

HOW TO OBTAIN AN ADVANCE RULING ON CLASSIFICATION OF GOODS ACCORDING TO UKTZED (Ukrainian Classification of Goods for Foreign Economic Activity) FROM CUSTOMS AUTHORITIES?

What is an advance ruling on classification of goods (AR)? It is a document¹ issued by customs authorities regarding goods subject to foreign economic agreements prior to movement of goods across the customs border of Ukraine, that determines the application of certain provisions of the customs legislation of Ukraine to particular goods. An AR shall be binding upon all public authorities of revenues and duties². An AR is issued to simplify and facilitate customs control and clearance procedures in accordance with the [Customs Code of Ukraine](#) (Article 23) and the [WTO Trade Facilitation Agreement](#) (Article 3).

Who can file an application for issuance of an AR? An applicant (or his/her authorized person) – a person making the customs declaration on his/her own or in whose name the customs declaration is made.

What is the procedure for obtaining an AR? What is a fee? An applicant shall submit (send) to the customs authority a written application for issuance of an AR on classification and coding of goods. The application is registered, processed and issued by relevant customs authority within the prescribed term. An AR is issued free of charge.

Is there a simple application form? An application form is given in Annex 1 to the Order of the Ministry of Finance of Ukraine [No. 650](#) of May 30, 2012.

The application for issuance an AR shall be accompanied by³:

1. foreign economic agreement/contract or other document used in the international practice instead thereof;
2. specifications, production flowcharts;
3. pictures, drawings;
4. permits and certificates issued by competent public authorities;
5. data sheets, prospectus and technical passports of the product;
6. certificates of origin, approvals, marking labels;
7. product samples;
8. a copy of power of attorney, if the application is submitted in the interests of the applicant or his/her authorized representative.

¹ An AR form is given in Annex 3 to the Order of the Ministry of Finance [No. 650](#) “On approval of the procedure for operation of customs duties department, customs clearance department of customs authority and customs port when deciding on classification of goods moving across the customs border of Ukraine” of May 30, 2012.

² Findings of other agencies, institutions and organizations on determining codes of the goods according to UKTZED when conducting the customs clearance can only be used as a reference (Part 8 of Article 69 of the Customs Code of Ukraine).

³ The documents shall be submitted in the form of originals or copies. If the original documents are issued in a language other than Ukrainian or the official language of customs unions which Ukraine is a member to, the applicant shall provide the Ukrainian translation of such documents (notarization is not required). Certificates, samples and other documents listed in paragraphs 2 – 7 above shall only be submitted if available.

Lack of an advance ruling does not constitute the ground for refusal of customs clearance (except for customs clearance of complete object)

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Where to submit the application? The application shall be submitted to a local customs office at the domicile of a business entity, or at the place of registration.

What is the timeframe for issuance of an AR? An AR shall be issued within 30 calendar days upon receipt of the application by the customs authority. This period may be extended up to 15 calendar days followed by an official notice stating the reasons for such extension prior to expiry of the initial 30-day period. The next day upon issuance, an electronic copy of the AR shall be entered in the Register of Advance Rulings on Classification and Coding of Goods in UKTZED. The Register is published on the website of the State Fiscal Service of Ukraine (SFS) and is updated on a quarterly basis.⁴

What is the validity period of an AR? An AR is valid for three years upon issuance thereof unless facts and conditions supporting such ruling are changed.

What are the grounds for refusal to issue an AR? The applicant's failure to provide all necessary documents or information, or establishing that the application was processed by another customs authority regarding the same product. In addition, an AR shall not be issued (except for issuing an AR for complete object) in cases when the customs authority has already issued an advance ruling on determining the code of the applicant's goods and such ruling has not been changed or cancelled, and provided that facts and conditions supporting the ruling remain unchanged.

What happens next? An original AR⁵ and its copy shall be submitted by the applicant along with other documents required for customs clearance of the goods. In case of non-conformity of the goods with information given in the AR, customs clearance of the goods shall be conducted on general terms according to the Ukrainian legislation. In its turn, the AR is revoked by the issuing authority.

What are the grounds for revocation of an AR? According to Article 23 of the Customs Code of Ukraine, an AR may be revoked in cases where: a) it was issued on the basis of inaccurate documents and information provided by the applicant, and/or incomplete information required to issue an advance ruling that significantly affected the nature of the advance ruling; b) it contradicts the customs legislation of Ukraine due to amendments made in the latter; c) it was issued in violation of the Customs Code of Ukraine.

⁴ Official website of the SFS - sfs.gov.ua.

⁵ Order No. 650 stipulates that in case of loss of an original AR, a duplicate copy may be issued within days.