

List of regulations subject to changes or development:

1. **Topic:** Complex reforming of international trade procedures in Ukraine

Core of the problem: As for now procedures that are used in Ukraine in international trade do not meet World and European standards and principles of international trade in whole. As for today involvement of large number of monitoring bodies and institutions leads to duplication of functions and as result leads to significant delays in conduction of necessary formalities and groundless use of large volume of paper copies which is far from comprehensive list of existing challenges.

Solutions: approval and establishment of control from the side of the Government of Ukraine for fulfillment of National Strategy on international trade facilitation at the territory of Ukraine (hereinafter – Strategy), proposed by regional adviser on the issues of UNECE – Mario Apostolov. The aim of this document is international trade facilitation – acceleration and cheapening of formalities process. At the same time Strategy provides improvement of cargo security and establishment of comfort conditions for foreign economy activity of the economic operators. Taking into account the aims this document must be basic for the further development and implementation of Ukrainian legislation to European norms and standards according to the way of development chosen by Ukraine.

2. **Topic:** facilitation and harmonization of customs procedures, improvement of the efficiency of the information cooperation between the participants of port community.

Core of the problem: Existing **Procedure** of customs procedure in customs control and customs clearance of water transport of carriers and goods they carry (order of State Customs Service dd. 17.09.2004 No. 678) does not provide the possibility to conduct wide information share between **all the members of port community**. Different participants of port community receive preliminary information in different volumes. This situation does not allow high-quality risk analysis, **planning** of activity and forces the sea agent to submit the same information several times.

Ways of solution: to approve new **Procedure** by the Ministry of Revenues of Ukraine with SE AIFFU that will allow new participants of port community to use preliminary information (including with help of PCS).

3. **Topic:** use of cargo transport documents at the territory of the port that consider specific features of each port and are based at the typical forms of cargo transport documents determined with the order of Ministry of Infrastructure of Ukraine

Core of the problem: rules of cargo transport documents for sea transport execution approved with the order of Ministry of Transport and Communications of Ukraine dd. 13.12.2004 No. 1098 determine strict procedure of paper cargo transport documents execution according to the forms determined. Use of other **blank forms** that are not determined with these Rules is forbidden. As for now many sea ports use forms of documents that have information that takes into account special features of certain port operation.

Solution: taking into account that implementation of port community system will be conducted using paper documents, it is necessary to change the Order of Ministry of Infrastructure of Ukraine dd. 13.12.2004 No. 1098 to determine what the typical (unified) forms of documents are that will be used at whole territory of sea ports of Ukraine. Also with the order to give competence to SE AIFFU basing at such typical (unified) forms of documents to develop and use forms of documents taking into account special features of each sea port.

4. **Topic:** To submit original copies of international veterinary certificates at the moment of unloading of the cargo from the board of the vessel

Core of the problem: original copy of the veterinary certificate shall be sent to the addressee with post and is not always received at the moment of vessel department.

That is why employees of State Veterinary and Phytosanitary Service **forbid unloading of the vessel** refereeing to the Item 2 part 1 article 85 of the Law of Ukraine “On veterinary medicine” that determines that cargo with goods **imported** at the territory of Ukraine shall be accompanied with original copies of international veterinary certificates signed by the state inspector of veterinary medicine of the country of origin as provided with relevant veterinary and sanitary measures.

Such claims lead to significant delay of vessels and tax groundless expenses from the side of carriers, terminal operators and port administrations.

Solutions : After the detailed discussion of this issue by the specialists of port community system we draw your attention that according to the item 2 Article 210, of the Customs Code of Ukraine: “Goods that are unloaded from the

vessel to the area of customs control at the territory of sea, river port for customs aims are considered as located at the temporal warehouse”

According to the item 2 article 206 of the Customs code of Ukraine: “Goods located at the temporal warehouses that are situated beyond the Ukrainian border checkpoints at the territory of airports, sea and/or river ports, before their release from the warehouse are considered as goods that are not permitted for the territory of Ukraine”

Thus we are sure that original copies of the international veterinary certificates should be issued by the representatives of veterinary and Phytosanitary services at the moment of goods clearance for their release from the territory of temporal warehouses and checkpoints and not at the moment of their unloading from the board to the area of customs control.

Taking into account mentioned above in order to regulate procedures of cargo unloading we consider as necessary to send letter with explanations to the territory bodies of State veterinary and Phytosanitary service concerning obligatory use of original copies of international veterinary certificates only at the moment of execution of the release of goods from the territory of checkpoint through the state border.

5. **Topic:** Facilitation of the procedures during the transfer of vessel in the borders of one customs body (between different ports) without conduction of customs formalities.

