

The Law of Ukraine
On Licensing of Certain Types of Economic Activity

As amended by the Laws of Ukraine

N 1969-III, September 21, 2000,

N 2120-III, December 7, 2000,

N 2209-III, January 11, 2001,

N 2257-III, February 8, 2001,

N 2344-III, April 5, 2001,

N 2628-III, July 11, 2001,

N 2664-III, July 12, 2001,

N 2745-III, October 4, 2001,

[N 2759-III, October 4, 2001,](#)

N 2905-III, December 20, 2001,

[N 2953-III, January 17, 2002,](#)

N 2984-III, January 17, 2002,

N 3073-III, March 7, 2002,

directive to remove violations of legislation in the sphere of licensing – decision of a specially authorized licensing body on the necessity to remove violations of legislation in the sphere of licensing by the licensee or a licensing body

generalize the practice of application of normative and legal acts on licensing;

perform inspection of observance of legislation in the sphere of licensing by licensing bodies and licensees and provide explanations as to its application;

perform methodical guidance and informational support of licensing bodies;

establish forms of documents in the sphere of licensing and rules of their issuing;

together with the licensing bodies approve the terms of conducting a certain type of economic activity and procedure of inspection of their observance;

create an expert and appellate board;

arrange training, retraining and advanced training of specialists in licensing;

keep the Single register of licenses;

organize orders, supply, registration and accounting of the use of license forms;

issue directives to remove violations of terms of licensing and directives to remove violations of legislation in the sphere of licensing;

execute supervision of availability of the license.

(part one of Article 5 is supplemented
with a new paragraph according to the Law of Ukraine
N 2953-III, January 17, 2002)

For the purpose of training, retraining and advanced training of licensing experts a specially authorized licensing body shall develop educational programs, methodical recommendations and textbooks and establish a procedure of training and attestation of licensing experts.

A licensing body may not authorize other persons to assess the capability of subjects of economic activity to fulfill terms of licensing in accordance with the submitted documents.

Financing of a licensing body shall be carried out at the expense of funds of the

16) designing, production, introduction, servicing and research of efficiency of systems and devices of technical protection of information, providing services in the sphere of technical protection of information;

17) manufacture of forms of securities and documents of obligatory accounting;

18) transportation of oil and petroleum products by a trunk pipeline, transportation of natural gas and oil gas by trunk pipelines and its distribution;

19) supply of natural gas at controlled and non-controlled tariffs;

20) storing of natural gas in the amounts, exceeding the rate, specified by terms of licensing;

21) centralized water supply and draining;

22) designing, testing, production, operation of carrier rockets, space vehicles and their component parts, earth space infrastructure and its components, equipment, which is a constituent part of a space segment of satellite systems;

23) development, production, preparation, storage, transportation, purchase, carriage, importation, exportation and liquidation of drugs and psychotropics and their precursors;

24) cultivation and utilization of plants, containing drugs, for the industrial purposes;

25) performing of disinfection, disinsection and deratization works;

26) medical practice;

27) treatment of donor blood and its components, making medications thereof;

28) veterinary practice;

29) organization and maintenance of totalizators, gambling houses, issuance and arranging of lotteries;

(clause 29 of Article 9 is as amended
by the Law of Ukraine
N 1969-III, September 21, 2000)

30) building activity (exploration and projecting works for the purpose of construction, erection of bearing and filler structures, construction and assemblage of engineering and transport networks);

(clause 30 of Article 9 is in the wording
of the Law of Ukraine N 2257-III, February 8, 2001)

31) providing services in conveyance of passengers and cargoes by air transport;

32) providing services in conveyance of passengers and cargoes by river and sea transport;

38) collection and storage of certain kinds of wastes as secondary raw materials (under the lists, established by the Cabinet of Ministers of Ukraine);

(clause 38 of Article 9 is as amended
by the Law of Ukraine N 3073-III, March 7, 2002)

39) operations in the area of treatment of dangerous waste products;

40) clause 40 of Article 9 is excluded

(clause 40 of Article 9 is in the wording
of the Law of Ukraine N 2628-III, July 11, 2001,
clause 40 is excluded according to the Law of Ukraine
N 2984-III, January 17, 2002)

41) designing, assemblage, technical maintenance of means of fire protection and heating systems, evaluation of fire-prevention situation within the objects;

42) testing of fire safety of substances, materials, building structures, wares and equipment, as well as assessment of conformity of fire engineering, fire-engineering equipment and fire-protection products with the established norms;

43) providing services in guarding of state and other property, guarding of citizens;

44) performing topography-and-geodesic and cartographic works;

45) execution of aviation and chemical works;

46) sending of postal orders, non-registered and registered letters, post cards, postal packages and parcels under 30 kilograms;

(clause 46 of Article 9 is in the wording
of the Law of Ukraine N 2759-III, October 4, 2001)

47) providing services in the sphere of radio communication (with the use of radio frequencies);

57) professional activity in the equity market;

The application on issuing of the license shall not be considered where:

the application is filed (signed) by an unauthorized person;

the documents are issued with violation of the requirements of this Article.

The applicant shall be informed of shelving the application in a written form with indication of the reason for leaving the application on issuing of the license without consideration within the terms, envisaged for issuing of the license.

The applicant may re-submit the application on issuing of the license, which shall be considered according to the procedure, established by the Law, after removal of reasons on the grounds of which the decision on leaving the

A notification on making of a decision on issuing of the license by the results of the tender or denial to issue the license by the results of the tender shall be forwarded (delivered) to the applicant in a written form within three workdays from the date of approval of the decision on the results of the tender.

A decision on the results of the tender may be appealed in court.

In case of cancellation of the license, issued under the results of the tender, a licensing body shall announce a tender to obtain the cancelled license within the term not exceeding ten workdays from the date of making a decision on its cancellation.

Provided the licensee does not perform any economic activity according to the license, obtained under the results of the tender within the period of six months, a licensing body may cancel such a license.

The following activities shall be regarded as those, related to the use of limited resources:

uranium ore mining;

extraction of precious metals and jewels;

supply of natural gas at controlled and uncontrolled tariffs;

storing of natural gas in the volumes, exceeding the level, established by the terms of licensing;

providing services in radio-communication (with the use of radio frequencies).

Article 13. Information Contained in the License

At the territory of Ukraine the licensing bodies shall use license forms of a single standard. The Cabinet of Ministers of Ukraine shall establish the form of the license of a single standard.

The forms of licenses are documents of obligatory accounting and have their accounting series and numbers.

The license shall specify:

name of a licensing body, issuing the license;

type of economic activity, indicated according to Article 9 of

A licensing body shall make a record on the date of receipt of documents, certifying the applicant's payment of the license fee, in a copy of the list of received documents, which was delivered to the applicant while accepting his application on issuing of the license.

In case the applicant did not submit a document, certifying his

Article 18. Issuance of a License Duplicate

A license duplicate shall be issued on the grounds of:

loss of the license;

information on a licensing body, issuing the license;

type of economic activity according to the issued license;

date of making a decision to issue the license and the number of this decision;

series and number of the license;

validity term of the license;

information on reissuing of the license, issuing of a license duplicate and issuing of a copy of the license;

grounds, date and number of a directive on the necessity to remove the violations of the terms of licensing;

grounds, date and number of a decision to cancel the license;

grounds, date and number of a decision to recognize the license invalid.

A specially authorized licensing body shall keep the Single register of licenses, which shall contain information on the registers of licenses and identification codes of licensing bodies.

Information, contained in the Single register of licenses and registers of licenses shall be open to public. A fee shall be charged for the use of this information. This fee shall be entered into the State Budget of Ukraine.

The procedure of creation, keeping and use of registers of licenses, as well as the procedure of entering information of the registers of licenses to the Single register of licenses shall be established by the Cabinet of Ministers of Ukraine.

The bodies of state power shall be exempted from payment of a fee for the use of data of the Single register of licenses and registers of licenses.

Article 20. Supervision and Control in the Sphere of Licensing

A specially authorized licensing body shall carry out a state supervision of observation of requirements of the legislation in the sphere of licensing by licensing bodies by means of conducting of planned and extra planned inspections.

A specially authorized licensing body shall conduct extra planned inspections of observation of requirements of the legislation in the sphere of legislation only on the grounds of receipt of a written application (notification) on violations of requirements of legislation in the sphere of licensing, or with the object of inspection of fulfillment of the directives to remove violations of requirements of legislation in the sphere of licensing by a licensing body.

In the course of the inspection a licensing body shall provide a specially authorized licensing body with the decisions and other documents for the issues of licensing and secure proper conditions for execution of the inspection.

Due to the results of the inspection, a specially authorized licensing body shall make an act in two copies. One copy of the act shall be handed to the director of the licensing body, whose activity has been subject to inspection, and the second one shall be kept with a specially authorized licensing body.

In case of identification of violations of legislation in the sphere of licensing by a licensing body, a specially authorized licensing body shall issue a directive on removal of violations in the sphere of licensing by a licensing body not later than after ten workdays from the date of making an inspection act.

A licensing body, that received a directive on the removal of violations of legislation in the sphere of licensing, shall submit a notification on the removal of identified violations to a specially authorized licensing body, within the term, determined in the directive.

A specially authorized licensing body and other bodies of executive power within the scope of their competence shall perform supervision of the presence of the license with the subjects of economic activity through conducting the planned and extra planned inspections.

(Article 20 is supplemented with part seven according to the Law of Ukraine N 2953-III, January 17, 2002, due to this parts seven-fourteen shall be shifted correspondingly to parts eight-fifteen)

Supervision over the licensees' observation of the terms of licensing shall be carried out by licensing bodies and a specially authorized licensing body within the scope of

license within the established term; an act on identification of inauthentic information in the documents, submitted by a subject of economic activity to obtain the license; an act on establishing of a fact of delivery of the license to other legal entity or physical person for the purpose of conducting economic activity; an act on non-fulfillment of a directive to remove violations of the terms of licensing shall be carried out by a licensing body with the obligatory attendance of the licensee or his representatives.

A decision to cancel the license shall come into force after ten days from the day of its taking.

If within this term a licensee submits a complaint to the expert and appellate board, the force of the specified decision of a licensing body shall be suspended till adoption of a corresponding decision by a specially authorized licensing body.

A record on the date and number of the decision to cancel the license shall be made in the register of the license.

In case of cancellation of the license on the grounds of an act on the repeated violation of the terms of licensing by a licensee, an act on establishing of a fact of non-submission of a notification on introduction of changes in the data, indicated in documents, attached to the application on issuing of the license within the established term, an act on identification of inauthentic information in the documents, submitted by a subject of economic activity to obtain the license, an act on establishing of a fact of delivery of the license to other legal entity or physical person for the purpose of conducting economic activity, an act on non-fulfillment of a directive to the remove violations of the terms of licensing a subject of economic activity shall obtain a new license to conducting this type of economic activity not earlier than after one year from the date of making a decision by a licensing body to cancel the previous license.

The decision to cancel the license may be appealed in court.

Article 22. Responsibility for Violation of Terms of this Law

Officials of the licensing bodies and a specially authorized licensing body shall bear responsibility for non-observance of legislation in the sphere of licensing according to the law.

Sanctions in the form of a penalty in the amounts, established by the legislation, shall be applied to subjects of economic activity for conducting economic activity without a license.

develop normative and legal acts, envisaged by this Law;