

Decree of the President of Ukraine

On Measures Regarding the Improvement of Price Policy Configuration in Foreign Economic Activity

With the aim of ensuring the fulfillment of the international commitments of Ukraine, hastening market transformations in the Ukrainian economy, coordinating foreign economic activity, and rendering methodological, informational and analytical, and expert assistance to agents of foreign economic activity in Ukraine, and in conformity with the second part of Article 25 of the Constitutional Agreement between the President of Ukraine and the Supreme Rada of Ukraine "On the Basic Principles of Organizing and Functioning of State Power and Local Authorities in Ukraine for the Period until Adoption of the New Constitution of Ukraine" the President of Ukraine orders:

1. To establish that contractual prices in the foreign economic activity sector are determined by agents of foreign economic activity of Ukraine on a contractual basis, taking into account supply and demand and other factors, which operate on the appropriate markets at the time of conclusion of the foreign economic agreements (or contracts).

In cases specified by this Decree, contractual prices in the field of foreign economic activity are determined by agents of foreign economic activity of Ukraine according to the indicative prices, established by the Ministry of Foreign Economic Relations and Trade of Ukraine.

2. To establish that, the Ministry of Foreign Economic Relations and Trade of Ukraine may set indicative prices for the following goods:

- regarding the export of which, anti-dumping measures are applied or anti-dumping investigations and procedures have been initiated in Ukraine or abroad;
- to which special import procedures are applied according to the Article 19 of the Law of Ukraine "On Foreign Economic Activity";
- regarding the export of which a regime of quotas and licensing is applied;
- regarding the export of which, special regimes are applied;
- the export of which is carried out according to the procedure in Article 20 of the Law of Ukraine "On Foreign Economic Activity";
- in other cases concerning the fulfillment of the international commitments of Ukraine.

3. To approve the Regulation on Indicative Prices in Foreign Economic Activity (in addendum).

4. To establish that the Ministry of Foreign Economic Relations and Trade of Ukraine and organizations authorized by it develop methodologies for setting indicative prices and determining their levels, conduct official foreign trade analyses, as appropriate hold tenders, competitions, auctions, and provide methodological guidelines and render assistance concerning these issues.

5. To oblige delegations, and representatives of Ukraine during the conclusion of international

agreements to which Ukraine is party and also those of an interdepartmental nature, to adhere to indicative prices for the appropriate goods, and if necessary, the methods, determined in the Article 4 of this Decree.

6. The Ministry of Foreign Economic Relations and Trade of Ukraine shall establish the State Information and Analytic Center for Monitoring of Foreign Markets (hereafter, the 'Center') charged with the functions of monitoring foreign export and import markets and prices; establishing an information system; certifying expert organizations in the area of foreign economic activity; rendering information, consultative and expert assistance to enterprises, institutions and organizations carrying out foreign economic activity; preparation of expert analyses for the Ministry of Foreign Economic Relations and Trade of Ukraine during the conducting of official analyses.

7. To establish that the decisions of the Ministry of Foreign Economic Relations and Trade of Ukraine, adopted according to this Decree, are not subject to state registration according to the established procedure.

8. To invalidate the Decree of the President of Ukraine of 18/11/1994 # 691, "On Indicative Prices for Goods during Export-Import Operations Carried Out by Agents of Foreign Economic Activity" (with amendments, introduced by the Decree of the President of Ukraine of 25/09/1995 # 881).

9. The Cabinet of the Ministers of Ukraine shall bring the decisions of the Government in accordance of this Decree.

10. This Decree comes into force from the day of its signing.

Kiev
10 February 1996

No. 124 /96

Regulation Regarding Indicative Prices in Foreign Economic Activity

Approved by Presidential Decree,
10 February 1996, N. 124/96

1. This Regulation establishes the procedure for the introduction of indicative prices, determination of their levels and their application.

2. For the purposes of this Regulation, indicative prices are prices for goods, which correspond to the prices which were set or are being set for the appropriate kind of good on the export or import market at the time of export (or import) operations, taking into account the conditions of delivery and conditions of payments, determined according to Ukrainian legislation.

3. Indicative prices may be set for the following goods:

- regarding the export of which, anti-dumping measures are applied or anti-dumping investigations and procedures have been initiated in Ukraine or abroad;
- regarding which, special import procedures are applied, according to Article 19 of the Law of Ukraine "On Foreign Economic Activity";
- regarding the export of which, a regime of quotas and licensing is applied;
- regarding the export of which, special regimes are applied;
- the export of which is carried out according to the procedure in the Article 20 of the Law Of Ukraine "On Foreign Economic Activity";
- in other cases concerning the fulfillment of the international commitments of Ukraine.

4. Indicative prices are developed by the Ministry of Foreign Economic Relations and Trade of Ukraine and by duly authorized organizations based on results from information analysis, gained from customs, financial, statistical state bodies, and bank, information agents and other institutions and organizations of Ukraine, also from other sources according to appropriate methods. Quality standards of goods effective in Ukraine and recognized in the world practice, conditions of delivery and payments, provided for in Ukrainian legislation, the configuration of foreign and domestic markets, information regarding price and forecasts concerning possible price fluctuations, contractual practice regarding the appropriate commodity on the appropriate market and other information concerning the price configuration, are taken into account.

5. Decisions regarding the introduction of indicative prices for the appropriate goods, provided by the Paragraph 3 of this Regulation, the Ministry of Foreign Economic Relations and Trade of Ukraine shall make, and shall approve the lists of indicative prices.

The above-mentioned decision and lists of indicative prices shall be published by the Ministry of Foreign Economic Relations and Trade of Ukraine or by duly authorized organizations in the "Uriadoviy Kurier" not less than once a month.

6. If substantive changes in the configuration of the market for a certain commodity and prices for the commodities had occurred during the period between publication of the decisions and lists, provided

in Paragraph 5 of this Regulation, the Ministry of Foreign Economic Relations and Trade of Ukraine shall make the decision regarding changes in the indicative prices and shall publish it in the "Uriadoviy Kurier".

7. Indicative prices, introduced according to Paragraph 3 of this Regulation, are obligatory for the agents of foreign economic activity, regarding of the type of ownership during the conclusion and implementation of foreign economic agreements (or contracts).