

## **New Customs Code of Ukraine. Main characteristics.**

The EU Customs Code (Regulation No. 952/2013) was taken as the basis, the implementation of which is the obligation of Ukraine under the Association Agreement.

It is proposed to transfer all the details of the customs regulation of a technological and procedural nature to the sub-legal level, primarily acts of the Cabinet of Ministers and the Ministry of Finance.

The main characteristics of the new TCU are as follows:

- large-scale digitalization of customs processes, the transfer to a 100% electronic customs environment;
- transfer of all business customs communications to the electronic plane: obtaining all authorizations, permits, certificates, preliminary decisions, consultations using information technologies and online services;
- unification of customs decision making: clear deadlines, fixation of all stages, requests, responses, “right to be heard” for business;
- introduction of the institute of "preliminary decisions", primarily on the customs value and classification of goods;
- the basic principles of regulation of all customs procedures: maximum simplicity, speed, the possibility of automated solutions, the use of "tacit consent", minimization of discrete powers of customs inspectors; focus on reducing administrative costs and recurring business activities;
- introduction of automatic release of goods into the customs regime (with the help of the customs IT-system without the participation of its officials) according to “risk-free” declarations and economic operators, based on an automated risk management system; as a result, minimization of the human factor and delay of customs procedures;
- introduction of a complex system of customs simplifications for respectable enterprises - the institution of “authorized economic operators” (AEO), simplifications using the “common transit” procedure (NCTS), which are provided on the basis of clear criteria with further monitoring of their compliance;
- introduction of a simplified declaration: a simplified declaration, a brief import declaration, an entry in the declarant's accounting system;
- centralized customs clearance: foreseeing the separation of the place of filing of the customs declaration (one customs) and the place of presentation of goods (another customs);
- limiting the participation of law enforcement agencies in the process of customs control and clearance;
- verification of documents after the release of goods (post-customs control);
- modernization of customs regimes in the aspect of obtaining great advantages by the business (for example, a customs warehouse is used in the mode of processing goods, expanding the list of permitted operations with goods; export without a contract at the time of customs clearance, etc.);
- The introduction of the institution of "customs debt" system of guaranteeing payment of customs debt;
- strengthening of control in the field of postal and express shipments: control from the border to the distribution points of parcels, sealing, guaranteeing, electronic registries, identification of recipients, as well as a gradual reduction of the non-taxable limit from 100 euros to 22 euros;
- for physical person, the limit is reduced to 430 euros (aviation and sea checkpoints) and 300 euros (other checkpoints);
- ensuring the availability of customs information, including impersonal information from customs declarations for the implementation of public control;
- expansion of opportunities for the protection of intellectual property rights in the movement of goods, the emphasis on counterfeit, simplification of procedures for the destruction of counterfeit goods, parallel imports are not controlled by customs;
- reforming responsibility for violations of customs rules: financial (fines) and administrative responsibility (fines and confiscation), revision of the size of sanctions;
- regulation of the customs officer's liability for unlawful decisions / actions (actions or inactions), compensation of harm caused by such decisions / actions.