authorities.

2. Customs clearance agent may perform its functions of presentation of goods, means of transport for commercial use, and documents required for customs supervision and customs clearance to the revenue and duties authorities at any revenue and duties authorities of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 419. Information received by the customs broker and his employed customs clearance agents from the client

1. Information received by the customs broker and his employed customs clearance agents from the client in the course of completing customs formalities may be used only for the purpose of such formalities.

2. Customs broker and his employed customs clearance agents shall be held liable under the law for disclosing the information that constitutes a trade secret or is confidential.

Chapter 60. Opening and operation of a duty-free shop

Article 420. Duty-free shop

1. Duty-free shop is a specialised trading facility located at the Ukrainian border checkpoint, open to international traffic, as well as on air or water means of transport for commercial use that perform international carriage and designed for the sale of goods placed under the customs procedure of duty-free trade.

2. Duty-free shops shall also sell goods to citizens leaving the customs territory of Ukraine, as well as international passengers carried by air and water means of transport for commercial use operated by residents. Entities may not sell goods placed under the customs procedure of duty-free trade through duty-free shops.

3. *Repealed.*

4. Duty-free shops shall in due course trade in all kinds of food and non-food goods, except for those prohibited by the law for import into, export from and transit through the territory of Ukraine and those under commodity headings 2701-2716 according to the UCGFEA. Terms for sale of goods to citizens by duty-free shops shall be approved by the Cabinet of Ministers of Ukraine.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Article 421. Requirements for the arrangement and location of a duty-free shop

1. The duty-free shop premises may consist of:

(1) trading floor(s), including bars and public catering facilities;

(2) auxiliary rooms;

(3) stocks, including warehouses for goods sold in trading floors located at different checkpoints and moved between them only under customs control, and for property items used in such floors to sell those goods.

2. Location of duty-free shops and terms of sale of goods therein must exclude the possibility of direct importation of goods for consumption in the customs territory of Ukraine.

3. Customs control area shall be arranged in the duty-free shop premises.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Article 422. Rights, obligations and liability of the duty-free shop keeper

1. The duty-free shop keeper shall:

(1) timely declare the goods getting to or out of the shop, including commodity shortages resulted not through the wilful act of the shopkeeper, to the revenue and duties authorities in whose operating area the shop is located and submit all documents required for customs supervision and customs clearance of those goods;

(2) eliminate the cases where goods get to the shop without customs supervision and take all possible measures to prevent the goods from getting out of the shop without customs supervision, including the origination of commodity shortages;

(3) comply with the provisions of this Code and other legislative acts of Ukraine concerning the terms of business for duty-free shops;

(4) keep records of goods delivered to and sold by the duty free shop, and provide the revenue and duties authority in whose operating area the shop is located quarterly goods movement reports in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy.

2. The duty-free shop keepers may, in the manner provided for in this Code, get a permit to open and operate a private temporary storage warehouse or customs warehouse and deliver all kinds of goods thereto including excisable ones, except for those prohibited by the law for import into, export from and/or transit through the customs territory of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 423. Disposal of goods in a duty-free shop in case of suspension or revocation of a permit to open and operate it

1. The duty-free shop shall be prohibited to sell (supply) goods or locate new consignments in case of suspension of a permit to open and operate it.

2. Within 30 days upon revocation of a permit to open and operate a duty free shop, the goods stored in it and placed under the customs procedure of duty-free trade shall be declared by the shop keeper to other customs procedure in accordance with Section 1 of Article 146 of the Code or placed in another duty-free shop in the manner prescribed by this Code.

3. The shopkeeper shall bear administrative liability under this Code for violation of the procedure and terms of disposal of goods stored in duty-free shops provided for in Sections 1 and 2 of this Article, in case of suspension or revocation of a permit to open and operate it.

Chapter 61. Opening and operation of a customs warehouse

Article 424. Customs warehouse

1. Customs warehouse means a specially equipped storage facility, reservoir, refrigerator or freezer, indoor or outdoor site intended for storage of goods under customs supervision.
2. A customs warehouse may be public or private.
3. Private customs warehouse shall be designed solely for storage, under customs supervision, of goods moved across the customs border of Ukraine under the foreign economic agreements (contracts) entered into by the warehousekeeper or members of the association where the warehousekeeper has a membership.
4. Public customs warehouse shall be designed for storage, under customs supervision, of goods moved across the customs border of Ukraine under the foreign economic agreements (contracts) entered into both by the warehousekeeper and any other persons.

Article 425. Legal regulation of the relations between the customs warehousekeeper and other persons and the revenue and duties authorities

1. The relations between public customs warehousekeeper and persons placing goods in such warehouse shall be determined by the relevant agreement.
2. The relations between the customs warehousekeeper and the revenue and duties authorities shall be determined by the procedure for operation of such warehouse approved by the head of the revenue and duties authority and agreed upon with the customs warehousekeeper. This procedure shall outline:
 - (1) the list of officials authorised to access a customs warehouse,
 - (2) a customs warehouse manager,
 - (3) a minimum number of the revenue and duties officials to be engaged in customs supervision and customs clearance,
 - (4) a customs warehouse operation mode,
 - (5) terms of reporting on movement of goods in the warehouse by the customs warehousekeeper,
 - (6) specific operations of a customs warehouse (if any).
3. If goods are placed in a customs warehouses on the initiative of the revenue and duties authority, the relations between the customs warehousekeeper and the revenue and duties

authority shall be determined in the respective agreement concluded under the civil laws of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 426. Placement of goods in customs warehouses

1. The following goods may be placed in a customs warehouse:

- (1) goods placed under the customs warehousing procedure (including consolidated consignments),
- (2) goods placed under the transit, temporary import, inward processing, export, temporary export and outward processing procedures (without changing those customs procedures for the customs warehousing one),
- (3) goods intended for temporary storage under customs supervision (under the conditions laid down in this Code for temporary storage warehouses).

Article 427. Storage of goods in a customs warehouse

1. Goods in the same customs warehouse placed under different customs procedures shall be stored there separately.

2. Goods may be placed in a customs warehouse without their unloading from the means of transport with the consent of the warehousekeeper and provided that the holder of the goods (or person authorised by him) agrees upon such actions with a person responsible for the means of transport.

3. Dangerous goods, goods that may damage other goods, or goods that require special storage conditions may not be placed in a customs warehouse that does not have suitable conditions in place for the storage of such goods.

Article 428. Record-keeping of goods in a customs warehouse

1. The customs warehousekeeper shall keep records of the goods placed in such warehouse and released from it and submit quarterly reporting to the revenue and duties authorities on movement of goods in the warehouse for the previous quarter in the form prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy. The revenue and duties authority may, not more than once a year, require the submission of an extraordinary report.

2. Records of goods in a customs warehouse shall be kept by the customs warehousekeeper at the sub-group level (four digits) under the UCGFEA using conventional rules of inventory records.

3. The customs warehousekeeper shall be held liable under this Code and other laws of Ukraine for:

(1) non-compliance with the procedure for storage of goods in a customs warehouse and handling of those goods, save as provided for in Sections 2 and 3 of Article 127 hereof,

(2) the release of goods without the authorisation of the revenue and duties authority,

(3) the loss of goods other than that resulting from handling of those goods provided for in Section 2 of Article 127 of this Code.

4. The holder of the goods or person authorised by him shall be held liable under this Code and other laws of Ukraine for:

(1) non-compliance with the procedure for handling of goods provided for in Section 2 of Article 127 of this Code;

(2) the loss of goods under the operations laid down in Section 2 of Article 127 hereof.

5. In case of the loss or release of goods without the authorisation of the revenue and duties authority, except for the loss of goods under the operations laid down in Section 2 of Article 127 of this Code, the customs warehousekeeper shall pay the customs duties imposed by the law on import of those goods.

6. In case of the loss of goods under the operations laid down in Section of Article 127 of this Code, the holder of the goods shall pay the customs duties imposed by the law on import of those goods.

7. Such persons shall be relieved from obligation to pay customs duties imposed by the law on import of goods where the goods stored in a customs warehouse are lost as a result of an accident, force majeure event, which is confirmed in due course, and in the case of natural loss under normal storage conditions.

8. Persons who took probes or samples of goods shall bear liability provided for by this Code and other laws of Ukraine for failure to comply with the procedure for taking samples of goods laid down in the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 429. Disposal of goods stored in a customs warehouse in case of suspension or revocation of a permit to open and operate it

1. New consignments may not be placed in a customs warehouse in case of suspension or revocation of a permit to open and operate it.

2. Within 30 days upon revocation of a permit to open and operate a customs warehouse, the goods stored in such warehouse shall be moved under customs supervision by their holder or person authorised by him, or the customs warehousekeeper to another customs

warehouse, warehouse of the revenue and duties authorities or placed under another customs procedure.

3. Under this Code, the holder of the goods or person authorised by him, or the customs warehousekeeper shall be held liable for violation of procedure for disposal of goods stored in a customs warehouse laid down in Section 2 of this Article.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 62. Opening and operation of a free customs zone of commercial or service type

Article 430. Free customs zone

1. Free customs zone means a specially equipped area or warehouse designed for storage of goods under customs supervision, their processing and/or production of new goods.
2. Free customs zones may be of commercial, service and industrial types.
3. Free customs zone of commercial type shall be established to provide free storage of goods without any time limitations.
4. Free customs zone of service type shall be established to provide free operations of the entities on repair, modernisation, construction of air, sea and river vessels and other water craft and their parts.
5. Free customs zones of industrial type shall be established for the purposes of processing (production) of goods in the territories of the relevant types of special (free) economic zones.
6. Free customs zones shall be established at the Ukrainian border checkpoints, within the sea and river ports, airports, railway stations and in the territories of entities, as well as in any place where it is possible to ensure the free customs zone procedure under this Code.
7. Free customs zones of commercial and service types shall be opened in accordance with the provisions of this Title.
8. Free customs zones of industrial type shall be opened under certain laws of Ukraine.

Article 431. Legal regulation of a free customs zone of commercial or service type

1. Requirements for arrangement of free customs zones of commercial and service types shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.
2. Relations between the keeper of a free customs zone of commercial or service type and the persons placing goods in those zones shall be determined under the relevant agreement.

3. Relations between the keeper of a free customs zone of commercial or service type and the revenue and duties authorities shall be determined by the procedure for operation of such zone approved by the head of the revenue and duties authorities and agreed upon by the free customs zone keeper. This procedure shall outline:

- (1) a list of categories of the officials authorised to a free customs zone,
- (2) a free customs zone manager,
- (3) a minimum number of the revenue and duties officials to be engaged in customs supervision and customs clearance,
- (4) a free customs zone operation mode,
- (5) terms of reporting on movement of goods in a customs free zone by the free customs zone keeper;
- (6) other requirements and conditions related to the operation of a free customs zone.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 432. Powers of the revenue and duties authorities in
setting the requirements for arrangement and organisation of
free customs zones**

1. For proper organisation of customs supervision the revenue and duties authorities, in whose operating area the free customs zone is located, shall require the free customs zone keeper and controlling bodies of the respective special (free) economic zone to ensure:

- (1) construction of the fence along the perimeter of a free customs zone and proper equipping of checkpoints (except for a free customs zone of service type);
- (2) restrictions on the way and means of access to the said area, corresponding hours during which the access thereto is permitted;
- (3) protection of the territory of free customs zone.

2. Commercial facilities in a free customs zone shall be constructed (renovated) on the basis of the permit of the revenue and duties authority. In case of refusal to grant the specified permit, the revenue and duties authority shall immediately, in writing or in electronic form, notify the applicant of the reasons and grounds for such refusal.

(as amended by the Law of Ukraine
No 183-VII of 04.04.2013,
No 405-VII of 04.07.2013)

Article 433. Customs supervision in the territory of free customs zones

1. In order to ensure proper customs supervision in a free customs zone the revenue and duties authorities may:

- (1) perform constant oversight outside of the said areas as well as over the access thereto;
- (2) require the free customs zone keeper to keep records of goods in the territory of free customs zones and report on their movement;
- (3) inspect goods transported through the territory of free customs zone to ensure the performance of operations under this Code and prevent the movement of forbidden goods;
- (4) perform the examination of goods that are in the territory of free customs zones at any time;
- (5) take other measures laid down in this Code aimed to ensure control over handling of goods under customs supervision.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 434. Admission of goods into the territory of free customs zone

1. Foreign and Ukrainian goods both outside and inside the customs territory of Ukraine may be admitted into the territory of free customs zone.

2. Any goods may be admitted into the territory of free customs zone, except for those prohibited for import into, export from and transit through Ukraine, those brought into Ukraine as humanitarian aid and listed by the Cabinet of Ministers of Ukraine.

3. Dangerous goods, goods that can damage other goods, or goods that require special storage conditions shall be admitted into the territory of free customs zone only if there are proper conditions for their storage.

4. Goods may be placed in a free customs zone of commercial type without unloading them from means of transport.

5. Sale and/or consumption of foreign goods in a free customs zone shall be prohibited.

Article 435. Record-keeping of goods placed in the territory of free customs zone

1. The free customs zone keeper or persons engaged in handling of goods in the territory of free customs zone shall keep stock records of all foreign and Ukrainian goods placed in that zone and provide the revenue and duties authorities with monthly reports on movement of goods in a free customs zone for the previous month in the form established by the central

executive authority responsible for formulating and implementing the state tax and customs policy. Any changes that occur with the goods within the territory of free customs zone shall be reflected in the records. The revenue and duties authorities may require the submission of an extraordinary report not more than once a year.

2. Stock records of goods in the territory of free customs zone shall be kept using the conventional rules of inventory accounting.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 436. Disposal of goods placed in a free customs zone of commercial or service type in case of suspension or revocation of a permit to open and operate it

1. If a permit to open and operate a free customs zone of commercial and service type is suspended or revoked, new consignments may not be placed in that zone.

2. Within 90 days upon revocation of a permit to open and operate a free customs zone of commercial or service type, the goods placed in that zone shall be moved, under customs supervision, by their holder or person authorised by him or the keeper of free customs zone to another customs free zone or declared under another customs procedure.

3. Administrative liability under this Code for violation of the period for disposal of goods placed in a free customs zone of commercial or service type set out in Section 2 of this Article shall be borne by the holder of those goods, person authorised by him or the free customs zone keeper.

Chapter 63. Opening and operation of a temporary storage warehouse

Article 437. Temporary storage warehouse

1. Temporary storage warehouse means specially equipped premises and/or indoor or outdoor sites, reservoirs, refrigerators or freezers designed for temporary storage of goods under customs supervision before placing them under the customs procedure.

2. Temporary storage warehouse may be private and public.

3. Private temporary storage warehouse shall be reserved for the warehousing of goods by the warehousekeeper.

4. Public temporary storage warehouse shall be available for use by any person for the warehousing of goods.

5. Goods may be placed in a temporary storage warehouse without unloading them from means of transport.

6. Procedure for placement, warehousing and record-keeping of goods, means of transport for commercial use in a temporary storage warehouse, as well as their release from it shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 438. Legal regulation of the relations between the public temporary storage warehousekeeper and depositors

1. The relations between the public temporary storage warehousekeeper and depositors shall be determined by the corresponding agreement, save as provided for in this Code.

Article 439. Restrictions on placing goods in a temporary storage warehouse

1. Any goods may be placed in temporary storage warehouses. However, dangerous goods, goods that can damage other goods, or goods that require special storage conditions may be placed only in temporary storage warehouses with appropriate conditions for their storage.

2. Perishable goods or goods with limited shelf life, when it is less than one month before its expiry, shall not be allowed to be placed in temporary storage warehouses.

3. Goods stored exclusively by the revenue and duties authorities in accordance with Section 1 of Article 238 of the Code shall not be transferred to the entities for temporary warehousing.

4. The central executive authority responsible for formulating and implementing the state tax and customs policy may determine a list of certain goods to be transferred for temporary warehousing under customs supervision only in warehouses of the revenue and duties authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 440. Safe-keeping of goods placed in a temporary storage warehouse

1. The temporary storage warehousekeeper shall keep stock records of goods placed in that warehouse and released from it and shall provide the revenue and duties authorities with monthly reports on movement of goods in the warehouse for the previous month in the form established by the central executive authority responsible for formulating and implementing the state tax and customs policy. The revenue and duties authorities may require the submission of an extraordinary report.

2. Stock records of goods in a temporary storage warehouse shall be kept by its keeper using the conventional rules of inventory accounting.

3. The temporary storage warehousekeeper shall bear liability laid down in this Code for loss or damage to goods placed in a temporary storage warehouse.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 441. Disposal of goods placed in a temporary storage warehouse under customs supervision in case of suspension or revocation of a permit to open and operate it

1. If a permit to open and operate a temporary storage warehouse is suspended or revoked, new consignments may not be placed in that warehouse.

2. Within 30 days upon revocation of a permit to open and operate a temporary storage warehouse, the goods placed in that warehouse under customs supervision shall be moved, under customs supervision, by their holder or person authorised by him, or the temporary storage warehousekeeper to another temporary storage warehouse or a warehouse of the revenue and duties authorities or declared under corresponding customs procedure.

3. Administrative liability under this Code for violation of the period for disposal of goods placed in a temporary storage warehouse under customs supervision set out in Section 2 of this Article shall be borne by the holder of those goods, person authorised by him or the temporary storage warehousekeeper.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 64. Opening and operation of a customs cargo terminal

Article 442. Customs cargo terminal

1. Customs cargo terminal means a locality with a complex of buildings, structures, engineering facilities and utilities required for customs supervision and customs clearance of goods, means of transport for commercial use crossing the customs border of Ukraine.

Article 443. Services provided by the customs cargo terminal keeper to the persons moving goods across the customs border of Ukraine

1. The customs cargo terminal keeper shall obligatory ensure:

(1) the provision of intermediary services for declaration of goods moved across the customs border of Ukraine,

(2) the provision of services for storage of goods moved across the customs border of Ukraine and means of transport for commercial use,

(3) the performance of handling.

2. Customs cargo terminal may also have places equipped for provision of additional services.

Article 444. Legal regulation of the relations between the customs cargo terminal keeper, its clients and the revenue and duties authorities

1. The relations between the customs cargo terminal keeper, its clients and the revenue and duties authorities shall be determined by the relevant agreements.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 445. Requirements for the arrangement of customs cargo terminal

1. Requirements for the arrangement of customs cargo terminal shall be set by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 446. Obligations of the customs cargo terminal keeper

1. The customs cargo terminal keeper shall:

(1) comply with the provisions of this Code, terms and conditions of a permit to open and operate a customs cargo terminal and requirements for the design, setup and operation of the terminal,

(2) provide free entry and free stay in the territory of the terminal for the first four hours,

(3) eliminate the possibility of unauthorised access of any third parties to the territory of the terminal, as well as withdrawal of goods under customs supervision and means of transport for commercial use from its territory,

(4) provide free access of the revenue and duties officials to goods, means of transport for commercial use under customs supervision within the terminal, and documents for such goods, and create appropriate working conditions for those officials,

(5) provide free, on an agreed basis, use of the furnished rooms for accommodation of the revenue and duties officials in the territory of the terminal and equipped work places for the officials of all public authorities that exercise other controls,

(6) keep records of goods, means of transport for commercial use serviced by the terminal and quarterly report to the revenue and duties authority concerned on such goods, means of transport in the form and manner established by the central ex-

ecutive authority responsible for formulating and implementing the state tax and customs policy,

(7) ensure the existence and operation of electronic record-keeping of goods and means of transport for commercial use that move within the territory of the customs cargo terminal, and unimpeded access of the revenue and duties authorities to such records,

(8) ensure the existence and operation of gating system at the entrance and exit of the customs cargo terminal equipped with barriers, automatic data recorders of number plates of means of transport and electronic weighting units enabling to automatically enter the information about their number plates and total weight to the electronic records of goods and means of transport,

(9) ensure the existence and operation of video surveillance system for the entry to and exit from the territory of the customs cargo terminal, the procedure of customs control with video recording to keep the corresponding archive, as well as free access of the revenue and duties officials to that system.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title XVI CUSTOMS STATISTICS

Chapter 65. Customs statistics

Article 447. Objectives of the customs statistics

1. Objectives of the customs statistics shall include:

- (1) objective and accurate accounting of data on movement of goods across the customs border of Ukraine; collection, generation, processing, summarising, comprehensive analysis and storage of the statistical information related to the state customs affairs and foreign trade in goods,
- (2) submission of statistical, reference, analytical information on the state customs affairs and foreign trade in goods to the public authorities in the manner prescribed by the law,
- (3) provision of relevant information to international organisations and customs authorities of the other countries under the international treaties concluded in accordance with legislation of Ukraine,
- (4) protection of statistical information that is not subject to disclosure in accordance with law.

Article 448. Customs statistics system

1. Customs statistics is a part of the national system of statistical accounting and reporting.
2. Statistical information generated, summarised and analysed by the revenue and duties authorities shall be used to enhance the foreign economic relations, improve the customs and tariff and non-tariff regulation of foreign economic activity, to facilitate further integration of Ukraine into the global system of economic relations.
3. It shall be prohibited to require the statistical information, which is not provided for in the state statistical reporting, this Code and other laws of Ukraine, from the revenue and duties authorities.
4. Customs statistics shall consist of customs statistics of foreign trade and special customs statistics.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 449. Customs statistics of foreign trade

1. Customs statistics of foreign trade means the summarised and consistently systematised information on the movement of goods across the customs border of Ukraine.

2. Customs statistics of foreign trade shall be generated, summarised and analysed by the central executive authority responsible for formulating and implementing the state tax and customs policy based on data contained in customs declarations.

3. Data of customs statistics of foreign trade shall be used in the legally established manner by the competent public authorities to control the flow of customs charges to the state budget, exercise foreign exchange control, conduct the analysis of Ukraine's foreign trade, its balance of trade and payment, and economy in general.

4. Customs statistics shall be kept under the methodology that ensures comparability of data of customs statistics of foreign trade of Ukraine with that of government statistics of other states.

5. The central executive authority responsible for formulating and implementing the state tax and customs policy shall ensure regular publication of customs statistics of foreign trade.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 450. Special customs statistics

1. Special customs statistics means a system for collection, processing, analysis, dissemination, storage, protection and use of statistical information that reflects the activities of the revenue and duties authorities in administering the state customs affairs.

2. Special customs statistics shall be kept by the central executive authority responsible for formulating and implementing the state tax and customs policy to ensure the completion of tasks assigned to the revenue and duties authorities of Ukraine in accordance with the law.

3. Procedure for keeping special customs statistics shall be determined by the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 451. Documents and particulars used for the generation of customs statistics

1. Documents and particulars submitted to the revenue and duties authorities by the central and local executive authorities, local governments, legal entities and individuals shall be used to generate customs statistics in accordance with the provisions of the Code laying down the procedure for customs supervision and customs clearance.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 452. Use of information provided to the revenue and duties authorities

1. Information on exports and imports of specific goods shall be provided to the central executive authorities at their reasoned request (on a one-off basis) or under interagency agreements on information exchange (on a regular basis).

2. Information on export-import operations of specific foreign economic entities may only be provided to the pre-trial investigating authorities in connection with their criminal proceedings, as well as, at reasoned written request, to the State Commissioner of the Antimonopoly Committee of Ukraine and head of the regional office of the Antimonopoly Committee of Ukraine in connection with their investigation of anticompetitive concerted actions.

3. The central executive authority responsible for formulating and implementing the state tax and customs policy shall provide, in cases and in the manner prescribed by the law, other agencies authorised by the law to exercise foreign exchange control with the information required to exercise such control.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 453. Use of statistical information on foreign trade

1. Statistical information on foreign trade shall be used to:

- (1) define the strategy, tactics and basic directions of foreign economic development;
- (2) analyse the existing foreign economic policy and environment in the world market and make their forecasts going forward;
- (3) negotiate the trade and economic issues;
- (4) apply the customs tariff and non-tariff regulation of foreign economic activity;
- (5) prepare the balance of trade and payments of Ukraine, plan and implement the monetary policy;
- (6) define the markets for sale of goods;
- (7) generate statistics of foreign economic relations of Ukraine.

Article 454. In-house classifiers

1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall develop, approve, implement and keep in-house classifiers of information on the state customs affairs — normative and technical documents used in filling out customs declarations.

2. Classifiers referred to in Section 1 of this Article shall be used solely for the purposes provided for in this Code.

3. The central executive authority responsible for formulating and implementing the state tax and customs policy shall inform the public authorities and foreign economic entities on any

changes in classifiers referred to in Section 1 of this Article within 10 days prior to the effective date of such changes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 455. Register of persons engaged in transactions in goods

1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall keep a centralised register of persons engaged in transactions in goods.
2. The persons engaged in transactions in goods shall be registered once:
 - (1) upon their application, including by means of electronic communication, to the revenue and duties authorities concerned;
 - (2) upon their first performance of transactions in goods, for whose control the revenue and duties authorities are responsible under this Code and other legislative acts of Ukraine.
3. Registration of persons engaged in transactions in goods shall be performed by the revenue and duties authorities by assigning registration number to such persons.
4. The revenue and duties authorities shall immediately inform the persons about their registration and communicate their registration numbers.
5. Registration number of the person shall be valid throughout the customs territory of Ukraine. The same registration number may not be assigned to any other person.
6. Double registration of persons with different revenue and duties authorities shall be prohibited.
7. Procedure for registration of persons engaged in transactions in goods shall be determined by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title XVII ANTI-SMUGGLING

Chapter 66. Anti-smuggling measures

Article 456. Controlled delivery of drugs, psychotropic substances and precursors

1. According to the laws of Ukraine, in order to identify the sources and channels of illicit trafficking in narcotic drugs, psychotropic substances and precursors, and persons engaged, the revenue and duties authorities together with other public authorities that have the right to perform operational search activities may use the method of controlled delivery of those drugs, substances and precursors.

2. Procedure for controlled delivery shall be determined by this Code and relevant regulation of the central executive authority responsible for formulating and implementing the state tax and customs policy, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, the central authority responsible for implementing the state border protection policy agreed upon with the Prosecutor General's Office of Ukraine and registered with the Ministry of Justice of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 457. Movement of goods under secret control

1. To identify and hold liable the persons involved in smuggling, as well as to seize goods for which there is a suspicion of illegal movement across the customs border of Ukraine, such goods may be moved under secret control and operational supervision of the law enforcement agencies.

2. Procedure for secret control over the movement of goods shall be determined by this Code and relevant regulation of the central executive authority responsible for formulating and implementing the state tax and customs policy, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine, the central executive authority responsible for implementing the state border protection policy agreed upon with the Prosecutor General's Office of Ukraine and registered with the Ministry of Justice of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Title XVIII
CUSTOMS OFFENSE AND LIABILITY**

Chapter 67. General provisions on customs offenses and liability for them

Article 458. Customs offenses

1. Customs offense means an administrative offense that is unlawful, wrongful (deliberate or inadvertent) acts or omissions that impinge on the procedure laid down in this Code and other legislative acts of Ukraine for movement of goods, means of transport for commercial use across the customs border of Ukraine, their presentation to the revenue and duties authorities for customs supervision and customs clearance, as well as handling of goods that are placed under customs control or for whose control the revenue and duties authorities are responsible under this Code or other laws of Ukraine, and for which this Code provides for administrative liability.

2. Administrative liability for the offenses under this Code shall occur unless those offenses entail criminal liability.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 459. Liability for customs offenses

1. Administrative liability for customs offenses shall be established by this Code.

2. Subjects of administrative liability for customs offenses may be citizens who at the time of the offense have attained 16 years of age, and corporate officials in case of customs offenses by the entities.

Article 460. Specific liability for certain types of customs offense

1. Customs offenses provided for in Section 3 of Article 469, Article 470, Section 3 of Article 478, Article 481 of the Code as a result of an accident, force majeure event or wrongdoing of third parties, which is supported by relevant papers, and errors in the customs declaration that have not led to improper relief from customs duties or reduction in their amount, failure to comply with the tariff and/or non-tariff regulation of foreign economic activity, unless such errors are made repeatedly (Article 268 of the Code), shall not entail administrative liability under this Code.

2. Carriers shall be liable for movement or actions intended for movement of goods across the customs border of Ukraine with concealment from customs supervision by presenting the documents, which contain false information (Article 483 of the Code), to the revenue and duties authorities as a ground for moving those goods, solely in the event that such information relates to the quantity of cargo items, their marking and numbers, and carriers have failed to take measures to check the authenticity of the indi-

cated information or, if it is impractical to conduct such check, to make a relevant entry into the CMR.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 461. Types of administrative penalties for customs offenses

1. Customs offenses may result in the following administrative penalties:

(1) warning;

(2) fine;

(3) confiscation of goods, means of transport for commercial use, which are direct objects of customs offenses; goods, means of transport with specific-purpose storage (hide) used to conceal goods, which are direct objects of customs offenses, from customs supervision (except for means of transport for commercial use that are used exclusively for transportation of passengers and goods across the customs border of Ukraine on defined routes and flights carried out according to the schedule on the basis of international agreements concluded in accordance with the law), as well as means of transport used for carriage of goods, which are direct objects of customs offenses, through the customs border of Ukraine outside the location of the customs authority.

Article 462. Basic and additional administrative penalties

1. Warning and fine may be used only as basic administrative penalties for customs offenses.

2. Confiscation of goods, means of transport referred to in paragraph 3 of Article 461 of the Code may be applied both as basic and additional administrative penalty.

3. The same customs offense may result in only basic or basic and additional administrative penalties. If the article imposing administrative liability for customs offenses provides for basic and additional administrative penalties, additional administrative penalty may not be applied without the basic one, except as laid down in Section 3 of Article 467 of the Code.

Article 463. Warning

1. Warning as an administrative penalty for customs offenses means an official notice of warning to the offender regarding the inadmissibility of such acts in future. Warning shall be made in the form of a ruling on imposition of an administrative penalty.

Article 464. Fine

1. Fine as an administrative penalty for customs offenses means the act whereby the person called to administrative liability for such offense is obliged to pay the amount, determined by this Code depending on the type and nature of offense, to the state budget.
2. Payment of a fine, unless an administrative penalty in the form of confiscation of goods, means of transport referred to in paragraph 3 of Article 461 of the Code is imposed, shall not relieve the person who committed the customs offense from paying customs duties, save as provided for in this Code.

Article 465. Confiscation

1. Confiscation as an administrative penalty for customs offense involve enforced seizure of goods, means of transport referred to in paragraph 3 of Article 461 of the Code, and their free transfer into state ownership. In so doing, motor road vehicles and non-self-propelled vehicles hauled by them shall be considered as independent objects of confiscation.
2. Confiscation may be applied only by court decision in the cases, to the extent and in the manner determined by this Code and other laws of Ukraine.
3. Confiscation of goods, means of transport referred to in paragraph 3 of Article 461 of this Code shall apply regardless of whether those goods and means of transport are owned by the offender.

Article 466. Legality of application of administrative penalties against customs offenders

1. Administrative penalties for customs offenses may not be applied under the grounds and in the manner other than those laid down in this Code and other laws of Ukraine.
2. Compliance of the revenue and duties authorities with the laws where administrative penalties are applied for customs offenses shall be ensured through systematic control by the higher-level authorities and their officials, the right of appeal against rulings in the cases of customs offenses and other measures set out in the legislation of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 467. Period for imposition of administrative penalties in the cases of customs offenses

1. If the cases of customs offenses in accordance with Article 522 of the Code are dealt with by the revenue and duties authorities, administrative penalties for customs offenses may be imposed not later than six months from the date of the offense, and if the revenue and duties authorities deal with the cases of continuing customs offenses, including those provided for in Articles 469, 477-481, 485 of the Code, not later than six months from the date when those offenses were discovered.

2. If the cases of customs offenses in accordance with Article 522 of the Code are dealt with by the courts (judges), administrative penalty for customs offenses may be imposed not later than three six from the date of the offense, and if the courts (judges) deal with the cases of continuing customs offenses, including those provided for in Articles 469, 477-485 of the Code, not later than six months from the date when those offenses were discovered.

3. When a criminal case is dismissed, but if there are indications of customs offenses in the actions of the offender, administrative penalties for customs offenses may be imposed not later than three months from the date of the decision to dismiss a criminal case but within two years after the offense was committed.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 5288-VI of 18.09.2012,
No 405-VII of 04.07.2013)

Chapter 68. Types of customs offenses and liability for such offenses

Article 468. Violation of the procedure of customs control area

1. Economic activities carried out in the customs control area, movement of goods and means of transport across and within the customs control area, crossing of the customs control area by citizens who do not cross the customs border of Ukraine and officials of the public authorities that are not engaged in controls mentioned in Section 1 of Article 319 of the Code, and their movement within that area in violation of the procedure laid down in Article 332 of the Code shall entail a warning or a fine amounting to twenty tax-free minimum personal incomes.

Article 469. Unlawful handling of goods with pending customs clearance or goods placed for temporary warehousing under customs supervision

1. Handling of goods with pending customs clearance or goods placed for temporary warehousing under customs supervision in a temporary warehouse, warehouse of the beneficiary of humanitarian aid or customs warehouse, which is not laid down in Articles 203, 325 of the Code, or handling, which is laid down in those articles, without the authorisation of the revenue and duties authorities shall entail a warning or a fine amounting to twenty tax-free minimum personal incomes.

2. Changes in the state of goods with pending customs clearance or goods placed for temporary warehousing under customs supervision in a temporary warehouse, warehouse of the beneficiary of humanitarian aid or customs warehouse, their use and disposal without the authorisation of the revenue and duties authorities, as well as failure to take measures set out in Section 4 of Article 204 of the Code in respect of goods, whose period for temporary warehousing under customs supervision in a temporary warehouse, warehouse of the beneficiary of humanitarian aid or customs warehouse has expired, shall entail a fine amounting to five hundred tax-free minimum personal incomes.

3. Release without the authorisation of the revenue and duties authorities or loss of goods with pending customs clearance or goods placed for temporary warehousing under customs supervision in a temporary warehouse, warehouse of the beneficiary of humanitarian aid or customs warehouse shall entail a fine amounting to one thousand tax-free minimum personal incomes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 470. Non-delivery of goods, means of transport
for commercial use and documents to the revenue and
duties authorities of destination, their release without the
authorisation of the revenue and duties authorities**

1. Exceeding the period specified in Article 95 of this Code for delivery of goods, means of transport for commercial use under customs supervision to the revenue and duties authorities of destination (and, if moved within the operating area of the same revenue and duties authority, from one unit of such authority to the other), customs or other documents for those goods, means of transport by not more than one day shall entail a warning or a fine amounting to ten tax-free minimum personal incomes.

2. Commitment of an offense set out in Section 1 of this Article by a person that was held liable for committing such offense during a year, as well as exceeding the period established by Article 95 of this Code for delivery of goods, means of transport for commercial use, customs or other documents for those goods, means of transport by over one day, but not more than ten days shall entail a fine amounting to two hundred tax-free minimum personal incomes.

3. Exceeding the period specified in Article 95 of this Code for delivery of goods, means of transport for commercial use, customs or other documents or their release without the authorisation of the revenue and duties authorities shall entail a fine amounting to five hundred tax-free minimum personal incomes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 471. Violation of the customs control rules in the
simplified customs control zones (green channels)**

1. Violation of the customs control rules in the simplified customs control zones (green channels) laid down in this Code, i.e. movement of goods, which are prohibited or restricted for transportation across the customs border of Ukraine by the laws of Ukraine, or goods in the quantity exceeding the tax-exempt standard for movement across the customs border of Ukraine, across the customs border of Ukraine by a person that has opted for passage (carriage) through the “green channel” as a form of customs control, shall entail a fine amounting to one hundred tax-free minimum personal incomes. Furthermore, if direct objects of the offenses are goods whose movement across the customs border of Ukraine is prohibited or restricted by the legislation of Ukraine, it shall also entail a confiscation of goods.

