

Cabinet of Ministers of Ukraine

Resolution

No.1864

of 12 December 2002

Kyiv

On Approval of the Procedure for Identifying the Country of Origin of a Product Which is Moved Across the Customs Border of Ukraine

As amended by Cabinet of Ministers' Resolution No.92 of 18 January 2003

In accordance with Article 227 of Ukraine's Customs Code, the Cabinet of Ministers of Ukraine **resolves:**

1. To approve the Procedures for identifying the country of origin of a product which is moved across Ukraine's Customs border, which (the Procedures) are enclosed.
2. That the Resolution come into force on 1 January 2004 (Clause 2 as amended by Cabinet of Ministers' Resolution No.92 of 18 January 2003).

Prime-Minister of Ukraine

V.Yanukovych

Ind. 27

APPROVED
by the Cabinet of Ministers
of Ukraine's Resolution No.1864
of 12 December 2002

THE PROCEDURES for identifying the country of origin of a product which is moved across Ukraine's Customs border

1. In case the international treaty entered into as set by the Law, establishes rules other than those provided for by the Customs Code of Ukraine and these Procedures, rules of the international treaty shall apply in order to identify the country of origin of a product which is moved across Ukraine's Customs border.

Specific features of identifying the country of origin of a product, which is moved from Special (Free) Economic Zones located in the territory of Ukraine, shall be established by the Law.

2. These Procedures use notions (terms) in the same meaning as in the Customs Code of Ukraine.
3. Data on the country of origin of a product which is moved across Ukraine's Customs border, shall be stated in the Customs declaration which shall be submitted to the Customs body during Customs clearance as and when set by the legislation.
4. The declarer (the product holder) shall identify the country of origin of a product which is moved across Ukraine's Customs border, on the basis of the Certificate of origin of the product (hereinafter referred to as the Certificate) or the Declaration of origin of the product which (Certificate or Declaration) shall be submitted to the Customs body for the confirmation of the data.

Submission of the Certificate is obligatory in cases provided for by the Customs Code of Ukraine.

The Declaration of origin of the product is the producer's or exporter's statement (on the invoice or other document of title) of the country of origin of the product, certified by them or by the body authorized to issue Certificates.

5. In case the Declaration of origin of the product and other documents submitted to the Customs body for Customs control and Customs clearance, contain discrepancies in data on the country of origin of the product, or the Customs body has established data different from that in the declaration, in order to confirm the data on the declared country of origin, the Declarer shall be entitled to submit to the Customs body the Certificate or additional data, based on which the Customs body shall identify the country of origin of the product, in accordance with rules of Ukraine's Customs Code with regard to the identification of the country of origin and as set by the State Customs Service.

Additional data on the country of origin is data contained in consignment notes, packing lists, specifications, certificates of compliance, certificates of quality, phytosanitary or veterinary certificates and so on, the exporting country's Customs declaration, which accompany the product, and also in registration certificates, technical documentation, expert reports by Customs and other authorized bodies, which may be used to confirm data on the country of origin of the product.

In case of a dispute the Customs body shall identify the country of origin of the product within 10 calendar days. In exceptional cases this time period may be prolonged by the Head of the Customs body but by no more than 5 calendar days.

However, the prolongation of customs clearance period, caused by the need to identify the country of origin of the product, may not be used by the Declarer to obtain the factual postponement of payment of customs duty, taxes and other fees.

6. In case there are sufficient grounds to believe that the Ukrainian legislation or international treaty entered into as set by the Law, are violated with regard to the identification of origin of the product, customs control may be carried out on the basis of a written order by the Head of the Customs body or person acting in his capacity, regardless of whether operations of customs control and clearance of products are finished.
7. In case the duly issued Certificate or additional data on the origin of the product are absent, or it is impossible to precisely identify the country of origin of the product, the country shall be considered unknown. Products, whose country of origin is unknown, shall be permitted by

the Customs body to be moved across Ukraine's Customs border on condition that the customs duty is paid at full rates.

8. All additional costs connected with the confirmation of the declared country of origin of the product, shall be paid by the Declarer.
9. Information obtained by the Customs bodies as confidential or as such containing trade secrets, may be used only for Customs purposes.

Customs officials are liable in accordance with the Law, for divulgence of information which is confidential or contains trade secrets.