

THE CABINET OF MINISTERS OF UKRAINE

RESOLUTION

No.1861

of 12 December 2002

Kiev

On Approving the Procedure for the Verification of Certificates of the Ukrainian Origin of Goods

As amended by the Resolution of the Cabinet of Ministers of Ukraine
of 18 January 2003, No.92

In Accordance with Article 315 of the Customs Code of Ukraine, the Cabinet of Ministers of Ukraine hereby **RESOLVES**:

1. To approve the *Procedure for the Verification of Certificates of the Ukrainian Origin of Goods* (annexed).
2. The Resolution of the Cabinet of Ministers of Ukraine of 30 July 1996, No.846 *On the Verification of Certificates of the Ukrainian Origin of Goods* (“ZP Ukrayiny”, 1996, No.15, p. 415).
3. This Resolution shall come into force on January 1, 2004.

(Clause 3 as amended by the Resolution of the Cabinet
of Ministers of Ukraine of 18 January 2003, No.92)

The Prime Minister of Ukraine

V. YANUKOVYCH

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APPROVED

By Resolution of the Cabinet of Ministers of

**THE PROCEDURE
for the Verification of Certificates
of the Ukrainian Origin of Goods**

1. This Procedure establishes the process of verification by customs authorities of certificates of the Ukrainian origin of goods (hereinafter “certificates”) issued by a body authorized to do so (hereinafter “authorized body”).
2. The meaning of terms used in this procedure shall be the same as in the Customs Code of Ukraine.
3. Verification of certificates shall be undertaken by customs authorities in the event of the emergence of any doubts regarding the credibility of submitted certificates or any data contained therein, as well as in response to any duly presented queries from other state bodies of Ukraine or customs and other competent bodies of foreign countries, within a period of no more than six months from the date of receipt of the appropriate query.
4. Should such a need arise, the customs authorities concerned may engage for the participation in the verification process specialists and experts from other enterprises, institutions, and organizations, in accordance with the established procedure.
5. Verification of certificates shall be performed in the manner of checking up the authenticity (genuineness) of the certificate and checking on the veracity of data contained therein.
6. Checking up the authenticity (genuineness) of a certificate shall be done by way of:
 - 1) Obtaining a confirmation of the event of issuance of the certificate from the relevant authorized body;
 - 2) Comparing the data contained in the certificate with the data supplied by the authorized body;
 - 3) Conducting where necessary, a duly arranged expert examination of the certificate form, of the seal imprint, and of the signature of the duly authorized official of the authorized body concerned.
7. Checking on the veracity of data contained in a certificate shall be done by way of:
 - 1) Establishing the conformity of the good described in the certificate, with the criterion of sufficient processing and other data contained in the certificate;
 - 2) Comparing the good (or a photocopy thereof) in respect to which the certificate has been issued, with the genuine good.
8. For the purpose of performing the verification of certificates, customs bodies shall have the right, in accordance with law, to:

1) Obtain from the relevant authorized body and from goods producers the necessary information and goods specimens, as well as to carry out directly at the premises of enterprises concerned, the inspection of the goods production processes and of the primary documentation pertaining to such production;

2) Check on the authenticity of documents submitted by the applicant in a bid to obtain the certificate.

9. Where a query from state bodies of Ukraine or customs and other competent bodies of foreign countries contains insufficient data for the performance of verification of a certificate, the State Customs Service shall notify such a body of the necessity to present additional information. .

10. The results of a certificate verification shall be contained in a report drawn up by the State Customs Service, the form of which shall be approved by the State Customs Service.

11. On the basis of such report, the State Customs Service shall notify the body of the query of the results of the certificate verification completed.

12. Should any inauthenticity be discovered regarding the data entered in the certificate, the State Customs Service shall submit to the appropriate authorized body a proposal to annul the certificate concerned.

13. The State Customs Service shall notify the relevant state authorities of Ukraine or customs and other competent bodies of foreign countries of the impossibility to establish the credibility of certificates in the event of:

the declaration by a commercial court of the goods producer enterprise bankruptcy;

the liquidation of the goods producer enterprise;

the termination of production of the goods.

14. In the event any violation has been discovered by customs bodies of the requirements for the drawing up of a certificate, the State Customs Service shall inform the competent body of such facts.

15. Based on the analyses of queries from state bodies of Ukraine or customs and other competent bodies of foreign countries, customs bodies may undertake sampling verification of certificates issued in respect of goods similar to those indicated in the queries.

16. Queries from state bodies of Ukraine or customs and other competent bodies of foreign countries, and other materials pertaining to verification of a certificate, shall be maintained in the files of customs bodies concerned during a period of three years from the date of approval of the verification report.