Article 472. Failure to declare goods, means of transport for commercial use

1. Failure to declare goods, means of transport for commercial use moved across the customs border of Ukraine, i.e. failure to declare, in the prescribed form, accurate and authentic information (availability, name or title, quantity, etc.) of goods, means of transport for commercial use subject to mandatory declaration when moved across the customs border of Ukraine, shall entail a fine amounting to 100 per cent of the cost of such goods, means of transport with their confiscation.

Article 473. Sending of goods prohibited for sending by international mail and express mail across the customs border of Ukraine

1. Sending of goods prohibited under the laws of Ukraine for sending by international mail and express mail across the customs border of Ukraine, as well as sending of goods prohibited under the acts of the Universal Postal Union for sending by international mail shall entail a confiscation of those goods.

Article 474. Impeding the revenue and duties officials to access goods, means of transport, documents

1. Impeding the revenue and duties official, who is completing customs controls or dealing with the case of smuggling or customs offenses, to access goods, means of transport, and documents shall entail a fine of one hundred tax-free minimum personal incomes.

2. Committing an offense set out in Section 1 of this Article by a person that was held liable for committing such offense during a year, as well as impeding the revenue and duties official, failure to meet his requirements in the course of examining the records of goods moved across the customs border of Ukraine and/or placed under customs supervision, or desktop audit of compliance with the requirement of the customs laws of Ukraine shall entail a fine of five hundred tax-free minimum personal incomes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 475. Failure to report on goods placed under customs supervision to the revenue and duties authorities

1. Failure of a duty-free shop keeper, temporary warehousekeeper, customs warehousekeeper, customs cargo terminal keeper, person responsible for the operation of the warehouse of the humanitarian aid beneficiary to report on movement of goods to the revenue and duties authorities, as well as violation of the procedure for record-keeping of such goods shall entail a fine of fifty tax-free minimum personal incomes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 476. Movement of goods across the customs border of Ukraine with infringement of intellectual property rights

1. The import or export of goods, intended for production or other business activity, into / from the customs territory of Ukraine with infringement of intellectual property rights protected by the law shall entail a fine of one thousand tax-free minimum personal incomes with confiscation of goods moved with infringement of intellectual property rights.

Article 477. Violation of legally established rules for importation / exportation of goods into / from the territory of free customs zone and/or legally established rules for handling of goods placed under the procedure of free customs zone

1. Violation of legally established rules for importation / exportation of goods into / from the territory of free customs zone, handling of goods placed under the procedure of free customs zone, as well as violation of the period for disposal of goods placed in a free customs zone as provided for in Section 2 of Article 436 of this Code, in case of revocation of a permit to open and operate that zone, shall entail a fine of one thousand tax-free minimum personal incomes

Article 478. Violation of the procedure for storage of goods in customs warehouses and their handling

1. Handling of goods placed under the procedure of customs warehousing in customs warehouses as provided for in Section 2 of Article 127 of this Code without the authorisation of the revenue and duties authorities shall entail a fine of twenty tax-free minimum personal incomes

2. Changes in the state of goods placed under the procedure of customs warehousing in customs warehouses without the authorisation of the revenue and duties authorities, failure to take measures set out in Section 5 of Article 129 of the Code in respect of goods whose period for placement under the customs warehousing procedure has expired, as well as violation of the period established by Section 2 of Article 429 of this Code for disposal of goods placed in a customs warehouse, in case of revocation of a permit to open and operate that warehouse, shall entail a fine of five hundred tax-free minimum personal incomes.

3. Release of goods placed under the procedure of customs warehousing in customs warehouses without the authorisation of the revenue and duties authorities shall entail a fine of one thousand tax-free minimum personal incomes.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 479. Violation of the procedure or period for disposal of goods placed in a duty-free shop

1. Violation of the procedure or period for goods placed in a duty-free shop as provided for in this Code in the event of liquidation of the shop, or suspension or revocation of a permit to open and operate it shall entail a fine of one thousand tax-free minimum personal incomes.

Article 480. Violation of the procedure for processing of goods

1. Violation of the procedure laid down by this Code and other legislative acts of Ukraine for processing of goods, including non-exportation (non-importation) of goods, moved across the customs border of Ukraine with the purpose of processing, and/or their processed products after the processing period has expired, from (into) the customs territory of Ukraine shall entail a fine of one thousand tax-free minimum personal incomes.

Article 481. Exceeding the period for temporary import or temporary export of goods

1. Exceeding the period established by this Code for temporary import / export of goods into / from the customs territory of Ukraine by not more than three days shall entail a warning or a fine of fifty tax-free minimum personal incomes.

2. Committing an offense set out in Section 1 of this Article by a person that was held liable for committing such offense during a year, as well as exceeding the period for temporary import / export of goods into / from the customs territory of Ukraine by over three days, but not more than ten days shall entail a fine of three hundred tax-free minimum personal incomes.

3. Exceeding the period for temporary import / export of goods into / from the customs territory of Ukraine by over ten days shall entail a fine of one thousand tax-free minimum personal incomes.

Article 482. Movement or actions aimed at the movement of goods, means of transport for commercial use across the customs border of Ukraine beyond customs supervision

1. Movement or actions aimed at the movement of goods, means of transport for commercial use across the customs border of Ukraine beyond the customs supervision, i.e. outside the location of the revenue and duties authority or outside working hours fixed therefor, and without completing customs formalities or with illegal relief from customs supervision due to the abuse of office by the revenue and duties officials shall entail a fine amounting to 100 per cent of the cost of goods, means of transport, which are direct objects of customs offenses, with confiscation of such goods, means of transport and those used for carriage of goods, which are direct objects of customs offenses, across the customs border of Ukraine beyond customs supervision.

2. The actions specified in Section 1 of this Article committed by a person that was held liable during a year for an offense set out in this Article or Article 483 of the Code shall entail a fine amounting to 200 per cent of the cost of goods, means of transport, which are direct objects of customs offenses, with confiscation of such goods, means of transport and those used for carriage of goods, which are direct objects of customs offenses, across the customs border of Ukraine beyond customs supervision.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 483. Movement or actions aimed at the movement of goods across the customs border of Ukraine concealed from customs supervision

1. Movement or actions aimed at the movement of goods across the customs border of Ukraine concealed from customs supervision, i.e. using specific-purpose storage (hide) and other means or ways that hinder detection of such goods or by giving them the appearance of other goods, or providing the revenue and duties authorities as a ground for moving goods with forged documents or illegally obtained documents, or those containing false information regarding the name of the goods, their weight (including allowable losses with proper storage and transportation conditions) or quantity, country of origin, sender and/or recipient, quantity of cargo items, their marking and numbers, false particulars needed to identify the code of goods code under the UCGFEA and their customs value, shall entail a fine amounting to 100 per cent of the cost of goods, which are direct objects of customs offenses, with confiscation of such goods, as well as goods and means of transport with specific-purpose storage (hide) used for carriage of goods, which are direct objects of customs offenses, across the customs border Ukraine.

2. The actions specified in Section 1 of this Article committed by a person was held liable during a year for an offense set out in this Article or Article 482 of the Code shall entail a fine amounting to 200 per cent of the cost of goods, which are direct objects of customs offenses, with confiscation of such goods, as well as goods and means of transport with specific-purpose storage (hide) used for carriage of goods, which are direct objects of customs offenses, across the customs border Ukraine.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 484. Storage, carriage or purchase of goods, means of transport for commercial use imported into the customs territory of Ukraine beyond or concealed from customs supervision

1. Storage, carriage, purchase or use of goods, means of transport for commercial use imported into the customs territory of Ukraine beyond or concealed from customs supervision shall entail a fine amounting to 100 per cent of the cost of those goods, means of transport or their confiscation.

Article 485. Actions aimed at illegal exemption from customs duties or reduction in their amount, as well as other illegal actions aimed at the evasion of customs duties

1. Declaring false information regarding essential conditions of a foreign economic agreement (contract), weight (including allowable losses with proper storage and transportation conditions) or quantity, country of origin, sender and/or recipient of goods, false particulars needed to identify the code of goods under the UCGFEA and their customs value, in the customs declaration for the purpose of improper exemption from customs duties or reduction in

their amount, and/or providing the revenue and duties authorities for the same purpose with documents containing such information, or failure to pay customs duties within the period prescribed by the law, or other illegal actions aimed at the evasion of customs duties, as well as using goods, which benefit from the preferential tariff measures, for the purposes other than those for which such benefits are granted, shall entail a fine amounting to 300 per cent of the unpaid amount of customs duties.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Title XIX CUSTOMS OFFENSE PROCEEDINGS

Chapter 69. Procedure for the customs offense proceeding

Article 486. Objectives and content of the customs offense proceedings

1. The objectives of the customs offense proceedings shall be to ensure timely, comprehensive, complete and objective fact-finding of each case, to resolve it meeting legal requirements, to enforce the ruling rendered, as well as to identify the reasons and conditions that contribute to customs offenses and to prevent such offenses.

2. Customs offense proceedings shall involve legal proceedings referred to in Article 508 of this Code, trial, rendering of ruling and its revision in connection with the appeal (petition by the prosecutor).

(as amended by the Law of Ukraine
No 5288-VI of 18.09.2012)

Article 487. Legal support of the customs offense proceedings

1. Customs offense proceedings shall be governed by this Code and, where it is not regulated by it, in accordance with the administrative offense legislation of Ukraine.

Article 488. Initiation of a customs offense case

1. Customs offense proceedings shall be initiated after a customs offense report is drawn up.

Article 489. Facts to be found in a customs offense case

1. When dealing with a customs offense case, an official shall find out whether: (i) an administrative offense has been committed, (ii) a person is guilty of committing it, (iii) a person is subject to administrative liability, (iv) there are mitigating and/or aggravating circumstances, (v) there are grounds to relieve the offender from administrative liability, and (vi) there are any other circumstances that matter for proper resolution of the case.

Article 490. Officials authorised to draw up customs offense reports

1. A customs offense report may be drawn up by:

(1) officials who are authorised by their job descriptions to perform customs supervision, customs clearance and release of goods, means of transport for commercial use across the customs border of Ukraine and directly found a customs offense;

(2) the revenue and duties officials who are entitled by their job descriptions to do so;

(3) other officials authorised by the head of the central executive authority responsible for formulating and implementing the state tax and customs policy or the head of customs office.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 491. Basis for initiation of a customs offense case

1. Grounds for initiation of a customs offense case shall be:

(1) direct detection of customs offense by the revenue and duties officials;

(2) official written notification of customs offense received from the law enforcement agencies and authorities applying controls specified in Section 1 of Article 319 of this Code;

(3) official written notification of customs offense received from foreign customs and law enforcement agencies as well as from international organisations.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 492. Language of the customs offense proceedings

1. Customs offense proceedings shall be carried out in the official language.

2. Persons involved in the customs offense proceedings and having zero or insufficient command of the state language shall have the right to make statements, give explanations, file motions in their native language and use an interpreter/translator.

Article 493. Revenue and duties officials who carry out the customs offense proceedings

1. Customs offense proceedings shall, save as provided for in Sections 2 and 3 of this Article, be carried out by the revenue and duties officials, in whose operating area such offense was committed or discovered. Separate customs offense proceedings may be performed by the officials authorised to draw up the customs offense reports in accordance with Article 490 of the Code, and, in the case provided for in Article 518 of the Code, also by other revenue and duties officials.

2. Head or acting head of the central executive authority responsible for formulating and implementing the state tax and customs policy shall have the right to transfer the customs offense case to carry out proceedings from one customs office to another.

3. The officials of the central executive authority responsible for formulating and implementing the state tax and customs policy may conduct proceedings in any customs offense case initiated by any revenue and duties authority of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 494. Customs offense report

1. For each case of detected customs offense, the authorised official of the revenue and duties authority who discovered such offense shall, without delay, draw up a report in the form established by the central executive authority responsible for formulating and implementing the state tax and customs policy.
2. Customs offense report shall contain the following data:
 - (1) its date and place;
 - (2) title and full name of the reporting official;
 - (3) information required for investigation about the person, if identified, that is held accountable for customs offense;
 - (4) place, time, type and nature of customs offense;
 - (5) reference to an article of the Code that provides for administrative liability for such offense;
 - (6) names and addresses of witnesses, if any;
 - (7) information concerning goods, means of transport for commercial use and documents seized pursuant to Article 511 of this Code;
 - (8) other information required to solve the case.
3. The report shall be signed by the reporting official. If the person brought to administrative liability for customs offense is present at the time of drawing up the report, it shall also be signed by such person and witnesses, if any.
4. If the person brought to administrative liability for customs offense refuses to sign the report, an appropriate note shall be made in the report. The person brought to administrative liability for customs offense shall be entitled to give explanations and comments on the content of the report, as well as make written statements of their grounds for refusal to sign the report. Handwritten explanations by such person shall be attached to the report, whereof the appropriate note is to be made in the report indicating the number of sheets of paper on which such explanations are set forth.
5. When the report is drawn up, the person brought to administrative liability for customs offense shall be explained his rights under Article 498 of the Code, and informed on possible termination of the customs offense proceedings by way of compromise, whereof a note is made in the report and signed by that person.
6. If necessary, the report shall also specify the place, date and time of consideration of the customs offense case.

7. The report shall be made in two original copies, one copy of which is given to the person brought to administrative liability for customs offense under acknowledgement of receipt.

8. If the person brought to administrative liability for customs offense refuses to accept a copy of the report, an appropriate note shall be made in the report, signed by the reporting revenue and duties official and witnesses, if any, whereupon the said copy shall, within three working days, be sent to the person brought to administrative liability for customs offense at the address specified by him or available to the customs office (place of residence or actual staying). The report shall be deemed to be served even if the person brought to administrative liability for customs offense is not present at the address specified by the former, or the place of residence or actual staying specified by him is inaccurate.

9. Report and seized goods, means of transport for commercial use and documents specified in the report shall be transferred to the customs office, in whose operating area the customs offense was detected.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 495. Evidence in a customs offense case

1. Evidence in a customs offense case shall constitute any actual data used to find out, in the legally established manner, whether: (i) there is a customs offense, (ii) a person is guilty of committing it, and (iii) there are other circumstances that matter for proper resolution of the case. Such data shall be found out through:

- (1) customs offense report, records of proceedings, appendices thereto;
- (2) explanations given by the witnesses;
- (3) explanations given by the person held liable;
- (4) expert opinion;
- (5) other documents (their duly certified copies or excerpts) and information, including those in electronic form, as well as goods, which are direct objects of customs offenses, goods with specific-purpose storage (hide) used to conceal the direct objects of customs offenses from customs supervision, means of transport used for transporting direct objects of customs offenses across the customs border of Ukraine.

2. The revenue and duties official carrying out the customs offense proceedings shall evaluate the evidence at his own discretion based on comprehensive, complete and objective examination of all the facts and circumstances of the case in their entirety, guided by the law and sense of justice.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 496. Customs offense proceedings based on materials referred by the law enforcement agencies

1. If the criminal case on smuggling is dismissed, where there are indications of customs offense in the person's actions, the materials of such offense shall be referred to the revenue and duties authorities or the courts for bringing such person to administrative liability. Ruling in such case shall be rendered within the period set out in Section 2 of Article 467 of the Code.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 497. Persons engaged in the customs offense proceedings

1. Customs offense proceedings shall engage the following:

- (1) persons brought to administrative liability for customs offense;
- (2) holders of the goods, means of transport referred to in paragraph (3) of Article 461 of the Code (stakeholders);
- (3) representatives of the persons brought to administrative liability for customs offense and stakeholders (legal representatives, representatives acting under the power of attorney, mandate);
- (4) defenders;
- (5) representatives of the revenue and duties authorities;
- (6) witnesses;
- (7) experts;
- (8) interpreters/translators;
- (9) attesting witnesses.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 498. Rights and obligations of the persons brought to administrative liability for customs offense and stakeholders

1. Persons brought to administrative liability for customs offense and the holders of the goods, means of transport referred to in paragraph (3) of Article 461 of the Code (stakeholders) shall, during the consideration of customs offense at the revenue and duties authority or in court, have the right to read the materials of the case, take excerpts, get copies of decisions, rulings and other casework documents, be present during the consideration

of the case at the revenue and duties authority and in court hearings, bring evidence, engage in its examination, file motions and challenges, during the hearing use legal assistance, speak in their native language and use an interpreter/translator, give oral and written explanations, provide their arguments, considerations and objections against rulings of the revenue and duties authority, court (judge) ruling, and exercise other rights conferred to them by the law. Persons mentioned in this Article shall enjoy their procedural rights in good faith.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 499. Representatives of the persons brought to administrative liability for customs offense and stakeholders

1. Persons brought to administrative liability for customs offense and holders of the goods, means of transport referred to in paragraph (3) of Article 461 of the Code (stakeholders) may be represented by:

(1) legal representatives: parents, adoptive parents, guardians or carers on the basis of documents certifying their powers for persons who are minors or persons who are unable to exercise their rights in the customs offense cases because of their physical or mental disabilities. Legal representatives may entrust other person chosen as a representative to engage in the case;

(2) other persons based on the notarised power of attorney. Power of attorney to engage in a case may be certified: (i) by an official of the organisation, where the principal works, is on in-patient treatment or at the place of residence, if it concerns a citizen, (ii) by a military unit commander, if it concerns a soldier, or (iii) by a local government official authorised to do so, if it concerns a person residing in a locality where there are no notaries.

2. Personal engagement of a citizen in the case shall not deprive him of the right to have a representative in that case.

3. Legal representatives when engaged in a case shall enjoy all the rights mentioned in Article 498 of the Code. Powers of other representatives to engage in the case shall give them the right to take, on behalf of the persons they represent, all actions referred to in Article 498 of this Code, except for the transfer of powers to any other person, appeal against rulings of the revenue and duties authorities or court (judge), receipt of goods or refunds, if any. Powers of the representative to take each of those actions shall be specifically provided for in the power of attorney issued thereto.

4. Persons brought to administrative liability for customs offense and stakeholders may not be represented by the following:

(1) persons who have not attained the age of 18;

(2) persons under guardianship, care;

(3) attorneys who have accepted the assignment of legal assistance in violation of the rules established by the advocacy legislation of Ukraine.

5. The revenue and duties officials, as well as judges, prosecutors, investigators and employees of operational search department may not represent the persons brought to administrative liability for customs offense and stakeholders, unless they act as parents, adoptive parents, guardians, carers of those persons.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 500. Defender in a customs offense case

1. Defender means a person who is authorised, in the manner prescribed by the law, to protect the rights and legal interests of a person brought to administrative liability for customs offense, as well as a witness, if applicable, and provide them with necessary legal assistance.

2. Defenders may be attorneys and other experts in law who are entitled by the law to provide legal assistance in person or by proxy of a legal entity. Defender lawyer may also be a close relative of the person brought to administrative liability for customs offense, witness, their guardians or carers.

3. Powers of the defender to engage in a case shall be confirmed:

(1) in case of an attorney, either by the power of attorney to proceed with the case certified by a notary or an official entitled by the law have to certify powers of attorney, or by an order or instructions of the authority (institution) entitled by the law to provide free legal assistance, or by the agreement on legal assistance. Order must be attached with an extract from the agreement that will outline the powers of the attorney or restrictions on his rights to take certain actions as a defender. The extract shall be signed by the parties to the agreement;

(2) *repealed*;

(3) in case of other experts in law who are entitled by the law to provide legal assistance in person or by proxy of a legal entity, by the agreement or proxy of a legal entity;

(4) in case of close relatives, guardians or carers, by the statement of a person brought to administrative liability for customs offense, witness on their admission to engage in the case as defenders.

4. Defender shall be allowed to engage in a case at any stage of proceedings.

5. Persons who meet the requirements of Sections 2 and 3 of this Article may be allowed as defenders of the witness invited by the former to provide legal assistance during the interrogation or other proceedings involving the witness.

6. Defender when engaged in a case shall exercise all the rights set out in Article 498 of this Code, except for procedural rights that are directly exercised by the person brought to administrative liability for customs offense and may not be assigned to the defender.

(as amended by the Law of Ukraine
No 5076-VI of 05.07.2012)

Article 501. Representative of the revenue and duties authority

1. Representative of the revenue and duties authority whose officials carried out the customs offense proceedings shall back up the position of such authority in respect of bringing the offender to administrative liability during the court trial of the case.

2. Representative of the revenue and duties authority shall exercise his powers in court on the basis of a duly executed authorisation issued by the revenue and duties authority.

3. Representative of the revenue and duties authority shall have the right to read the documents adduced, produce extracts or copies, receive copies of court decisions, rulings, orders, engage in court proceedings, bring evidence, participate in the examination of evidence, ask questions to others engaged in the case, file motions and challenges, give oral and written explanations in the court, submit their arguments, considerations of the issues that arise during the court trial, and objections to the petitions, arguments and considerations of other persons engaged in the case, familiarise with the judgment docket, make its copies and give written comments regarding its incorrectness or incompleteness, listen to the recording of the court trial made by technical facilities, make its copies, give written comments about its incorrectness or incompleteness, appeal against court decisions, rulings and orders, enjoy other procedural rights provided by the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 502. Expert

1. A person who has necessary expertise to provide an appropriate opinion may be an expert.

2. An expert shall be appointed by the revenue and duties official who is proceeding on the customs offense case, if the former needs specialised expertise.

3. An expert shall provide objective opinions on the issues addressed thereto.

4. An expert shall be entitled to:

(1) learn the case materials relating to the subject matter of expert examination;

(2) file motions for additional materials needed to provide the opinion.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 503. Interpreter/translator

1. A person who can speak a language whose knowledge is required for interpretation/translation in the course of customs offense proceedings may be an interpreter/translator.
2. An interpreter/translator shall accurately and fully do the interpretation/translation assigned thereto, if it is needed to engage in the customs offense proceedings.
3. The revenue and duties official may act as an interpreter/translator.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 504. Witness in a customs offense case

1. Any person may be a witness if there are grounds to believe that he is aware of some circumstances to be found out in the customs offense case.
2. At the call of the authority whose official is proceeding on the customs offense case, the witness shall appear to such authority at the appointed time and give detailed and truthful explanations, tell everything known to him in the case and answer the questions.
3. A witness shall be entitled to:
 - (1) give testimony in his native language or other language he is fluent in, and get assistance of an interpreter/translator;
 - (2) challenge an interpreter/translator;
 - (3) know why and in which case he is interrogated;
 - (4) state evidence in the interrogation report with his own hand;
 - (5) choose a defender at his own discretion during the interrogation or other proceedings involving him in accordance with this Code and other legal assistance in the manner prescribed by the law and waive the defender invited by him. A defender may be invited by the witness, his legal representative, as well as other persons at his request or with his consent;
 - (6) use notes and documents while giving explanations in cases where testimony relates to any calculations and other data that are difficult to keep in mind;
 - (7) refuse to give explanations about himself, his family members and close relatives, and if he does not have a possibility to freely, without undue restrictions, get legal assistance to the extent and in the form he needs, including to invite a defender;
 - (8) learn the interrogation report and file motions for changes, additions and comments thereto, make such additions and comments with his own hand;

(9) appeal against actions of the interrogating customs official in the manner prescribed by this Code;

(10) get a compensation for the costs associated with the call to give explanations.

4. If there are reasonable grounds, the witness shall have the right to security through measures prescribed by the law.

Article 505. Attesting witnesses in a customs offense case

1. Attesting witness shall be the persons who are engaged in the customs offense proceedings.

2. Persons not interested in the case shall be invited as attesting witnesses. An attesting witness may not be a relative of the person brought to administrative liability for customs offense, his representative as well as the revenue and duties officials.

3. Attesting witnesses present during the proceedings shall, with their signatures, certify the correspondence of entries made in the report to the actions taken.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 506. Circumstances precluding the revenue and duties official from proceeding on a customs offense case

1. The revenue and duties authorities official may not carry out the customs offense proceedings, if he is a relative of the person brought to administrative liability for such offense, his representative, or other persons engaged in the proceedings, as well as when there are other circumstances suggesting that the official may be personally interested in resolution of the case.

2. The referral of the case to another official of the revenue and duties authority shall be handled by the head or deputy head of such authority.

3. If the head of the revenue and duties authorities, where the customs offense proceedings are carried out, is a relative of the person brought to administrative liability for customs offense, his representative, or other persons engaged in the proceedings, and when there are other circumstances suggesting that the head of such authority may be personally interested in the case, it shall be referred to another revenue and duties authority.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 70. Administrative detention

Article 507. Purpose and procedure for administrative detention

1. Administrative detention of the offender shall be allowed for up to three hours in order to cease the customs offense, identify the offender, as well to draw up the customs offense report, where it is impossible to draw it up at the scene of offense.

2. Administrative detention shall be performed by the revenue and duties official under a reasoned written decision of the head or deputy head of such authority and, in their absence (at night, on the weekends and holidays, etc.), by the shift supervisor.

3. Employees of the law enforcement agencies and military personnel shall assist the revenue and duties officials engaged in administrative detention, in case of resistance or attempted escape by the person to be detained from the scene.

4. The period of administrative detention shall start from the time when a person is delivered to the office premises of the revenue and duties authority or other premises where it is possible to take necessary actions for the purpose specified in Section 1 of this Article.

5. In case of detection of the customs offense for which this Code provides for the application of administrative penalties in the form of confiscation of goods, means of transport, the period of administrative detention of a person that is in the office premises of the revenue and duties authority or other premises in connection with customs supervision or customs clearance of such goods, means of transport shall start from the time when a written reasoned decision on his administrative detention is issued. In this case, customs supervision and customs clearance of goods and means of transport shall be stopped. In case of other customs offenses, the period of administrative detention shall start from the date when customs supervision and customs clearance are completed.

6. Administrative detention shall be documented in a report whose form is approved by the central executive authority responsible for formulating and implementing the state tax and customs policy. The report shall necessarily include: the date and place of reporting; title and full name of the reporting person, information about the detainee, time and grounds of detention, with making a note on the application of physical force or special tools, if it took place.

7. The report shall be signed by the reporting official and detainee. If the detainee refuses to sign the report, an entry about it shall be made in the report. A copy of the report shall be given to the detainee.

8. The revenue and duties authorities that performed temporary detention of a person shall immediately notify his relatives and, if the detained non-resident has no relatives in Ukraine, the diplomatic mission or consular office of the foreign state concerned.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Chapter 71. Legal proceedings in a customs offense case and their procedure

Article 508. Legal proceedings

1. Legal proceedings in a customs offense case shall be carried out to obtain evidence necessary for proper resolution of the case.

2. Legal proceedings shall include:

- (1) drawing up a customs offense protocol;
- (2) interrogating persons brought to administrative liability for customs offense, witnesses and other persons;
- (3) requesting documents necessary for the customs offense proceedings or duly certified copies or extracts thereof;
- (4) temporary seizing goods and means of transport referred to in paragraph (3) of Article 461 of the Code and documents accompanying them;
- (5) customs examination;
- (6) presenting goods, means of transport and documents for identification;
- (7) expert examination;
- (8) taking probes and samples for testing (analysis, expert examination).

3. The proceedings referred to in paragraphs (2), (4) — (6) and (8) of this Article shall be documented in the reports whose forms are established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 509. Interrogation of persons brought to administrative liability for customs offense, witnesses and other persons

1. The revenue and duties official who is proceeding on a customs offense case may interrogate the person brought to administrative liability for the offense, as well as witnesses and other persons.
2. Persons summoned to be interrogated shall appear upon request of the revenue and duties authority and provide true information on everything they know about the circumstances concerning the customs offense case.
3. Persons subject to an interrogation in the case shall be summoned by a notice served against acknowledgement of receipt, or by telephone message, telegram or other means of communication.
4. The summons shall indicate full name of the person called for interrogation, title and full name of the revenue and duties official in charge of the customs offense proceedings, place and time of appearance.

5. The interrogation shall be documented in a report in the form established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 510. Request for documents needed to proceed on a customs offense case

1. The revenue and duties official in charge of the customs offense proceedings may request documents necessary for the proceedings, including photographs and motion-picture footage, audio and video materials, databases and databanks, as well as other media.

2. The person requested to provide documents shall, not later than within five days, send them to the requesting revenue and duties official.

3. If non-availability of documents may disrupt business activity of an entity or make it impossible to prepare and file reports established by the law, the person requested to provide documents shall submit their duly certified copies or extracts accompanied by a written justification of his inability to provide original documents.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 511. Temporary seizure of goods, means of transport and documents

1. Goods being direct objects of customs offense and related documents required as evidence in a customs offense case may be temporarily seized. The documents in electronic form shall be seized together with the respective electronic media.

2. If customs offenses provided for in Articles 471-473, 476, 482-484 of this Code are detected, it shall be compulsory to seize goods and means of transport for commercial use subject to confiscation under these Articles and related documents.

3. If a customs offense is committed by a person who does not have permanent residence or address in Ukraine, goods and means of transport shall be seized in a quantity sufficient for recovering a fine or cost of goods and means of transport in accordance with Section 2 of Article 541 of this Code.

4. Seized goods, means of transport and documents shall be listed in a report compiled in cases stipulated by this Code or in a description attached thereto specifying the exact quantity, measure, weight and special features of such goods, means of transport and documents, as well as the cost of goods and means of transport.

Article 512. Appeals against temporary seizure of goods and means of transport

1. Temporary seizure of goods, means of transport and documents referred to in Article 511 of this Code may be appealed in the manner prescribed by Chapter 4 of this Code and other laws of Ukraine.

2. Filing a complaint against the decision on temporary seizure of goods, means of transport and documents referred to in Article 511 of this Code shall not terminate such decision.

Article 513. Customs inspection

1. The revenue and duties official in charge of the customs offense proceedings, who has reasonable grounds to believe that there are goods being direct objects of customs offense or goods containing specific-purpose storage (hide) used to conceal direct objects of customs offense from customs supervision, means of transport used for carrying direct objects of customs offense through the customs border of Ukraine, as well as documents and information, including those in electronic form, necessary for the customs offense proceedings, in the territory or premises of business entities or in means of transport held by them, may conduct customs inspection of such territories, premises or means of transport.

2. Customs inspection shall be conducted with a view to locate goods, documents and information referred to in Section 1 of this Article and temporary seize them under Article 511 of this Code.

3. Customs inspection shall be conducted in the presence of the officials of the entities mentioned in Section 1 of this Article.

4. The revenue and duties officials shall be entitled to engage specialists in the process of customs inspection.

5. Customs inspection shall be documented in a report in the form established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 514. Presentation of goods, means of transport and documents for identification

1. By the decision of the revenue and duties official in charge of the customs offense proceedings, the offender and witnesses may be presented goods, means of transport, and documents for identification.

2. The person involved in identification shall first be interrogated about the circumstances in which he saw the goods, means of transport, and documents referred to in Section 1 of this Article, and the signs on which he may identify them.

3. Goods, means of transport, and documents shall be presented in a group of similar goods, means of transport, and documents.

4. Presentation for identification shall be carried out in the presence of attesting witnesses.

5. Presentation of goods, means of transport, and documents for identification shall be documented in a report in the form established by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 515. Expert examination and expert opinion

1. Expert examination shall be appointed when there is a need in specialised knowledge/expertise in specific fields of science, engineering, art, religion, etc. to address the issues arising from a customs offense case. The said expert examination shall not constitute a forensic examination.

2. Expert examination shall be made by experts of a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy, its separate units and other organisations or professionals appointed by the revenue and duties official in charge of the customs offense proceedings. The person, against whom the proceeding is instituted, shall be entitled to make an independent expert examination at his own expense.

3. Questions addressed to an expert and an expert opinion shall not go beyond his expertise. The expert shall provide an expert opinion in writing on his behalf. The opinion shall outline the subject matter of expert examination made and justification of answers to the questions addressed.

4. Should the expert find any facts, which matter for the case, but are beyond the scope of questions addressed, in the course of his expert examination, he shall be entitled to present those facts in his expert opinion.

5. Expert opinion shall not be binding upon the revenue and duties official in charge of the customs offense proceedings. If the former disagrees with the expert opinion, the ruling enclosed to the case shall contain grounds for such disagreement.

6. In case of inadequate quality or completeness of an expert opinion, there may be appointed the re-examination to be done by another expert(s).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 516. Appointment of an expert examination

1. Having recognised the need for expert examination, the revenue and duties official in charge of the customs offense proceedings shall issue a ruling specifying the grounds for expert examination, surname of an expert or name of a specialised expert examination and testing agency of the central executive authority responsible for formulating and implementing the state tax and customs policy, its separate unit or other appropriate organisation, which is to conduct an expert examination. This ruling shall contain specific questions that need to be addressed in expert examination, and designate the materials to be made available to the expert.

2. Prior to the appointment of an expert, information about their professionalism and competence shall be clarified.

3. The decision on appointment of expert examination shall be binding upon the expert, as well as upon the officials of the entity such expert is working with.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 517. Taking of probes and samples for an expert examination

1. The revenue and duties official in charge of the customs offense proceedings shall be entitled to take samples of signature, handwriting, as well as samples and probes of goods required for expert examination from the persons held liable for customs offense.

2. The person against whom the customs offense proceeding is initiated, their representatives or defender shall be entitled to lodge a motion to the revenue and duties authority, whose official carries out the official investigation in the case, to take probes and samples for an expert examination. In case of refusal to satisfy the motion, the revenue and duties authority shall notify the person who lodged the motion in writing with reasoned explanation of such refusal.

3. If necessary, probes and samples may be taken from persons not referred to in Section 1 of this Article, whose testimony and participation in the study and evaluation of the facts of the customs offense case may be essential for the proceeding and consideration.

4. The revenue and duties official in charge of the customs offense proceeding or consideration shall issue a ruling on taking of probes and samples.

5. An expert may be engaged in taking probes and samples.

6. Taking of probes and samples shall be documented in a report.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 518. Delegation to conduct certain proceedings

1. The revenue and duties official in charge of the customs offense proceedings shall be entitled to delegate certain proceedings to an employee of other revenue and duties authority.

2. The delegation shall be fulfilled within five days upon its receipt.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 519. Costs in a customs offense case

1. Costs in a customs offense case shall consist of spending for stock-taking, storage, transportation (sending) of goods, means of transport referred to in paragraph (3) of Article

461 of this Code, as well as other costs incurred by the revenue and duties authorities for the proceeding or consideration of the case.

2. Costs in a customs offense case shall also include the fees paid to an expert for the fulfilment of his duties and for the work performed as instructed by the revenue and duties authority, per diem allowance, allowance for travelling to the revenue and duties authority and back, rent of premises and reimbursement of costs incurred by the witness called to give testimony.

3. The workers and employees called by the revenue and duties authority as witnesses, experts, interpreters/translators shall reserve their average monthly salary at the primary place of employment. Unemployed persons shall be paid compensation by the revenue and duties authority in connection with such call.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 520. Reimbursement of costs in a customs offense case

1. Costs in a customs offense case shall be reimbursed by the person imposed with administrative penalty. Interpreter/translator's fees shall be paid from the state budget.

2. The revenue and duties official in charge of the customs offense proceedings and the official in charge of its consideration shall collect and adduce documentary evidence of the costs incurred.

3. The central executive authority responsible for formulating and implementing the state tax and customs policy shall establish the procedure for reimbursement of costs in a customs offense case, assessment of amounts to be reimbursed and payment terms.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 521. Compromise in a customs offense case

1. The customs offense proceedings may be terminated by way of compromise, unless there are any signs of crime in the actions of the offender. Compromise may be reached through an amicable agreement between the offender and the revenue and duties authority, whose official carries out the proceedings.

