

The Draft Law is tabled
by the People's Deputy of Ukraine
Osyka S. G. (Electoral Constituency 96)

THE LAW OF UKRAINE

On Introducing Amendments to the Law of Ukraine
On Application of Special Measures in Respect of Imports to Ukraine
(concerning procedural matters of special investigations and application of
special measures)

The Supreme Rada of Ukraine resolves:

1) To introduce to the Law of Ukraine On Application of Special Measures in
Respect of Imports to Ukraine (Vidomosti Verkhovnoyi Rady Ukrayiny, 1999,
11, p. 78; 2003, # 26, p. 193, # 37,300) the following amendments:

1) In Preamble to the Law, substitute the words "irrespective of the
commodity's country of origin and exporting country" for the words "from other
countries, customs unions, or economic groupings";

2) In Article 1:

Complement Clause 4 after paragraph six with a new paragraph reading:
"consumers, associations of consumers".

In this connection, paragraph seven shall be deemed paragraph eight;

Clause 12 shall read:

"12) Period of investigation: the period during which the Ministry investigates
growth dynamics of volumes of imports of commodity that is the object of
investigation, and the production, commercial, and financial status of the
domestic commodity producer";

3) Part one of Article 2 shall read:

"1. This Law is valid for transactions related to imports of any commodity
irrespective of the commodity's country of origin and exporting country";

4) In Article 7:

In paragraph two of Part one, substitute

“At the Commission’s sessions, decisions shall be adopted on the following matters:

On instituting, or refusing to institute, special investigation of imports of the commodity;

On applying preliminary special measures in respect of the imports of the commodity that are the object of investigation;

On applying measures of monitoring the imports of the commodity that are the object of investigation;

On applying special measures in respect of the imports of the commodity that are the object of investigation;

On discontinuing special investigation without application of special measures;

On alleviating special measures in respect of the imports of the commodity;

On review of special measures in respect of the imports of the commodity;

Complement the second sentence of ~~Section 62a~~ after the words “(that is, the reduction of prices or hindrance of the ~~increase~~ increase of prices which, as a rule, took shape)” with words “labor productivity; utilization of fixed assets”, and after the words “size of profit”, with words “or losses”;

Add a paragraph to this Part reading:

“In case where, apart from the growth of imports, simultaneously other factors exist that significantly harm the domestic commodity producer, the growth of imports shall not be recognized as a cause of such significant harm”;

10) Part seven of Article 14 shall read:

“1. Special measures shall be applied during a period necessary for the prevention or elimination of consequences of the substantial harm and for the facilitation of the process of the domestic commodity producer’s economic adaptation to conditions of competition. The period may not exceed four years unless it was extended in case where the Commission discovered the existence of circumstances listed in Part two of this Article”;

Paragraphs two and three shall read:

“the need continues to exist in application of measures to prevent or eliminate the consequences of the substantial harm;

Evidence has been revealed of the interested domestic commodity producer being in the process of adaptation to conditions of competition”;

Part four shall read:

“4. In case where the period of application of special measures exceeds one year, such measures must be gradually alleviated over regular (equal) periods of time during the entire period of application thereof ”;

14) In Part one of Article 19: