

Report name	Issued recommendations	Execution status
Systemic report "problems with cross-border trading in Ukraine"	Ministry for Development of Economy, Trade and Agriculture of Ukraine	Implemented — comments: Part one of Article 9 of the Law of Ukraine "On the Scrap Metal" regarding obligatory registration of contracts (agreements, treaties) for the export of scrap metal was excluded based on the Law No.1455-VIII dated 12 July 2016. The resolution of the issue is foreseen by the Draft Law of Ukraine No.7497 "On Unshadowing of the Market of Metallurgical Raw Materials (on amendments to certain legislative acts concerning operations with scrap metal)" which was registered with the VRU on 17.01.2018. The Draft Law is supported by the MEDT and the representatives of the metallurgical industry. Current status - pending review.
	To bring legislation on quota allocation of the scrap metal in line with Ukraine's WTO commitments and obligations connected to the implementation of the DCFTA schedule. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Implemented — comments: According to the Resolution of the Cabinet of Ministers of Ukraine "On approval of the lists of goods, the export and import of which is subject to licensing and quotas for 2019" of 27.12.2018, No.1136, no quotation and licensing of export (import) of scrap metal is foreseen.
	To reconsider the approach to setting scrap metal export volumes to reflect industrial needs for scrap metal among iron and steel enterprises based on reliable statistical data for steel production in the previous year, projections for the current year and a detailed analysis of scrap metal consumption on the domestic market. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Recommendation is no longer relevant — comments: (carried out annually) In accordance with paragraph 2 of the second part of Article 13 of the Law of Ukraine "On the Scrap Metal" , the central executive authority, which implements the state industrial policy in the implementation of operations with scrap metal within its powers, carries out, with the involvement of other state and non-governmental organizations, the analysis of potential reserves and makes the annual balance of generation and consumption of scrap in Ukraine.
	To distribute scrap metal volumes based on supply and demand in accordance with the number of applications for export quotas from domestic enterprises. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Recommendation is no longer relevant — comments: According to the Resolution of the Cabinet of Ministers of Ukraine "On approval of the lists of goods, the export and import of which is subject to licensing and quotas for 2019" of 27.12.2018, No.1136, no quotation and licensing of export (import) of scrap metal is foreseen.
	To increase export levels whenever domestic iron and steel enterprises are fully supplied and excessive surpluses of scrap metal build up. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Recommendation is no longer relevant — comments: (carried out annually) In accordance with paragraph 2 of the second part of Article 13 of the Law of Ukraine "On the Scrap Metal" , the central executive authority, which implements the state industrial policy in the implementation of operations with scrap metal within its powers, carries out, with the involvement of other state and non-governmental organizations, the analysis of potential reserves and makes the annual balance of generation and consumption of scrap in Ukraine.
	To change the collegial approach to quota allocation currently used by the MEDT, using auctions as an alternative. Auctions can ensure minimal intervention by the regulator in the quota distribution process. Should the quota system be further used for scrap metal exports, reconsider the approach to forming the responsible Commission in the Ministry. Amend the current regulatory framework and establish public, clear and competitive procedures and rules for the allocation of export quotas for scrap metal. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Implemented — comments: According to the Resolution of the Cabinet of Ministers of Ukraine "On approval of the lists of goods, the export and import of which is subject to licensing and quotas for 2019" of 27.12.2018, No.1136, no quotation and licensing of export (import) of scrap metal is foreseen.
	To amend Cabinet Resolution No.155 dated 15 February 2002: To draw up an exhaustive list of grounds for refusal to register export contracts to avoid any abuse of powers by MEDT officials and misinterpretations of regulatory norms; To set a time limit for the Ministry to decide on the registration of export contracts; To introduce a procedure to appeal a negative decision; To establish clear deadlines for re-registering export contracts in case of fluctuations in the world market, as provided in Para. 11 of the Cabinet Resolution. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Implemented — comments: The Government abolished the registration of contracts for the export of scrap metal by the CMU Resolution No.1035 dated 28 December 2012 (the CMU Resolution No.155 dated 15 February 2002 has lost its effect).
	To prevent possible violations by unfair market players by no longer hand managing the business reputation of applicants; monitor international contracts by exchanging relevant information with the State Fiscal Service, including Customs. Ministry for Development of Economy, Trade and Agriculture of Ukraine	Recommendation is no longer relevant