2. Under the amicable agreement the parties shall do the following:

(1) The offender shall, within a specified period not exceeding 30 days, pay to the state budget the amount of fine imposed under the sanction of the relevant Article of this Code, and/or declare, under the customs procedure of abandonment, the goods being direct objects of customs offense and, where applicable, the goods with specific-purpose storage (hide) used to conceal direct objects of customs offense from customs supervision, and means of transport used for carrying direct objects of customs offense across the customs border of Ukraine. If according to the opinion of

the revenue and duties authority the disposal of such goods and means of transport is not possible, and if such goods and means of transport can not be released for free circulation, they shall be declared under the customs procedure of destruction or elimination;

(2) The revenue and duties authority shall dismiss the customs offense proceedings against the offender and complete customs clearance of goods declared thereby under the specified customs procedure.

3. Goods and means of transport referred to in Section 2 of this Article may only be the subject matter of the amicable agreement if the offender holds such goods and means of transport or is authorised to dispose of them.

4. The offender shall address the head of the revenue and duties authority with a free-form application for dismissal of the customs offense case by way of compromise. The note on such application shall be made in the manner prescribed by Sections 3 and 4 of Article 264 of this Code. Should there be no legitimate grounds to dismiss the customs offense case by way of compromise, the revenue and duties authority shall provide the applicant with a substantiated response specifying the reasons for non-usage of the compromise procedure within one working day following the date of application.

5. Amicable agreement shall be concluded in writing. The right of signature on behalf of customs office shall be granted to the head of such customs office or his deputies, and on behalf of the central executive authority responsible for formulating and implementing the state tax and customs policy to the officials authorised under the relevant job descriptions. A standard amicable agreement shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

6. If the offender fails to fulfil the actions referred to in Section 2 of this Article within the specified period not exceeding 30 days, the agreement shall be deemed to be null and void, and the customs offense proceedings shall be resumed.

7. Amicable agreement in a customs offense case may not be appealed.

8. In the event of termination of the customs offense proceedings by way of compromise, the person who committed the offense shall be deemed not to be held administratively liable for it.

(as amended by the Law of Ukraine
No 245-VII of 16.05.2013,
No 405-VII of 04.07.2013)

Article 522. Authorities entitled to consider the customs offense cases

1. Customs offense cases provided for in Articles 468 — 470, 474, 475, 477 — 481, 485 of this Code shall be considered by the revenue and duties authorities.

2. Customs offense cases provided for in Articles 471 — 473, 476, 482 — 484 of this Code and all cases on customs offenses committed by persons under 18 years of age shall be considered by local courts (judges).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 523. Powers of the revenue and duties officials with respect to the consideration of customs offense cases

1. Customs offense cases shall be considered on behalf of customs offices by the heads of such customs offices or their deputies, and on behalf of the central executive authority responsible for formulating and implementing the state tax and customs policy by the officials authorised under the relevant job descriptions, or other persons authorised by the head of the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 524. Venue of hearing of a customs offense case

1. A customs offense case shall be considered at the location of the revenue and duties authority, whose officials were in charge of the proceedings concerned.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 525. Terms of consideration of a customs offense case

1. A customs offense case shall be considered within fifteen days upon receipt of case materials by the revenue and duties official or the court (judge).

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 526. Presence of the person brought to administrative liability for customs offense or his representative during the hearing

1. A customs offense case shall be considered in the presence of the person brought to administrative liability for such offense and/or his representative.

2. The revenue and duties authority shall inform the person brought to administrative liability for customs offense on the time and place of hearing by a letter with return receipt, unless such notification was made at the time of handing over a copy of the customs offense report to the said person.

3. If a customs offense case is heard in court, the court (judge) shall inform the person brought to administrative liability for such offense and the appropriate revenue and duties authority on the time and place of court hearing.

4. A customs offense case may be considered in the absence of the person brought to administrative liability for such offense only in cases where there is evidence of his timely notification of the time and place of hearing and there is no adjournment motion lodged by the said person.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 527. Types of rulings in a customs offense case

1. The revenue and duties authority or the court (judge) considering the customs offense case may issue one of the following rulings:

- (1) on additional verification;
- (2) on the imposition of administrative penalties;
- (3) on the termination of proceedings.

2. The ruling on additional examination shall indicate specific subjects, objectives and terms of examination. These actions shall neither violate the rights of a citizen nor harm the economic activity of a legal entity.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 528. Court hearing of customs offense cases

1. A customs offense case shall be considered by a single judge.

2. The court (judge) considering a customs offense case may issue one of the rulings specified in Section 1 of Article 527 of this Code.

3. If upon verification of legality and validity of a court ruling in the customs offense case such ruling is cancelled and the case is dismissed, or the administrative penalty for customs offense is changed, the confiscated goods, means of transport, full amount of fine or its appropriate part shall be returned to the person who was brought to administrative liability for customs offense or his representative. If the seized goods and means of transport can not be returned in kind, their cost excluding any due amounts of customs duties at the rates effective as of the date of confiscation shall be reimbursed. The refund referred to in this Section shall be made by the treasury authorities from the state budget.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

Chapter 72. Appeals against rulings in the customs offense cases

Article 529. Procedure for appealing against rulings in the customs offense cases

1. A ruling issued by customs office in a customs offense case may be appealed to the central executive authority responsible for formulating and implementing the state tax and customs

policy, or to a local general court as an administrative court in the manner provided for by the Code of Administrative Litigation of Ukraine.

2. If the customs ruling is appealed to the central executive authority responsible for formulating and implementing the state tax and customs policy and to the court at the same time, and the central executive authority responsible for formulating and implementing the state tax and customs policy shall discontinue consideration of the appeal as soon as the court takes cognizance of administrative action.

3. A ruling issued by the central executive authority responsible for formulating and implementing the state tax and customs policy in a customs offense case, as well as its ruling on the appeal against that of customs office in such case may be appealed to a local general court as an administrative court in the manner provided for by the Code of Administrative Litigation of Ukraine.

4. An appeal (administrative action) against the ruling issued by the revenue and duties authority in the customs offense case shall be lodged within the term prescribed by the Code of Administrative Offenses of Ukraine. In case of failure to meet the prescribed term for good reasons, at the request of the person lodging an appeal (administrative action), the term may be renewed by the customs office, central executive authority responsible for formulating and implementing the state tax and customs policy or the court, respectively.

5. A court (judge) ruling in the customs offense case may be appealed by the adjudicated person, his representative, prosecutor or revenue and duties authority that was in charge of such case proceedings. The procedure for appealing against the court (judge) ruling in the customs offense case shall be prescribed by the Code of Administrative Offenses of Ukraine and other laws of Ukraine.

(as amended by the Law of Ukraine
No 5288-VI of 18.09.2012,
No 405-VII of 04.07.2013)

Article 530. Verification of legality and validity of a ruling in a customs offense case

1. The legality and validity of the customs ruling in the customs offense case may be verified by the court or the central executive authority responsible for formulating and implementing the state tax and customs policy, whereas rulings of the central executive authority responsible for formulating and implementing the state tax and customs policy may be verified by the court under an administrative action filed, prosecutor's recommendation submitted or by way of control.

2. Based on the results of verification the central executive authority responsible for formulating and implementing the state tax and customs policy that carried out the verification shall take one of the following decisions:

(1) to uphold the ruling and dismiss the appeal;

(2) to annul the ruling and submit the case for a new hearing;

(3) to annul the ruling and dismiss the case;

(4) to change the form of administrative penalty within the liability provided for the customs offense in question without aggravating the penalty.

3. The central executive authority responsible for formulating and implementing the state tax and customs policy shall take the decisions referred to in Section 2 of this Article by issuing a ruling.

4. A copy of the decision on the appeal against the ruling in the customs offense case shall be sent by the central executive authority responsible for formulating and implementing the state tax and customs policy to the adjudicated person by a letter with return receipt within three days upon its issue.

5. In case of annulment of the ruling in the customs offense case, the fines shall be reimbursed to the person who was held administratively liable for such offense, or persons authorised by him from the state budget by the treasury authority under the recommendation of the competent revenue and duties authority.

6. The court verification of legality and validity of the ruling in the customs offense case shall be made in the manner prescribed by the Code of Administrative Litigation of Ukraine.

(as amended by the Law of Ukraine No
4915-VI of 07.06.2012, No 5288-
VI of 18.09.2012, No 405-VII of
04.07.2013)

Article 531. Grounds for annulment or change of a ruling of administrative penalties for customs offense

1. The grounds to annul a ruling of administrative penalties for customs offense or terminate the customs offense proceedings shall include:

(1) absence of signs of customs offense in the actions of the person held liable;

(2) biased or incomplete proceedings or biased consideration of the case;

(3) inconsistency between the conclusions cited in the ruling and the facts of the case;

(4) issue of ruling by an unauthorised person, ungrounded non-admittance of the person held liable or his representative to the consideration of the case, and other restrictions on the rights of parties involved in the customs offense proceedings and consideration;

(5) incorrect or incomplete classification of the offense;

(6) imposition of a penalty not provided for by this Code.

2. Other circumstances laid down in the laws may also be the grounds to annul or change a ruling of administrative penalties for customs offense or terminate the customs offense proceedings.

Article 532. Terms of consideration of an appeal (administrative action), recommendation of prosecutor concerning a ruling in a customs offense case

1. An appeal (administrative action), recommendation of prosecutor concerning a ruling in a customs offense case shall be considered within the terms established by the legislation.

(as amended by the Law of Ukraine
No 5288-VI of 18.09.2012)

Article 533. Consequences of an appeal (administrative action) or prosecutor's recommendation

1. Filing an appeal (administrative action) or prosecutor's recommendation shall suspend the enforcement of the customs offense ruling until the appeal (administrative action) or recommendation is finally considered.

(as amended by the Law of Ukraine
No 5288-VI of 18.09.2012)

Chapter 73. Execution of rulings of the revenue and duties authorities imposing administrative penalties for customs offenses

(name is amended by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 534. Binding nature of rulings of the revenue and duties authorities imposing administrative penalties for customs offenses

1. Rulings of the revenue and duties authorities imposing administrative penalties for customs offenses shall be binding.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 535. General provisions on execution of rulings of the revenue and duties authorities imposing administrative penalties for customs offenses

1. Rulings of the revenue and duties authorities imposing administrative penalties for customs offenses shall be executable upon expiry of the appeal period referred to in Article 529 of this Code.

2. The revenue and duties authority imposing administrative penalties for customs offense shall execute the ruling by itself or through a state enforcement officer.

3. Should the revenue and duties authority issue several rulings imposing administrative penalties for customs offense against the same person, each ruling shall be executed separately.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 536. Limitation of execution of rulings issued by
the revenue and duties authorities imposing administrative
penalties for customs offenses**

1. The ruling of the revenue and duties authorities imposing administrative penalty for customs offense shall not be executable unless it is submitted for execution within three months upon its issue.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 537. Follow up of rulings of the revenue and duties
authorities imposing administrative penalties for customs
offenses**

1. Follow up of correct and timely execution of rulings issued by the revenue and duties authority imposing administrative penalties for customs offenses shall be performed by the issuing revenue and duties authority.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 538. Execution of a ruling of warning issued by the
revenue and duties authority**

1. The ruling issued by the revenue and duties authorities imposing administrative penalty for customs offense by way of warning shall be executed by the issuing revenue and duties authority by communicating such ruling and delivering its copy to the person held administratively liable.
2. Should the ruling of the revenue and duties authority imposing administrative penalty for customs offense by way of warning be issued in the absence of the person held administratively liable, its copy shall be sent to the warned person by a letter with return receipt within three days upon the date of issue.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 539. Execution of a ruling of fine issued by the revenue and duties authority

1. The fine shall be payable by the person who committed the customs offense within 15 days from the date when a copy of the ruling issued by the revenue and duties authority imposing a fine is delivered or sent to such person, and, in case an appeal or prosecutor's recommendation is filed, within 15 days from the date when the appeal (administrative action) or recommendation is dismissed.

2. The fine shall be payable by the person who committed the customs offense to the state budget in accordance with the legislation of Ukraine.

(as amended by the Law of Ukraine
No 5288-VI of 18.09.2012,
No 405-VII of 04.07.2013)

Article 540. Enforcement of a ruling issued by the revenue and duties authority or the court imposing a fine

1. Should the fine not be paid within the term specified in Article 539 of this Code, the ruling of the revenue and duties authority or the court (judge) shall be sent for enforcement to the state enforcement authority at the place of residence or employment of the offender, or at the location of the offender's property.

2. The ruling of the revenue and duties authority or the court (judge), under which the fine has been recovered in full, shall be returned to the issuing revenue and duties authority or the court with a completion sign-off.

3. The fine shall be payable to the state budget.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 541. Execution of a court (judge) ruling of confiscation

1. The ruling of the court (judge) imposing administrative penalty for customs offense by way of confiscation shall be executed by a state enforcement officer in accordance with the law.

2. When it is impossible to confiscate goods or means of transport specified in paragraph (3) of Article 461 of this Code, the cost of such goods or means of transport may be recovered by a state enforcement officer from the offenders upon a court order in accordance with the law.

3. The costs incurred by the revenue and duties authority for storage of goods or means of transport affected by the ruling of confiscation till the issuance of such ruling shall be reimbursed by the person who committed the customs offense. The procedure for reimbursement of such costs shall be prescribed by the central executive authority responsible for formulating and implementing the state tax and customs policy. The amount to be reimbursed shall be calculated in accordance with the legislation of Ukraine regarding the procedure for determination of the cost of paid services.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 542. Execution of rulings of the revenue and duties authorities imposing administrative penalties for customs offenses against persons residing or staying outside Ukraine

1. Rulings of the revenue and duties authorities imposing administrative penalties for customs offenses against persons residing or staying outside Ukraine shall be ex-

ecuted at the expense of property held by such persons and located in the territory of Ukraine.

2. Should the persons referred to in Section 1 of this Article not hold any property in the territory of Ukraine, the procedure for execution of rulings of the revenue and duties authorities imposing administrative penalties for customs offenses shall be determined by the legislation of Ukraine and in accordance with the international treaties between Ukraine and the countries in the territory of which the above persons reside.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Title XX
REVENUE AND DUTIES AUTHORITIES

(name is amended by the Law
of Ukraine
No 405-VII of
04.07.2013)

**Chapter 74. Organisational chart and setup of the revenue
and duties authorities**

(name is amended by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 543. Administration of the state customs affairs

1. The direct administration of the state customs affairs shall be assigned to the revenue and duties authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 544. Purpose and main objectives of the revenue and
duties authorities**

1. The purpose of the revenue and duties authorities shall be to create favourable conditions for the development of foreign economic activities, social security, and protection of customs interests of Ukraine.

2. In administering the state customs affairs the revenue and duties authorities shall achieve the following objectives:

(1) Ensure correct application, strict observance and prevention of non-compliance with the customs legislation of Ukraine;

(2) Ensure the fulfilment of obligations under the customs-related international treaties of Ukraine concluded in accordance with the legislation;

(3) Create favourable conditions to facilitate trade and transit, increase turnover and passenger flow through the customs border of Ukraine, take measures in conjunction with the customs authorities of other states to improve the procedures applicable to the goods and means of transport crossing the customs border of Ukraine, their customs supervision and customs clearance;

(4) Ensure customs supervision and completion of customs formalities in relation to goods and means of transport for commercial use crossing the customs border

of Ukraine, including on the basis of electronic documents (electronic declaration), using technical means of control, etc.;

(5) Analyse and manage risks to determine the forms and extent of customs control;

(6) Ensure the collection of customs charges, verify accuracy of assessment, timeliness and completeness of their payment, take measures to enforce them within the powers set out in the Code, Tax Code of Ukraine and other legislative acts of Ukraine, facilitate the security of payment of customs charges, interact with banking institutions and independent financial intermediaries that furnish such securities;

(7) Implement legal measures for customs tariff and non-tariff regulation of foreign economic activities, oversee compliance of all foreign economic entities and citizens with legally imposed prohibitions and restrictions on movement of certain goods across the customs border of Ukraine, take measures to prevent goods subject to prohibitions and/or restrictions on movement across the customs border of Ukraine, as well as goods that do not meet quality and safety requirements from being moved across the customs border of Ukraine;

(7)¹ Exercise national export controls within the powers conferred to the revenue and duties authorities under the Code and other laws of Ukraine;

(8) Oversee compliance with the rules for movement of currency valuables across the customs border of Ukraine;

(9) Facilitate the protection of intellectual property rights, take measures to prevent movement of goods across the customs border of Ukraine with violation of legally protected intellectual property rights, prevent movement of counterfeit goods across the customs border of Ukraine;

(10) Prevent and combat smuggling and customs offenses throughout the customs territory of Ukraine;

(11) Oversee, within the powers provided for by the Code, the activities of entities that provide services of declaration of goods, carriage and warehousing of goods crossing the customs border of Ukraine or placed under customs control, and perform other operations with such goods, grant permits and issue licenses for those activities, issue certificates of authorised economic operators;

(12) Maintain the Ukrainian Classification of Goods for Foreign Economic Activity;

(13) Keep customs statistics and exchange customs statistical data with foreign customs authorities;

(14) Verify (check authentication) certificates of Ukrainian origin and issue certificates of origin in the cases laid down in the effective international agreements;

- (15) Exchange documents and information (including electronic data) with other public authorities of Ukraine, customs, law enforcement and other authorities of foreign states;
- (16) Implement, develop and provide technical support of information, telecommunication and information and telecommunication systems and technologies in the state customs affairs, automate customs controls, provide the service of digital signature to business entities;
- (17) Ensure international cooperation in the state customs affairs, engage external resources to support the activities of the revenue and duties authorities;
- (18) Provide cynological support of the activities of the revenue and duties authorities;
- (19) Manage the infrastructure of the revenue and duties authorities, develop the customs border;
- (20) Exercise other powers of the revenue and duties authorities prescribed by the law.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 545. Central executive authority responsible for formulating and implementing the state tax and customs policy

- 1. The central executive authority responsible for formulating and implementing the state tax and customs policy shall direct, coordinate and supervise the activities of customs offices, exercise other powers provided by the Code and other laws of Ukraine, issue orders, facilitate and oversee their implementation within the authority delegated.
(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012, as
repeated by the Law No 405-VII
of 04.07.2013)

Article 546. Customs office

- 1. Customs office means a customs authority that within its operating area ensures the achievement of objectives set for the revenue and duties authorities.
- 2. Customs office is a legal entity with its own balance sheet, accounts with the treasury authorities, seal and letterhead with the State Emblem of Ukraine and its name, that operates in accordance with the Constitution of Ukraine, Code, and other legislative acts and under the regulation approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.
- 3. Customs office is a regional office of the central executive authority responsible for formulating and implementing the state tax and customs policy and shall report to the latter. Interference with the activities of the customs office on the part of other regional offices of the

central executive authority responsible for formulating and implementing the state tax and customs policy shall not be allowed.

