

Law of Ukraine

**“On Amendment of the Law of Ukraine
“On Application of the Measures of Safeguard against Imports to Ukraine”**

The Verkhovna Rada of Ukraine resolves:

1. To amend the Law of Ukraine “On Application of the Measures of Safeguard against Imports to Ukraine” (“Vidomosti Verkhovnoyi Rady Ukrainyiny” No.11, 1999, p.78; No.26, 2003, p.193, No.37, p.300) as follows:

- 1) in the preamble to the Law, to replace the words “from other countries, customs unions or economic groups” with the words “not dependently of the country, where the product originates in or is exported from”;

- 2) in Article 1:

to supplement Point 4 after Paragraph 6 with the following:

“customers, customers’ unions”.

In this connection, Paragraph 7 shall be the Paragraph 8;

Point 12 shall read as follows:

“12) period of investigation is a period, during which the Ministry is researching the dynamics of the growth of import volume of the goods under investigation and manufacturing, commercial and financial conditions of the national producer”;

- 3) part one of Article 2 shall read as follows:

“1. The action of this Law covers the transactions of import in any product not dependently of the country, where the product originates in or is exported from”;

- 4) in Article 7:

in paragraph 2 of part 1 the words “on tenth day” to replace with words “in a month”;

part 2 after paragraph 5 to supplement with a new paragraph, which reads as follows:

“Decisions on the following issues shall be taken at the meetings of the Commission:

initiation or a rejection in initiation of special investigation concerning the imports of goods;

application of provisional safeguard measures to imports of goods under investigation;

application of supervisory measures to imports of goods under investigation;

application of safeguard measures to imports of goods under investigation;
investigatory stop without application of safeguard measures;

liberalization of safeguard measures to imports of goods;

elimination of safeguard measures to imports of goods;

others, implementing this Law.”

Taking into account the above, paragraph 6 shall be the paragraph 16.

5) part 2 of Article 8 shall read as follows:

“2. A period of duration of an investigation shall be normally from one year to three years. In some cases such period may exceed three years.

The terms of investigation are defined by the Ministry”;

6) in part two of Article 9:

in the first paragraph, to exclude the words “within five days of the date of making an appropriate decision by the Committee described in paragraph one of this Article”;

to exclude Point 3;

7) to exclude the second sentence from part three of Article 10, paragraph 3;

8) In Article 11, part one:

Point 4 shall read as follows:

“4) The Ministry has preliminary established that there are circumstances, in which any delay in application of provisional safeguard measures may cause a serious injury, the outcomes of which will be difficult to eliminate in the future”;

to exclude the word “significantly” from word combination “significantly increased imports”;

9) in part 2 of Article 13;

to supplement the second sentence in Point 3 after the words “(i.e. decrease in prices or impediment to increase in prices which normally have been practiced)” with the words “of productivity of labor; utilization of the main capital”, and after words “margin of profits” – with the words “or losses”;

to supplement this part with the paragraph of the following wording:

“In case, when the increased imports is simultaneously accompanied by other factors that may cause a serious injury to the national producer, the increased imports is not determined as a cause of the significant injury”;

10) part seven of Article 14 shall have the following wording:

“7. The term of application of supervisory measures is limited and can not exceed the term of special investigation”;

11) to exclude the words “a product price of a transaction is higher for more than 5% of a price specified in a permission to imports” from Article 15, part 4, point 1;

12) in Article 16:

to exclude point 1 from part 1;

in paragraph three of part three, to exclude the words “the name of the exporting country”;

part six shall read as follows:

“6. If there is no sufficient proof of the necessity to establish a different level of prevention or elimination of the results of ordinary injury, the top level of a quota shall not be lower than the average arithmetic value of import of goods under investigation, which import was carried out during the recent three years.”

To supplement the Article after part nine with the following part:

“10. In the course of special investigation the Committee can adopt a decision on investigatory stop without application of safeguard measures. The Committee adopts a decision by the majority of votes after submission by the Ministry of conclusions and the report on the results of special investigation”.

In this connection, part 10 and part 11 shall be respectively part 11 and part 12;

to supplement part 11 after the words “by order of the Committee, the Ministry shall” with the words “publish a relevant announcement in a newspaper and”;

13) in Article 18:

part 1 shall read as follows:

“1. The safeguard measures shall be applied during a period of time necessary to prevent or remedy a serious injury and to facilitate the economic adjustment of the national producer to the conditions of competition. This period should not exceed four years, if it was not extended in connection with the Committee’s establishing of the conditions described in part 2 of this Article”;

paragraphs two and three of part two shall read as follows:

“a necessity to take measures still exists to prevent or eliminate the results of a serious injury;

there are proofs that the interested national producer is in the process of adaptation to the conditions of competition”;

part four shall read as follows:

“4. In case when the period of application of safeguard measures exceeds one year, such measures should be gradually liberalized at regular (equal) intervals during the period of application thereof.”

14) In part one of Article 19:

to exclude paragraph two;

to add the following paragraph:

“In case the period of application of safeguard measures exceeds three years, such measures are subject to liberalization not later than this period expires. When possible, the safeguard measures are eliminated or the tempo of application thereof is accelerated.

The measures, which period of application is extended according to part two of article 18 of this Law, can not be more restrictive than they were at the end of the preceding period and should be further liberalized.”

2. This Law shall enter into force as of the date of publication hereof.