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	<p>To study the requirements for obtaining formal conclusions on the classification of scrap metal, such as the Green List of waste materials prepared by the Trade Ministry in cooperation with the Environment Ministry. Provided that it does not contradict the Basel Convention on the Control of Cross-border Transportation of Hazardous Wastes and their Disposal, abolish the requirement for exporters to arrange such a certificate. Ministry for Development of Economy, Trade and Agriculture of Ukraine</p>	In process
	<p>To draft and adopt the new edition of the Law “On Foreign Economic Activities” to reflect modern trade regulation trends and WTO commitments, and to cover all necessary provisions of EU <i>acquis communautaire</i>, in particular: To bring the law fully in line with WTO agreements and EU requirements, which should increase access to global markets: (a) simplifying formalities and procedures; (b) harmonizing applicable laws and regulations; (c) applying international agreements; and, (d) making a commitment to regulatory cooperation. To change the regulations for foreign trade, export/import licenses and protection measures in accordance with WTO rules and regulations. For instance, licenses should be required only for the import or export of goods that effect public security, the life and health of individuals, animals and plants and so on, in accordance with the definitions used by the EU. Based on stakeholder consultations, to reduce (a) the number of cross-border trade operations subject to licensing and (b) the number of commodity groups subject to restrictions or limitations as to export or import. To implement methods for export-import quota administration according to best practices and WTO recommendations: First-Come, First-Served; Auction Quota Rights; Give Away Quota Rights. Cabinet of Ministers of Ukraine Ministry for Development of Economy, Trade and Agriculture of Ukraine</p>	<p>Implemented — comments: The licensing of export, import of goods, which is carried out in accordance with Article 16 of the Law of Ukraine "On Foreign Economic Activity", complies with the WTO norms, in particular, the Agreement on Import Licensing (WTO), is regulated by Articles 8, 11-14, 20-21 GATT 1994.</p>
	<p>To reduce direct contact with applicants and the number of documents that must be submitted to obtain permission for export-import. Streamline the application process in favour of using e-information in state databases instead of hard copy documents. Ministry for Development of Economy, Trade and Agriculture of Ukraine</p>	In process
	<p>To publish a consolidated Official List of Goods Subject to State Export Control Service on the official website of the State Export Control Service. The Service must ensure that the List is updated regularly. Ministry for Development of Economy, Trade and Agriculture of Ukraine State Export Control Service</p>	<p>Implemented — comments: In 2017, the Export Control Service has harmonized all changes to the Single List of Dual-Use Goods subject to Export Control, which in its structure corresponds to the List of Dual-Use Items of the European Union, given in Annex I to the Council Regulation (EC) No.428/2009 dated 5 May 2009, setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.</p>
	<p>To ensure that the State Export Control Service complies with timeframes for state reviews and consideration of documents. To achieve this goal, complex measures can be recommended, together with the MEDT, including: introducing an integrated e-system of document flow to streamline the review process. The MEDT, as the supervisory body, can control timeframes; implementing the practice of having the causes of each delay in a state review justified before the supervisory body; applying fines to responsible managers based on monitoring by the Ministry. Ministry for Development of Economy, Trade and Agriculture of Ukraine State Export Control Service</p>	Implemented
	<p>To organize the system of state evaluations of goods subject to export control in a way to optimize costs, resources and time for businesses. Businesses should have access to licensed expert organizations on the territory of Ukraine. The State Export Control Service should ensure the optimal infrastructure for dual-use goods evaluations, which includes (a) licensed expert organizations in export control for all types of dual-use goods, (b) information on the official web-page, (c) awareness-raising events for the business community that engage in foreign economic activity involving dual-use goods. Ministry for Development of Economy, Trade and Agriculture of Ukraine State Export Control Service</p>	<p>Implemented — comments: The list of expert organizations that have the authority to carry out activities related to the preliminary identification of goods in the field of state export control is posted on the official website of the State Export Control Service. Awareness-raising events for the business community that engage in foreign economic activity involving dual-use goods is carried out during seminars and conferences, as well as within the framework of the “hotline”.</p>
	<p>To draft comprehensive User Guide on Strategic Goods and Services and have it adopted by the State Export Control Service. The guide should include: (i) a description of special international regimes; (ii) an outline of the regulatory base; (iii) a list of authorized agencies; (iv) a description and categories of special goods; (v) the policy and regulations on the export, import and transit of special goods; (vi) a detailed description of licensing procedures, and so on. Ministry for Development of Economy, Trade and Agriculture of Ukraine State Export Control Service</p>	<p>Implemented — comments: The specified issues were regulated by the Law of Ukraine "On state control over international transfers of military and dual use goods" and the normative and legal acts adopted for its implementation. At the same time, the State Export Control Service conducts work on amendments to the current legislation in order to shorten the timing and optimize procedures for the provision of administrative services in the field of state export control, the approximation of procedures for national export control to the EU standards.</p>

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	<p>To develop a special section in the new edition of the Law “On Foreign Economic Activity” that follows WTO rules, EU legislation, and best EU practice at the national level: To publish information on penalties and sanctions. This information should include the penalties and sanctions that apply, the reason for such penalties and sanctions, the responsible authority, and when and how payment is to be made; To shorten the grounds for applying sanctions and review the variety of such sanctions, where practicable; To limit specific penalties and sanctions in connection with foreign trade to the approximate cost of the services rendered in connection with a specific import or export operation; To the penalty imposed should depend on the facts and circumstances of the case and should be commensurate with the degree and severity of the breach.</p> <p>Ministry for Development of Economy, Trade and Agriculture of Ukraine</p>	<p>Implemented</p>
	<p>As a short-term solution: To develop working mechanisms to immediately notify companies about special sanctions imposed against them. The mechanism of mediation should be foreseen prior to the application of special sanctions, which can include any explanations and/or objections regarding the alleged violations. To approve a clear minimum materiality threshold for failure to comply with Laws and Regulations on foreign trade activities and formalize this through an executive Order. To reduce the maximum timeframe for reviews of individual licensing applications to any rationale number of working days, reflecting the types of foreign trade activity. To delegate individual licensing responsibilities from the Ministry to its regional offices.</p> <p>Ministry for Development of Economy, Trade and Agriculture of Ukraine</p>	<p>Recommendation is no longer relevant</p>