4. Customs office shall operate in the administrative territory (Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol). Certain customs offices may operate in two or more administrative territories or all over Ukraine.

5. Creation, restructuring and liquidation of customs offices shall be performed by the central executive authority responsible for formulating and implementing the state tax and customs policy in the manner prescribed by the law.

6. Separate structural units (customs stations) may be established, when needed, in settlements, at railway stations, airports, sea and river ports and other facilities located in the operating area of customs office.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
No 405-VII of 04.07.2013)

Article 547. Customs station

1. Customs station is a revenue and duties authority being part of customs office acting as a separate structural unit that within its operating area ensures the achievement of objectives set for the revenue and duties authorities.

2. Regulation on customs stations shall be approved by the heads of customs offices concerned.

3. Creation, restructuring and liquidation of customs stations shall be performed by the central executive authority responsible for formulating and implementing the state tax and customs policy in the manner prescribed by the law.

4. *Repealed.*

5. Operating areas of customs stations shall be designated by the regulations on such stations.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 548. Repealed

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
repealed by the Law No 405-VII
of 04.07.2013)

Article 549. Repealed

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012,
repealed by the Law No 405-VII
of 04.07.2013)

Article 550. Specialised educational establishments and scientific research institution of the revenue and duties authorities

1. Specialised educational establishments and scientific research institution may be created at the central executive authority responsible for formulating and implementing the state tax and customs policy for the purpose of training, retraining and skills development of specialists in the state customs affairs and conducting scientific research in the area of customs interests of Ukraine.

(as restated by the Law
of Ukraine
No 405-VII of
04.07.2013)

Chapter 75. Attributes of the revenue and duties authorities

(name is amended by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 551. Flags and emblems of the revenue and duties authorities

1. The revenue and duties authorities shall have their emblems and flags whose description and use are prescribed by the President of Ukraine.
2. Customs offices, specialised educational establishments and scientific research institution of the revenue and duties authorities may have their emblems and flags.

(as restated by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 552. Uniform of the employees of the revenue and duties authorities

1. The employees of the revenue and duties authorities shall have special uniform with appropriate insignia provided free of charge. The employees of the revenue and duties authorities may tailor uniforms at their own expense with reimbursement of the cost of such tailoring within the ratio set for the procurement of uniform funded by the state for maintenance of the revenue and duties authorities.
2. Uniform samples, procurement ratio and service life shall be approved by the Cabinet of Ministers of Ukraine, whereas the rules of its wearing shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 553. Identification cards of the employees of the revenue and duties authorities

1. The employees of the revenue and duties authorities shall be provided with identification (ID) cards. Regulation on ID cards of the employees of the revenue and duties authorities and ID card template shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 554. Incentive awards of the revenue and duties authorities

1. Incentive awards of the revenue and duties authorities in the form of medals, lapel badge, badges, and diplomas shall be given to recognise significant personal achievements in the state customs affairs, commitment and proactive approach in performing official (job) duties.

2. Regulation on incentive awards of the revenue and duties authorities shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as restated by the Law
of Ukraine
No 405-VII of
04.07.2013)

**Chapter 76. Property, funding and logistics support of the
revenue and duties authorities**

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 555. Property of the revenue and duties authorities

1. Property of the revenue and duties authorities and specialised educational establishments and scientific research institution of the revenue and duties authorities shall be the state property. Such property shall be managed in the manner established by the Cabinet of Ministers of Ukraine in accordance with the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 556. Land plots, office premises and amenities,
equipment and communication facilities of the revenue and
duties authorities and specialised educational establishments
and scientific research institutions of the revenue and duties
authorities**

1. Land plots shall be given for service needs to the revenue and duties authorities and specialised educational establishments and scientific research institutions of the revenue and

duties authorities in accordance with the Land Code of Ukraine. The cost of such land plots and damages caused by their seizure shall be reimbursed to their landlords and land-users under the Land Code of Ukraine.

2. If customs clearance of goods is carried out by the revenue and duties authorities directly at the entity's premises, such entity, regardless of their type of ownership and accountability, shall provide the revenue and duties authorities with its office premises and amenities, equipment, tools and communication facilities for temporary use free of charge.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 557. Funding, logistics support and infrastructure
development of the revenue and duties authorities**

1. Funding, logistics support and infrastructure development of the revenue and duties authorities shall be provided by the state budget.

2. Within the Ukrainian border checkpoints for road traffic the revenue and duties authorities as the holders of land plots, real estate property and office premises shall be entitled to provide, for temporary use free of charge, appropriate premises and land plots for service needs to the entities, involved in ensuring proper operation of border checkpoints, and service entities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Chapter 77. Interaction between the revenue and duties
authorities and other public authorities, local government
and business entities**

(name is amended by the Law of
Ukraine
No 405-VII of
04.07.2013)

**Article 558. Interaction of the revenue and duties authorities
with the law enforcement agencies**

1. In achieving the objectives set for the revenue and duties authorities they shall interact with the law enforcement agencies in the manner prescribed by the law.

2. If customs supervision and other measures undertaken by the revenue and duties authorities under the Code and other legislative acts of Ukraine detect any indications of offense, for which investigation the revenue and duties authorities are not responsible, the revenue and duties authorities shall refer it to the competent law enforcement agency.

3. Law enforcement agencies shall notify the revenue and duties authorities of customs offenses or smuggling detected.

4. Law enforcement agencies shall notify the revenue and duties authorities in writing of the availability of operational information on potential movement of goods in violation of the laws of Ukraine. If such operational information is received by the law enforcement agency, customs supervision and customs clearance shall be performed upon written decision of the head or acting head of the receiving revenue and duties authority to the extent and in the manner prescribed by the Code.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 559. Interaction of the revenue and duties authorities
with the National Bank of Ukraine, Accounting Chamber,
central executive authority responsible for formulating and
implementing the state finance, treasury and financial control
policies**

1. The revenue and duties authorities shall interact with the National Bank of Ukraine, Accounting Chamber, central executive authority responsible for formulating and implementing the state finance, treasury and financial control policies in accordance with the legislation of Ukraine.

(as restated by the Law
of Ukraine
No 405-VII of
04.07.2013)

**Article 560. Interaction of the revenue and duties authorities with local state
administrations and local government**

1. Local state administrations and local government shall facilitate the activities of the revenue and duties authorities and shall interact with them within the powers prescribed by the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 561. Interaction of the revenue and duties authorities
with other executive authorities**

1. The revenue and duties authorities shall interact with ministries and other central executive authorities in achieving the objectives set for them in accordance with the Code and other legislative acts of Ukraine.

2. The revenue and duties authorities shall oversee the movement of cultural valuables through the customs border of Ukraine in cooperation with the central executive authority responsible for formulating and implementing the state policy in the field of cultural heritage, export, import, and return of cultural valuables, and the central executive authority responsible for formulating and implementing the state policy in the field of archive-keeping, records management and establishment and operation of the state system of insurance fund for documentation. Such oversight shall be performed by the revenue and duties authorities

at the Ukrainian border checkpoints in the form of preliminary documentary examination in the manner prescribed by the Cabinet of Ministers of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 562. Interaction of the revenue and duties authorities
with economic entities**

1. The revenue and duties authorities shall establish and maintain relations of advisory nature with economic entities. These relationships shall embrace the conclusion of memoranda of understanding to promote cooperation, involvement of the above entities in improving customs supervision and optimisation of operating methods of the revenue and duties authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Chapter 78. International cooperation on the state customs
affairs**

**Article 563. Ukraine's participation in international
cooperation on the state customs affairs**

1. Ukraine's participation in international cooperation on the state customs affairs shall be part of its foreign trade activity.

**Article 564. International activities of the central executive authority responsible for
formulating and implementing the state tax and customs policy**

1. International activities of the central executive authority responsible for formulating and implementing the state tax and customs policy shall be directed and coordinated by the President of Ukraine, Cabinet of Ministers of Ukraine and implemented in consultation with the Ministry of Foreign Affairs of Ukraine.

2. By the order of the Cabinet of Ministers of Ukraine the central executive authority responsible for formulating and implementing the state tax and customs policy may, to the extent provided by the law, negotiate and provide advisory assistance related to the preparation of international agreements on the state customs affairs.

3. In order to improve customs supervision the central executive authority responsible for formulating and implementing the state tax and customs policy shall maintain relations with foreign customs authorities and conclude appropriate interdepartmental agreements with them as prescribed by the law.

4. The central executive authority responsible for formulating and implementing the state tax and customs policy shall represent Ukraine at the World Customs Organisation and other international organisations.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 565. Cooperation of the revenue and duties authorities of Ukraine with the customs authorities of neighbouring countries

1. International agreements concluded in accordance with the law between the revenue and duties authorities of Ukraine and the customs authorities of neighbouring countries may involve:

- (1) Conduct of joint customs supervision at the Ukrainian border checkpoints;
- (2) Approval, as prescribed by the law, of time for customs supervision at the Ukrainian border checkpoints, customs controls, customs clearance and mutual recognition of documents used by the revenue and duties authorities to complete customs formalities;
- (3) Joint undertaking of measures to prevent, detect and deter smuggling and customs offenses;
- (4) Joint undertaking, as prescribed by the law, of measures to prevent, detect and deter misconduct in office of the employees of the revenue and duties authorities of Ukraine and the customs services of neighbouring countries;
- (5) Implementation of other joint occasional or permanent measures insofar as it is within the powers of the revenue and duties authorities under the Code and other legislative acts of Ukraine;
- (6) Exchange of information, including using information technologies and systems.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 566. Maintenance of operational communications between the revenue and duties authorities of Ukraine and the customs authorities of neighbouring foreign countries

1. In order to address urgent issues concerning the admission of goods, detection and prevention of smuggling and customs offenses, adherence to the course of law and legal order at the Ukrainian border checkpoints, the head of customs office and his deputies shall be entitled to hold working meetings with the representatives of the customs authorities of neighbouring foreign countries.

2. The head or acting head of customs office shall inform the time, conditions and purpose of such meetings to the head of the competent border protection authority of Ukraine.

3. The procedure for such meetings shall be established by the Cabinet of Ministers of Ukraine, unless otherwise provided by the international treaty concluded by Ukraine in accordance with the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 567. Interaction of the revenue and duties authorities of Ukraine with the customs and other competent authorities of foreign countries and international organisations on combating against smuggling and customs offenses

1. Interaction of the revenue and duties authorities of Ukraine with the customs and other competent authorities of foreign countries and international organisations on combating of smuggling and customs offenses shall be carried out in the manner prescribed by the international treaties of Ukraine concluded in accordance with the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 79. Service at the revenue and duties authorities

(name is amended by the Law of
Ukraine
No 405-VII of
04.07.2013)

Article 568. Repealed

(repealed by the Law of
Ukraine No 405-VII
of 04.07.2013)

Article 569. Revenue and duties officials

1. The employees of the revenue and duties authorities responsible for achieving the objectives referred to in Article 544 of the Code, ensuring organisational, legal, human resources, finance, logistics support of the activities of such authorities shall be their officials. The revenue and duties officials shall be public servants.

2. The persons newly employed by the revenue and duties authorities for the positions that involve the achievement of objectives referred to in Article 544 of the Code, organisational, legal, human resources, finance, logistics support of the activities of such authorities shall take the oath of public servants unless they have taken it before.

3. The legal status of the revenue and duties officials shall be determined by the Code and, to the extent not regulated hereby, by the legislation on public service and other legislative acts of Ukraine.

(as restated by the Law of
Ukraine No 405-VII
of 04.07.2013)

Article 570. Specific features of recruitment to the revenue and duties authorities

1. Citizens of Ukraine who reached the age of 18 and capable of achieving the objectives set for the revenue and duties authorities by their business and moral qualities,

educational level and health may be recruited to such authorities. There may be set a probation period upon recruitment according to the Law of Ukraine on public service.

2. Recruitment to the customs authorities of Ukraine shall be carried out on a competitive basis, unless otherwise provided by the law. The competition procedure shall be determined by the Cabinet of Ministers of Ukraine. Recruitment to the revenue and duties authorities for the positions that are not related with public service shall be carried out in accordance with the labour legislation of Ukraine.

3. Persons qualified, in the legally established manner, as incapable or having special disabilities, persons who have been convicted of deliberate crimes and persons held administratively liable for corruption and other corruption-related offenses during a year before their applying for a job at the revenue and duties authorities may not be employed for the service at the revenue and duties authorities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 571. Repealed

(repealed by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 572. Restrictions relating to the public service of the revenue and duties officials

1. Restrictions relating to the public service of the revenue and duties officials shall be determined by the law.
2. The revenue and duties officials may not hold positions that involve decision-making on the activities of the entities, for which control the customs authorities are responsible under Title XV of this Code, as well as official relations with such entities if close relatives of those officials are employed by such entities.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 573. Special ranks of the revenue and duties officials

1. Special ranks that may be assigned to the revenue and duties officials shall include:
 - (1) chief state tax and customs advisor;
 - (2) state tax and customs advisor of I rank;
 - (3) state tax and customs advisor of II rank;

- (4) state tax and customs advisor of III rank;
- (5) tax and customs advisor of I rank;
- (6) tax and customs advisor of II rank;
- (7) tax and customs advisor of III rank;
- (8) tax and customs inspector of I rank;
- (9) tax and customs inspector of II rank;
- (10) tax and customs inspector of III rank;
- (11) tax and customs inspector of IV rank;
- (12) junior tax and customs inspector.

2. Regulation on special ranks of the revenue and duties officials, awarding procedure and correlation with the ranks of public servants as well as the rate of benefits to the official salary for special ranks shall be approved by the Cabinet of Ministers of Ukraine.

(Section 2 of Article 573 concerning the correlation between the special ranks of the Tax and Customs Service and the ranks of public servants shall come into force simultaneously with the Law of Ukraine on public service dated 17 November 2011 according to the Law of Ukraine No 405-VII of 04.07.2013)

3. Special tax and customs ranks shall be assigned for life. Special ranks may be deprived exclusively by court in the cases provided for in the Criminal Code of Ukraine.

(as restated by the Law
of Ukraine
No 405-VII of
04.07.2013)

Article 574. Working hours of the revenue and duties officials

- 1. Working time and operating mode, and rest time of the revenue and duties officials shall be set under the labour legislation of Ukraine taking into account specific cases laid down in this Code.
- 2. To undertake urgent measures of customs supervision, customs clearance, prevention of smuggling and customs offenses and perform other job assignments, the of-

officials of the revenue and duties authorities of Ukraine may, by the order of the head of the revenue and duties authority or his deputy, be engaged to work overtime, at night time, on holidays, weekends and days-off. Remuneration of the officials of the revenue and duties authorities of Ukraine for the work performed in overtime, at night time, on holidays, weekends and days-off shall be determined according to the legislation.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 80. Professional education and scientific research activities in the field of state customs affairs

Article 575. System of professional education in state customs affairs

1. The system of professional education in state customs affairs shall include:

- (1) training of specialists with higher education;
- (2) retraining of the employees of the revenue and duties authorities;
- (3) training of scientific and academic personnel;
- (4) skills development of the employees of the revenue and duties authorities;
- (5) facilitation of on-the-job training of the employees of the revenue and duties authorities.

2. Training, retraining and skills development of the employees of the revenue and duties authorities shall be carried out at the specialised educational establishments of the revenue and duties authorities and at the specialised agency for special training and cynological support of the central executive authority responsible for formulating and implementing the state tax and customs policy. Specialists with higher education may also be trained in certain specialties for the revenue and duties authorities at higher educational institutions of other industry orientation under a government order.

3. Specialised educational establishments of the revenue and duties authorities may provide educational services at the expense of natural and legal persons under the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 576. Scientific research activities in the field of state customs affairs

1. Scientific research activities aimed at supporting customs interests of Ukraine, development of state customs affairs and professional education at the revenue and duties authorities shall be carried out by scientific research institution of the revenue and duties authorities and

scientific research units of specialised higher educational establishments of the revenue and duties authorities.

2. Coordination of scientific research activities in the field of state customs affairs shall be implemented by the central executive authority responsible for formulating and implementing the state tax and customs policy.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 577. Specific features of the legal status of persons enrolled in specialised higher educational institutions of the revenue and duties authorities

1. Full-time students of a specialised higher educational institution of the revenue and duties authority shall be awarded the title of 'cadet', 'senior cadet' by the head of such educational institution for the period of education.

2. Full-time students of a specialised higher educational institution of the revenue and duties authority shall be entitled to wear the uniform prescribed for the employees of the revenue and duties authorities with appropriate insignia.

3. Full-time students of a specialised higher educational institution of the revenue and duties authority shall be entitled to draft deferment to the Armed Forces of Ukraine under the legislation for the entire period of education.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 578. Funding of professional education and scientific research activities in the field of state customs affairs

1. Funding of professional education and scientific research activities in the field of state customs affairs shall be effected at the expense of the State Budget of Ukraine as well as additional sources of funding that are not prohibited by the law.