Core of the problem: Implementation of customs control procedures concerning transfer of vessels (container carriers) between the ports of Ukraine (Odessa, Illichivsk, Yuzhniy)

Solutions: In order to promote development of container carriage through the ports of Odessa Region (98% of total volume of container carriage), decrease of time spent for staying of the vessel in sea port during the work of commission it is proposed to use mechanism under the item 8 of the Typical Process Scheme of customs control of water transport of carriers and goods they carry at the checkpoints approved with the Resolution of the Cabinet of Ministers dd. 21.05.2012 No. 451: “customs control of foreign-going vessels that sail under foreign flag can be conducted in documentary in case vessels are under constant control of customs body in the areas of customs control (checkpoints)” that is without requirements of item 2.3. of the Instruction on the arrangement of customs control and customs clearance of vessels and goods they carry approved with the order of State Customs Service dd. 17.09.2004 No. 678.

6. **Topic:** Necessity to determine comprehensive list of groundings for the officials of Ministry of Revenues and Duties of Ukraine to use forms of

customs control “**monitoring**” and **goods weighing**, during clearance of cargo at the sea checkpoint

Core of the problem: As for now officials of the Ministry of Revenues and duties of Ukraine during goods and transport clearance at the sea checkpoints have no distinct and transparent system for intrusion control form. This leads to groundless checks, significant delays at cargo clearance and groundless expenses of the transport operators.

Solutions:

1. To approve with Ministry of Revenues of Ukraine comprehensive list of groundings for the customs control and weighing and determination of the responsible persons for the payment of services and weighing and customs control
 2. To determine service refund mechanisms for weighing and control in case of groundless use of the forms mentioned above.
 3. To send letter to Ministry of Revenues of Ukraine to the territorial bodies of revenues and duties to inform about the necessity to follow the mentioned above.
 4. State entity Administration of Sea Ports of Ukraine to include into the port community system comprehensive list of groundings for customs control and weighing of goods approved by the Ministry of Revenues.
 5. Ministry of Revenues and Duties of Ukraine, State Entity Administration of Sea Ports of Ukraine to organize transfer and acceptance of the information automatically between the Information system of Ministry of Revenues and Port Community System on the necessity for monitoring and weighing of goods transported in containers through border crossing points in sea connection basing at risk assessment.
 6. State Entity Administration of Sea Ports of Ukraine to provide possibility for the forwarder to receive data from the port community system on the decisions concerning customs control, weighing and documentary groundings for such decisions.
7. **Topic:** Discharge of segregated ballast.

Core of the problem:

As for now issue of discharge of segregated ballast is regulated with legislative acts of Ukraine without taking into account international regulations that is Marpol Convention 73/78 and Convention for facilitation of international sea navigation 1965

Provisions of this conventions are neglected as contradictory regulations are issued particularly orders of Ministry of Ecology and Natural Resources.

That is why collisions arise between the international regulations and domestic legislation of Ukraine.

Particularly at the level of Regulation for ecologic inspections approved with the order of Ministry of Ecology and Natural Resources dd. 04.11.2011 No. 429 ecological inspection has right for research of “....., including segregated ballast”, that is it is allowed to make chemical analysis of the samples and control discharge of segregated ballast that contradicts Marpol Convention 73/78.

Regulations of the ecology control in the border control points and in the area of customs operations approved with the order of Ministry of Ecology dd. 08.09.1999 No. 204 cover the necessity for issue of “vessel ecologic declaration” that is not covered with the Convention of sea navigation facilitation 1965.

Solutions: to apply changes and complement article 67 of the Water Code of Ukraine with paragraph 5 of the following content: “Discharge of segregated water ballast to the territorial sea and inner sea waters of Ukraine from the trade vessels is allowed without any restrictions in case this water ballast is taken from Black or Azov Sea or changed taking into account international agreements of Ukraine concerning the entering of the ship into territorial sea of Ukraine or processed in ship or shore facility with structure and efficiency that corresponds with international agreements of Ukraine”

8. **Topic:** Recovery of regulations that were defined with the order of State Customs Service of Ukraine dd. 01.10.2010 No. 1127 “On the acceleration of customs procedures at the international border crossing points for sea (river) and ferry connection that are situated in the area of operation of Southern Customs”

Core of the problem: it was defined that **customs control of goods** that are subject to customs control during the transfer through the customs border of Ukraine in containers in the indirect international connection using water and road (railway) vehicles of the carriers with transshipment at the territory of border crossing points for sea (river) and ferry connection **shall not extend two hours** from the moment when the goods were introduced for such control except the cases covered with legislation.

In case there is no efficiency in the customs control decisions for its conduction shall be considered as made groundless by the customs official that has **negligent attitude to his or her duties**.

Unfortunately order of State Customs Service of Ukraine was canceled with the order of the Cabinet of Ministers of Ukraine dd. 15.02.2012 No. 103-p as it violated legislation of the state registration of regulations.

Solutions: To charge Ministry of Revenues and Duties of Ukraine concerning harmonization of measures covered with order of State Customs Service of Ukraine dd. 01.10.2010 No. 1127 “on the acceleration of customs procedures in the international Ukrainian border-crossing points for sea (river) and ferry connection that are situated in the area of Southern Custom Operation” to the

legislation in force and distribute these measures to all customs bodies that work with goods carried in containers.