Chapter 81. Legal protection of the employees of the revenue and duties authorities

(name is amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 579. Binding nature of lawful orders and demands of the revenue and duties officials

1. Lawful orders and demands of the revenue and duties officials issued in performing their job duties shall be binding upon natural and legal persons.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 580. Protection of life, health and property of the revenue and duties officials

1. The revenue and duties officials shall be protected by the law. Protection of life, health, honour, dignity and property of such officials and their families from criminal attacks and other unlawful acts shall be ensured in accordance with the Law of Ukraine on state protection of court personnel and personnel of law enforcement agencies and by sanctions provided for by the Criminal Code of Ukraine and the Code of Administrative Offenses of Ukraine.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Chapter 82. Use of physical force, special tools and firearms
by the revenue and duties officials**

(name is amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 581. Right of the revenue and duties officials to use physical force, special tools
and firearms**

1. In the cases provided for by this Code, the revenue and duties officials shall be entitled to use physical force, special tools and firearms while on duty.

2. Special trainings and evaluation trials shall be performed to ensure proper and efficient use of physical force, special tools and firearms by the revenue and duties officials. The procedure for such trainings and trials shall be approved by the central executive authority responsible for formulating and implementing the state tax and customs policy.

3. The revenue and duties officials shall be held liable for unlawful use of physical force, special tools and firearms in accordance with the law.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 582. Use of physical force

1. The revenue and duties officials shall be entitled to use physical force while on duty in order to:

- (1) Cease customs offense, detain offenders, overcome the resistance to lawful orders or demands of the revenue and duties officials;
- (2) Provide access to the premises or territory where the goods under customs supervision are located;
- (3) Cease other actions that interfere with the performance of duties assigned to the revenue and duties officials, unless non-violent means of influence could ensure the performance of such duties.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 583. Use of special tools

1. The revenue and duties officials shall be entitled to use special tools while on duty, including handcuffs, rubber truncheons, lachrymatory agents, unlocking equipment, facilities for forced stopping of means of transport and other special tools in order to:

(1) Repel direct attacks against them or other persons;

(2) Repel attacks against houses, buildings, structures, means of transport held by the revenue and duties authorities, specialised educational establishments and scientific research institutions owned or used by the revenue and duties authorities, against entities, institutions and organisations, in which premises and/or territories customs supervision is carried out, against goods under customs supervision, and to release such sites in case of capture;

(3) Detain offenders, deliver them to the office premises of the revenue and duties authorities, if such persons keep resisting and offer opposition or may cause harm to others or themselves;

(4) Stop physical resistance to the revenue and duties official;

(5) Enter the premises or territory where smuggled items or direct objects of customs offense may be located;

(6) Stop a vehicle whose driver failed to fulfil the demand of a revenue and duties official to stop the vehicle.

2. It shall be prohibited to use special tools against women with obvious signs of pregnancy, people with obvious signs of disability and minors, unless they commit an armed resistance or group assault that threatens life and health, and preservation of goods under customs supervision.

3. If there are circumstances that make it impossible to avoid the use of special tools, the measures taken shall not exceed the limits necessary to ensure the achievement of objectives set for the customs service of Ukraine, and shall minimise the possibility of causing harm to the health of offenders.

4. List of special tools used by the revenue and duties officials and procedure for their application shall be determined by the Cabinet of Ministers of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 584. Storage, bearing and use of firearms

1. Certain categories of the revenue and duties officials whose list is determined by the Cabinet of Ministers of Ukraine shall be entitled to store, bear and use firearms while on duty.

2. The revenue and duties officials shall be entitled to use firearms while on duty in order to:

- (1) Counter group or armed attack directly against themselves or others if their lives and health are in danger and it may not be otherwise avoided;
 - (2) Counter group or armed attack on buildings, warehouses, and other premises of the revenue and duties authorities, specialised educational establishments and scientific research institution of the revenue and duties authorities;
 - (3) Repel attacks against houses, buildings, structures, means of transport held by the revenue and duties authorities, specialised educational establishments and scientific research institution owned or used by the revenue and duties authorities, against entities, institutions and organisations in which premises and/or territories customs supervision is carried out, against goods under customs supervision, and to release such sites in case of capture;
 - (4) Stop a vehicle by damaging it if its driver commits actions threatening life and health in the area of customs control;
 - (5) Set off an alarm, call for help, and neutralise animals that threaten life and health.
3. It shall be prohibited to use firearms against women with obvious signs of pregnancy, people with obvious signs of disability and minors, unless they commit an armed resistance or group assault that threatens life and health, and preservation of goods under customs supervision.
4. It shall also be prohibited to use firearms against people with young children and under significant concentrations of people, when it might injure outsiders.
5. If there are circumstances that make it impossible to avoid the use of firearms, the measures taken shall not exceed the limits necessary to ensure the achievement of objectives set for the customs service of Ukraine, and shall minimise the possibility of causing harm to the health of offenders.
6. The revenue and duties officials shall be prohibited to store, bear and use firearms and ammunition while off duty.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Chapter 83. Social protection of the employees of the revenue and duties authorities

(name is amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 585. Remuneration of the revenue and duties officials

1. The state shall provide an adequate level of remuneration for the revenue and duties officials in order to create material conditions for independent and diligent performance of their duties.

2. Payroll of the revenue and duties officials shall consist of the official salary, allowances, premiums, bonuses and other benefits, whose amount and order of payment is determined by the Cabinet of Ministers of Ukraine.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 586. Housing of the revenue and duties officials

1. The revenue and duties officials shall be provided with service housing in the manner prescribed by the Cabinet of Ministers of Ukraine. The revenue and duties officials relocated to work in another area, as well as graduates of higher educational institutions who received referral of work at the revenue and duties authorities, placed in a different location, shall be immediately provided with service housing.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 587. Medical and health care for the revenue and duties officials and their families

1. The revenue and duties officials and their families living with them shall enjoy the right to free medical care at the state and municipal health facilities. This right shall be reserved for the revenue and duties officials after their retirement or resignation from the revenue and duties authorities.

2. The revenue and duties authorities shall annually attend preventive medical examinations.
(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 588. Pension benefits for the revenue and duties officials

1. Pension benefits for the revenue and duties officials shall be provided in the manner and under the conditions provided for by the Law of Ukraine on public service. The period of work (service) of the persons above (including those awarded with special ranks) at the revenue and duties authorities shall be added to the track record of public service and to work experience in positions assigned to the categories of public servants, which entitle to pension benefits according to the Law of Ukraine on public service, regardless of the place of employment at the age specified in the abovementioned Law.

Pension benefits for the employees of the revenue and duties authorities, who are not officials, shall be provided on the grounds and in the manner prescribed by the law.

(as restated by the Law of Ukraine
No 405-VII of 04.07.2013)

Article 589. Guarantees of labour safety of the officials and other employees of the revenue and duties authorities

1. The state shall, under the law, guarantee the rights of the officials and other employees of the revenue and duties authorities to labour safety in performing their official (job) duties,

medical examinations, as well as the right to benefits and compensations for work under difficult and hazardous conditions.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

**Article 590. State reimbursement of damage caused to the
revenue and duties officials**

1. Employees of the revenue and duties authorities shall, in the manner prescribed by the law, be subject to compulsory state social insurance against accidents at work and occupational diseases that cause disability.

2. In case of death of a revenue and duties official in connection with the performance of their official duties, the family of the deceased or their dependents shall be paid a one-off compensation equalling to ten-years official salary of the deceased in their last position from the state budget, followed by the recovery of that amount from guilty parties.

3. In the event of causing serious bodily injury to a revenue and duties official while on duty that impedes their professional duties such person shall be paid a one-off compensation equalling to five-years official salary in their last position from the state budget, followed by the recovery of that amount from guilty parties.

4. In the event of causing trivial or moderately severe bodily injury to a revenue and duties official while on duty that impedes their professional duties, such person shall be paid a one-off compensation equalling to one-year official salary in their last position from the state budget, followed by the recovery of that amount from guilty parties.

5. The decision to pay a one-off compensation shall be adopted by the commission of the revenue and duties authorities at the place of employment of the affected person in the manner established by the Cabinet of Ministers of Ukraine based on the court judgement of conviction or ruling of the investigative authorities or prosecutor to dismiss criminal proceedings on non-exonerative grounds.

6. Damage caused to the property of the revenue and duties officials or their family members in connection with the performance of their official duties shall be fully reimbursed by the state budget with subsequent recovery of that amount from guilty parties.

7. Reimbursement of damage caused to the property of the revenue and duties officials or their family members shall be prescribed by a court judgment.

8. In order to account for the actual costs associated with the payment of one-off compensation and reimbursement of damage caused to the property of the revenue and duties officials or their family members, the revenue and duties authorities shall open special bank accounts.

(as restated by the Law of Ukraine
No 405-VII of 04.07.2013)

Title XXI FINAL AND TRANSITIONAL PROVISIONS

1. The present Code shall enter into force on the first date of the second month following the one in which it is published, except for paragraph 10 of this Title that shall enter into force on the day following the date of publication of the Code.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2013)

2. Since the effective date of this Code the following shall become null and void:

(1) Customs Code of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2002, No 38-39, p. 288 as amended);

(2) Law of Ukraine on import (sending) to Ukraine, customs clearance and taxation of personal effects, goods and means of transport imported (sent) by citizens to the customs territory of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2002, No 1, p. 2; 2006, No 8, p. 93; 2007, No 9, p. 68; 2008, No 25, p. 238; 2009, No 10-11, p. 137, No 29, p. 389; 2010, No 30, p. 398; 2011, No 23, p. 160);

(3) Law of Ukraine on amending certain legislative acts of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2005, No 1, p. 9);

(4) Section 2 of Article 31 of the Law of Ukraine on road traffic (Official Journal of the Verkhovna Rada of Ukraine, 1993, No 31, p. 338);

(5) Paragraph 2 of Title II “Final Provisions” of the Law of Ukraine on amending certain laws of Ukraine regarding financing of road economy (Official Journal of the Verkhovna Rada of Ukraine, 1999, No 40, p. 361);

(6) Law of Ukraine on unified customs tariff (Official Journal of the Verkhovna Rada of Ukraine, 1992, No 19, p. 259 as amended);

(7) Decree of the Verkhovna Rada of Ukraine on enacting the Law of Ukraine on unified customs tariff (Official Journal of the Verkhovna Rada of Ukraine, 1992, No 19, p. 260);

(8) Article 2 of the Law of Ukraine on measures of state support for the shipbuilding industry of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2000, No 3, p. 20);

(9) Law of Ukraine on amending certain customs-related legislative acts of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2000, No 13, p. 109);

(10) Law of Ukraine on amending certain tax-related laws of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2000, No 35, p. 283);

- (11) Paragraph 3 of Article 3 “Final Provisions” of the Law of Ukraine on recognition of armoured vehicles production as the priority industry of Ukraine and provision of state support thereto (Official Journal of the Verkhovna Rada of Ukraine, 2001, No 11, p. 46);
- (12) Law of Ukraine on amending certain tax-related laws of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2001, No 30, p. 143);
- (13) Paragraph 3 of Article 4 “Final Provisions” of the Law of Ukraine on the development of aircraft industry (Official Journal of the Verkhovna Rada of Ukraine, 2001, No 50, p. 261);
- (14) Law of Ukraine on amending certain tax-related laws of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2002, No 5, p. 31);
- (15) Paragraph 2 of Title II “Final Provisions” of the Law of Ukraine on amending the Law of Ukraine on special regime of investment and innovation activity of technological parks “Semiconductor Technologies and Materials, Optoelectronics and Sensor Technology”, “Paton Electric Welding Institute”, “Institute for Single Crystals”, “Vuglemash” (Official Journal of the Verkhovna Rada of Ukraine, 2002, No 33, p. 238);
- (16) Paragraph 3 of Article 2 “Final Provisions” of the Law of Ukraine on the implementation of investment projects in Turkmenistan (Official Journal of the Verkhovna Rada of Ukraine, 2002, No 35, p. 259);
- (17) Law of Ukraine on amending certain tax-related laws of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2003, No 14, p. 99);
- (18) Paragraph 3 of Title II “Final Provisions” of the Law of Ukraine on state support of book publishing industry in Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2003, No 24, p. 162);
- (19) Law of Ukraine on amending certain tax-related laws of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2004, No 25, p. 346);
- (20) Law of Ukraine on amending certain legislative acts of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2006, No 15, p. 130);
- (21) Paragraph 4 of Title III “Final Provisions” of the Law of Ukraine on amending the Law of Ukraine on special regime of innovation activity of technological parks and other laws of Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2006, No 22, p. 182);
- (22) Law of Ukraine on amending certain laws of Ukraine regarding space activities (Official Journal of the Verkhovna Rada of Ukraine, 2009, No 38, p. 537);

(23) Law of Ukraine on amending certain legislative acts of Ukraine on taxation of international carriage of passengers, baggage and cargo, international shipping, international leasing and maintenance of international goods (Official Journal of the Verkhovna Rada of Ukraine, 2009, No 43, p. 641);

(24) Decree of the Cabinet of Ministers of Ukraine No 4-93 on unified customs tariff dated 11 January 1993 (Official Journal of the Verkhovna Rada of Ukraine, 1993, No 12, p. 107 as amended);

(25) Decree of the Cabinet of Ministers of Ukraine No 54-93 on liberalization of foreign economic activity dated 20 May 1993 (Official Journal of the Verkhovna Rada of Ukraine, 1993, No 28, p. 301);

(26) Law of Ukraine on amending the decrees of the Cabinet of Ministers of Ukraine on customs regulation (Official Journal of the Verkhovna Rada of Ukraine, 1994, No 20, p. 117);

(27) Paragraph 2 of Title 5 “Final Provisions” of the Law of Ukraine on support of Olympic and Paralympic movement and top-class sports in Ukraine (Official Journal of the Verkhovna Rada of Ukraine, 2000, No 43, p. 370);

(28) Law of Ukraine on operations with customer-supplied raw products in foreign economic relations (Official Journal of the Verkhovna Rada of Ukraine, 1995, No 32, p. 255; 1999, No 38, p. 344; 2001, No 41, p. 203; 2002, No 6, p. 40; 2004, No 52, p. 565; 2005, No 17-19, p. 267, No 27, p. 363, No 34, p. 441; 2007, No 9, p. 73; 2008, No 27-28, p. 253; 2011, No 29, p. 272; as amended by the Laws of Ukraine No 4099-VI and No 4100-VI dated 9 December 2011);

(29) Paragraph 2 of Title II “Final Provisions” of the Law of Ukraine on amending certain laws of Ukraine on support of agro-industrial sector due to the global financial crisis (Official Journal of the Verkhovna Rada of Ukraine, 2010, No 9, p. 85);

(30) Law of Ukraine on amending certain laws of Ukraine on improvement of balance of payments of Ukraine due to the global financial crisis (Official Journal of the Verkhovna Rada of Ukraine, 2009, No 27, p. 349).

3. The laws of Ukraine, acts of the Cabinet of Ministers of Ukraine, regulations of the central executive authority responsible for implementing the state customs policy and other central executive authorities, adopted pursuant to the customs laws of Ukraine before the effective date of this Code, and regulations used in the application of customs laws (including legislative acts of the USSR), shall apply insofar as they are not in conflict with this Code till the adoption of relevant acts in accordance with the requirements of the Code.

4. The following shall be temporarily exempt from import duty when entering the customs territory of Ukraine and placed under the customs procedure of import:

(1) before 1 January 2015: goods that are not produced in Ukraine, except for those bearing codes 4707 90 10 00, 4707 90 90 00 under the UCGFEA, and imported to the customs territory of Ukraine for use in publishing and book production activities involving book products produced in Ukraine with the following UCGFEA codes:

UCGFEA code	Description of goods
3211 00 00	Ready for use drying agents
3212 90 31 00, 3212 90 38 00	Colouring agents (including metallic powders and dispersed flakes in non-aqueous environment in the form of liquid, paste or heavy body, types used for production of printing inks (including enamels)
3215 11 00 00	Black printing ink
3215 19 00 00	Printing inks, except black one
3505 10 50 00, 3505 10 90 00	Modified starches used in paper industry
3701 30 00 00	Only plates (aluminium) coated with sensitised (photosensitive) layer and plates suitable for production of typographic plates due to their polymerisation with length of any side exceeding 255 mm; plates (magnesium) coated with sensitised (photosensitive) layer for production of typographic stamps with length of any side exceeding 255 mm; film pack (sheets) for production of typographic film mechanicals with length of any side exceeding 255 mm
3702 42 00 00	Photographic tapes for production of typographic film mechanicals with width of over 610 mm and length of over 200 m
3702 43 00 00	Photographic tapes for production of typographic film mechanicals with width of over 610 mm and length of over 200 m
3702 44 00 91	Photographic tapes for production of typographic film mechanicals with width of over 105 mm and not exceeding 610 mm, and length of over 200 m for snapshot photography
3702 44 00 99	Other photographic tapes for production of typographic film mechanicals with width of over 105 mm and not exceeding 610 mm, and length of over 200 m
3907 50 00 00	Alkyd resins
4008 21 90 00	Offset rubber plates of non-porous rubber other than floor coverings and mats
4703 21 00 00	Wood pulp, soda or sulphate, other than dissolving types, half-bleached or bleached, softwood

4703 29 00 00	Wood pulp, soda or sulphate, other than dissolving types, half-bleached or bleached, hardwood
4704 21 00 00	Wood sulphate pulp, other than dissolving types, half-bleached or bleached, softwood
4707 90 10 00	Unsorted paper and cardboard waste and recyclable paper
4707 90 90 00	Sorted paper and cardboard waste and recyclable paper
5901 10 00 00	Only textile materials used for production of book bindings
8439 10 00 00, 8439 20 00 00, 8439 30 00 00	Equipment for production of paper pulp of fibrous cellulosic materials, or for production or finishing of paper or cardboard
8440 10 10 00 8440 10 20 00 8440 10 30 00 8440 10 40 00 8440 10 90 00	Binding equipment, including bookbinding machines
8441 10 10 00 8441 10 20 00 8441 10 30 00 8441 10 40 00 8441 10 80 00	Cutting machines
8443 11 00 00, 8443 13 10 00, 8443 13 31 00, 8443 13 35 00, 8443 13 39 00, 8443 13 90 00, 8443 91 91 10, 8443 91 99 10, 8443 91 99 90, 8443 99 90 10, 8443 99 90 90	Offset printing machines and equipment and spare parts thereof, except for commodity headings: 8443 19 40 00, 8443 91 10 00, 8443 99 10 00;

(2) Before 1 January 2016: goods imported by aircraft manufacturers subject to Article 2 of the Law of Ukraine on the development of aircraft industry, under the following UCGFEA codes: 2707 20 90 00, 2707 30 10 00, 2707 99 80 00, 2710 11 21 00, 2710 19 81 00, 2710 19 99 00, 2712 20 90 00, 2805 30 90 00, 2818 10 90 00, 2827, 2835, 3204 90 00 00, 3207 40 30 00, 3208, 3209, 3211 00 00, 3214 10 10 10, 3603 00, 3604 90 00 00, 3703 10 00 00, 3703 90 10 00, 3824 10 00 90, 3824 90 35 00, 3824 90 40 00, 3824 90 50, 3824 90 65 00, 3901, 3909, 3911, 3917, 3919, 3920, 3921, 4002, 4005, 4006 90 00, 4008, 4009, 4011 30 00 30, 4016, 4017 00, 7003, 7007, 7019, 7202, 7205 10 00 00, 7205 29 00 00, 7207, 7208, 7209, 7211, 7212, 7213, 7214, 7215, 7217, 7218, 7219, 7220, 7221 00 10 00,

7223 00, 7224 90 18 00, 7225, 7226, 7227, 7228, 7229, 7304, 7311 00 10 00, 7312, 7315, 7318, 7326, 7407, 7409, 7411, 7413 00, 7419, 7502, 7504 00 00 00, 7505, 7506, 7507, 7508, 7601, 7603, 7604, 7605, 7606, 7607 11 90 00, 7607 19 99 00, 7607 20 91 00, 7608, 7609 00 00 00, 7616, 8101, 8102, 8104, 8105, 8108, 8111 00 90 00, 8112, 8307, 8409 10 00 00, 8411 11 00 00, 8411 12, 8411 21 00 00, 8411 22 20 00, 8411 22 80 00, 8411 81 00 00, 8411 82, 8411 91 00 00, 8411 99 00 00, 8412 10 00 10, 8412 21 80 10, 8412 29 89 10, 8412 31 00 91, 8412 39 00 10, 8412 80 80 10, 8412 90 20 10, 8412 90 80 10, 8413 19 00 00, 8413 20 00 00, 8413 30 20 00, 8413 30 80 00, 8413 50 40 00, 8413 50 69 00, 8413 50 80 00, 8413 60 39 00, 8413 60 69 00, 8413 60 70 00, 8413 60 80 00, 8413 70 21 00, 8413 70 29 00, 8413 81 00 00, 8413 91 00 90, 8414 10 89 10, 8414 20 80 10, 8414 30 20 10, 8414 30 81 10, 8414 30 89 10, 8414 51 00 10, 8414 59 20 91, 8414 59 40 10, 8414 59 80 10, 8414 80 11 10, 8414 80 19 10, 8414 80 22 91, 8414 80 28 10, 8414 80 73 91, 8414 90 00 00, 8415 81 00 30, 8415 82 00 30, 8415 83 00 10, 8415 90 00 00, 8419 50 00 00, 8419 81 20 10, 8419 81 80 10, 8419 90 85 00, 8421 19 70 10, 8421 21 00 00, 8421 23 00 30, 8421 29 00 00, 8421 31 00 00, 8421 39 20 00, 8424, 8425 11 00 00, 8425 19 80 00, 8425 31 00 00, 8425 39 30 00, 8425 39 90 00, 8425 42 00 00, 8425 49 00 00, 8443 32 10 00, 8456, 8457, 8458, 8459, 8460, 8461, 8462, 8463, 8466, 8471 30 00 00, 8471 41 00 00, 8471 49 00 00, 8471 50 00 00, 8471 60 60 00, 8471 60 70 00, 8471 70, 8473 30, 8479 89 97 90, 8481, 8482, 8483, 8501 20 00 10, 8501 31 00 10, 8501 32 20 10, 8501 32 80 10, 8501 33 00 10, 8501 34 92 10, 8501 34 98 10, 8501 40 20 10, 8501 40 80 10, 8501 51 00 10, 8501 52 20 10, 8501 52 30 10, 8501 52 90 10, 8501 53 81 00, 8501 61 20 10, 8501 61 80 10, 8501 62 00 10, 8501 63 00 10, 8502 11 20 10, 8502 11 80 10, 8502 12 00 10, 8502 13 20 10, 8502 13 40 10, 8502 13 80 10, 8502 20 20 10, 8502 20 40 10, 8502 20 60 10, 8502 20 80 10, 8502 39 20 10, 8502 39 80 10, 8502 40 00 10, 8504 10 20 10, 8504 10 80 10, 8504 31 80 00, 8504 32 20 10, 8504 32 80 10, 8504 33 00 10, 8504 40 90 00, 8504 50 20 10, 8504 50 95 10, 8505, 8506, 8507 10 41 10, 8507 10 49 10, 8507 10 92 10, 8507 10 98 10, 8507 20 41 10, 8507 20 49 10, 8507 20 92 10, 8507 20 98 10, 8507 30 89 00, 8507 40 00 00, 8507 80 80 00, 8507 90 90 00, 8511 10 00 10, 8511 20 00 10, 8511 30 00 10, 8511 40 00 10, 8511 50 00 10, 8511 80 00 10, 8515, 8517 70 11 00, 8517 70 19 10, 8525 50 00 10, 8525 60 00 00, 8526 10 00 10, 8526 91 20, 8526 91 80, 8526 92 00 10, 8528 41 00 00, 8528 51 00 00, 8528 59 90 00, 8528 61 00 00, 8529 10 69 10, 8529 10 80 10, 8529 10 95 10, 8529 90 97 10, 8531 10 95 10, 8531 20 20 10, 8531 20 40 10, 8531 20 95 10, 8531 80 20 10, 8531 80 95 10, 8532, 8533, 8535, 8536, 8537, 8538 10 00 00, 8538 90 99 00, 8541, 8542, 8543, 8544, 8545, 8546, 9014 10 00 10, 9014 20 20 10, 9014 20 20 90, 9014 20 80 10, 9014 20 80 90, 9014 90 00 90, 9017 20, 9017 30, 9017 80, 9020 00 00 00, 9023 00, 9024, 9025 11 80 10, 9025 19 20 10, 9025 19 80 98, 9025 80 20 10, 9025 80 40 10, 9025 90 00 95, 9026 10, 9026 20, 9026 80, 9026 90 00 00, 9027, 9029 10 00 10, 9029 20 38 10, 9030 10 00 00, 9030 20 10 00, 9030 20 30 00, 9030 20 91 00, 9030 31 00 00, 9030 32 00 00, 9030 33, 9030 39 00 00, 9030 40 00 00, 9030 84 00 00, 9030 89 30 00, 9030 90 85 00, 9031 80 34 00, 9031 90 85 00, 9032 10, 9032 20 00 00, 9032 81 00 00, 9032 89 00 00, 9033 00 00 00. The procedure and volumes of import for such goods shall be determined by the Cabinet of Ministers of Ukraine;

(3) Before 1 September 2012:

Goods (excluding excisable ones) that are not produced in Ukraine, or produced but do not meet the world-class technical specifications and requirements of international sports organisations to be used for the construction and equipment (purchase of equipment and fixtures) for sports facilities being the sites of 2012 European Football Championship. The list and volume of such goods with their UCGFEA codes shall be approved by the Cabinet of Ministers of Ukraine;

Goods (excluding excisable ones) that are not produced in Ukraine, or produced but do not meet the world-class technical specifications and requirements of international civil aviation organisations that are imported into the customs territory of Ukraine to be used for the construction and equipping of airports being the sites of 2012 European Football Championship under the following UCGFEA codes: 7326 90 98 90, 8405 10 00 00, 8414 40 90 00, 8428 33 00 00, 8428 90 95 00, 8429 19 00 00, 8429 20 00 00, 8429 51 99 00, 8430 20 00 00, 8504 40 90 00, 8530 80 00 00, 8704 22 91 00, 8704 23 91 00, 8705 30 00 90, 8705 90 90 90, 8709 19 90 00, 8716 80 00 00, 9015 80 11 00, 9024 80 99 00, 9405 40 10 00, 9405 99 00 90. The procedure and volumes of import for such goods shall be determined by the Cabinet of Ministers of Ukraine;

Goods (excluding excisable ones) imported into the customs territory of Ukraine by UEFA, persons designated by UEFA or participants of the Championship (except for the national team of Ukraine) in accordance with Article 11 of the Law of Ukraine on organisation and facilitation of finals of 2012 European Football Championship in Ukraine. The procedure and volume of import of such goods shall be determined by the Cabinet of Ministers of Ukraine. The list of such goods with their UCGFEA codes shall be determined by a separate law;

(4) Before 1 January 2015: goods imported into the customs territory of Ukraine under international agreements (treaties) of Ukraine on space activity ratified by the Verkhovna Rada of Ukraine in order to engineer space technology (including units, systems and components for space systems, space launch vehicles, spacecraft and ground segments of space systems) by the residents of Ukraine, which are space entities, classified under the following UCGFEA codes: 2818 10, 2830 90 85 00, 2837, 2901, 2903, 2921, 2929, 2931 00 95 90, 3207 20, 3208, 3209, 3214, 3403, 3506, 3602 00 00 00, 3603 00, 3604, 3701, 3703, 3707, 3810, 3814 00, 3901, 3903, 3906, 3907, 3908 90 00 00, 3909, 3911, 3917, 3919, 3920, 3921, 3926, 4002, 4005, 4008, 4016, 4017 00 10 00, 4823 40 00 00, 4901, 4906 00 00 00, 5208, 5407, 5607, 5903, 5906, 5911 90 90, 6815 10, 6902, 7002, 7007 11 90 00, 7019, 7202, 7211, 7214, 7215, 7217, 7219, 7220, 7222, 7223 00, 7224-7226, 7228, 7229, 7304, 7407, 7409-7411, 7413 00, 7505, 7506, 7508, 7601, 7604-7608, 7616, 8101, 8102, 8104, 8105, 8108, 8112, 8307, 8412, 8414, 8421, 8471, 8473, 8479, 8482, 8483 30 80, 8501, 8504, 8506, 8507, 8517, 8523, 8526, 8529, 8532, 8533, 8536-8538, 8540-8544, 8547, 8803, 9014, 9015, 9023 00, 9026, 9027, 9030-9032, 9033 00 00 00, 9306 90 10 00. The procedure and volume of import of such goods shall be determined by the Cabinet of Ministers of Ukraine;

- (5) Before 1 January 2019: machinery, equipment, facilities used for the reconstruction of existing and construction of new entities for production of biological fuels and for production and reconstruction of technical means and means of transport for the use of biological fuels, classified under the UCGFEA codes specified in Article 7 of the Law of Ukraine on alternative fuel types, if such goods are not produced and have no analogues in Ukraine. The procedure of import of such goods shall be determined by the Cabinet of Ministers of Ukraine;
- (6) Before 1 January 2016: equipment and components that are not produced in Ukraine and imported to the customs territory of Ukraine by domestic entities involved in shipbuilding industry (Class 35.11 Group 35 of the classifier of economic activities KVED DK 009:2005) for the use in economic activities. The list of such goods with their UCGFEA codes shall be approved by the Cabinet of Ministers of Ukraine;
- (7) Within one year preceding the kick-off date of each Olympic and Paralympic Games: goods, including fixtures, machinery, equipment, biomedical equipment imported to Ukraine in the manner prescribed by the Law of Ukraine on support of Olympic and Paralympic movement and top-class sports in Ukraine, to be used for preparation and participation of members of national teams of Ukraine in the Olympic and Paralympic Games. The list of such goods with their UCGFEA codes shall be specified by the law;
- (8) Before 1 January 2017: materials, components, assemblies and/or elements imported into the customs territory of Ukraine by domestic entities involved in engineering and agriculture, if such goods are not produced in Ukraine. Goods mentioned in this sub-paragraph shall be exempt from taxation provided that they are used for production of taxable machinery and/or agricultural equipment as defined by paragraph 1 of Article 1 of the Law of Ukraine on promotion of the national agricultural machinery. The procedure of import and the list of such goods with their UCGFEA codes shall be approved by the Cabinet of Ministers of Ukraine;
- (9) Temporarily for the validity of contract concluded for the implementation of the national project “Air Express”, approved by the Cabinet of Ministers of Ukraine, which involves the construction of passenger railway connecting Kyiv city and the international airport Boryspil, construction of a city ring road around Kyiv on the section Kyiv — Boryspil, construction of a road connecting Podolskyi bridge and Vatutina Avenue in Kyiv: goods (excluding excisable one) that are not produced in Ukraine, or do not meet the project requirements, and are imported into the customs territory of Ukraine under the customs import procedure to be used for implementation of the national project “Air Express” under the following UCGFEA codes: 6801 00 00 00, 6809 11 00 00, 6901 00 00 00, 7005 10 80 00, 7216 40 10 00, 7216 40 90 00, 7216 91 10 00, 7408 11 00 00, 7412 20 00 00, 8405 10 00 00, 8414 40 90 00, 8428 10 20 00, 8428 40 00 00, 8428 90 95 00, 8429 11 00 00, 8429 19 00 00, 8429 20 00 00, 8429 30 00 00, 8429 40 90 00, 8430 10 00 00, 8504 40 90 00, 8530 80 00 00, 8601 10 00 00,

8602 90 00 00, 8608 00 10 00, 8608 00 30 00, 8704 22 91 00, 8704 23 91 00, 8705 30 00 90, 8705 90 90 90, 8716 80 00 00, 9015 40 10 00, 9405 99 00 90, 8504 10 80 10.

The procedure and volume of import of such goods shall be determined by the Cabinet of Ministers of Ukraine.

(10) Before 1 January 2018: equipment (facilities) and components imported by business entities solely for investment projects approved by the Law of Ukraine on stimulation of investment activity in priority sectors of economy to create new jobs, provided that the goods:

(a) are not excisable;

(b) are produced not earlier than three years before the date of state registration of the project and were not in use;

(c) are not produced in Ukraine and have no analogues in Ukraine.

The procedure and volume of import of such goods with their UCGFEA codes shall be determined by the Cabinet of Ministers of Ukraine with the approval of each individual investment project.

Terms used in this sub-paragraph have the following meanings:

‘Equipment (facilities)’ means machinery (except means of transport), tools, equipment, and devices designed for use in technological processes carried out during the implementation of the project;

‘Components (equipment)’ means parts produced under a separate set of documents and intended for use in such equipment (facilities);

(11) During the implementation of projects (programs) through technical assistance provided under the initiative of the Group of Eight “Global Partnership against the Spread of Firearms and Materials of Mass Destruction”: goods (except for excisable ones and those referred to groups 1-24 of UCGFEA), that are not produced in Ukraine and imported into the customs territory of Ukraine within the framework of those projects (programs).

The list and procedure of import of such goods shall be determined by the Cabinet of Ministers of Ukraine.

If the requirements of this paragraph on the procedure for intended use of goods exempt from duty, or the conditions under which full or partial relief from duty is granted to appropriate economic entities, regardless of whether their officials are brought to administrative liability under this Code, are not met, the provi-

sions of paragraph 30.8 of Article 30 and Article 123 of the Tax Code of Ukraine shall apply.

(as amended by the Law of Ukraine
No 5043-VI of 04.07.2012,
No 5210-VI of 06.09.2012,
No 183-VII of 04.04.2013)

5. Customs controls and customs formalities commenced but not completed before the effective date of this Code shall be completed in the manner and under the terms effective as of the last date of the month following the one in which the Code was published.

6. Within three months from the effective date of this Code the activities referred to in paragraphs 2–6 of Article 404 of this Code may be performed on the basis of the relevant permits valid as of the last date of the month following the one in which the Code was published.

Before 1 December 2012 the following shall be allowed:

— to simultaneously use the documents on registration of persons engaged in operations with goods issued in accordance with Article 455 of this Code and registration cards of foreign economic entities valid as of the last date of the month following the one in which the Code was published;

— for entities to use the existing information, telecommunication and information and telecommunications systems and their support facilities, which have not been tested for compliance with the requirements laid down in Article 34 of this Code by the central executive authority responsible for formulating and implementing the state policy in the field of finance.

(as amended by the Law of Ukraine
No 4915-VI of 07.06.2012)

7. Paper-based documents mentioned in Section 3 of Article 33 of this Code may be provided before 1 January 2017.

8. Returns of customs charges erroneously or excessively paid before the effective date of this Code shall be performed in accordance with the procedure established by this Code and the Tax Code of Ukraine.

9. Changes to the Code may only be made by the laws amending the Customs Code of Ukraine.

(paragraph 9 is added by the Law of
Ukraine No 4915-VI of 07.06.2012)

10. Cabinet of Ministers of Ukraine shall:

— within a month, develop and submit to the Verkhovna Rada of Ukraine the draft law amending the Tax Code of Ukraine and other legislative acts of Ukraine in connection with the adoption of this Code;

— before the effective date of this Code, bring it acts in accordance with the Code and issue acts arising out of this Code;

— before the effective date of this Code, ensure that the central authorities bring their regulations and the procedure of issue of regulations arising out of this Code into compliance with this Code;

— within three months, develop and submit to the Verkhovna Rada of Ukraine the draft law on compensation for the damages caused to persons and property by unlawful decisions, actions or omissions of the customs authorities, organisations or their officials or other employees in the performance of their official (job) duties;

— before 1 January 2015, ensure the implementation of automated customs clearance system at the revenue and duties authorities and provide for necessary funds in the draft State Budget of Ukraine for 2013 and 2014.

(as amended by the Law of Ukraine
No 405-VII of 04.07.2013)

President of Ukraine

Viktor YANUKOVYCH
Kyiv City
13 March 2012
No 4495-VI

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