



31 August 2022

(22-6508)

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Committee on Government Procurement

Original: English

**NOTIFICATION OF DOMESTIC LEGISLATION RELEVANT  
TO THE AGREEMENT ON GOVERNMENT PROCUREMENT 2012**

**NOTIFICATION FROM UKRAINE**

The following notification, dated 30 August 2022, is being circulated at the request of the delegation of Ukraine.

<b>Notifying Party</b>	<b>UKRAINE</b>
<b>Legal Basis</b>	<input checked="" type="checkbox"/> ARTICLE XXII:5 OF THE GPA 2012 <input type="checkbox"/> Committee's Decision on notification requirements under Articles XIX and XXII:5 of the GPA 2012 ( <a href="#">GPA/113</a> , Annex A of Appendix 2, para 1)
<b>Title of the notified legal text</b>	Resolution of the Cabinet of Ministers of Ukraine of 2 August 2022 No. 861 "On the approval of procedures for confirming the degree of localisation of production of goods and monitoring compliance with the requirements regarding the degree of localisation of production of procurement items included in the list of goods that are procurement items with a confirmed degree of localisation of production"
<b>Link to legal text</b>	English version: <a href="https://members.wto.org/cnattachments/2022/GPA/UKR/22_5904_00_e.pdf">https://members.wto.org/cnattachments/2022/GPA/UKR/22_5904_00_e.pdf</a>  Ukrainian version: <a href="https://members.wto.org/cnattachments/2022/GPA/UKR/22_5904_00_x.pdf">https://members.wto.org/cnattachments/2022/GPA/UKR/22_5904_00_x.pdf</a>
<b>Notification status</b>	<input checked="" type="checkbox"/> First notification (i.e. new domestic legislation) <input type="checkbox"/> Change, amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
<b>Previous notification(s) referred to</b>	
<b>Brief description of the notified legal text</b>	
The Resolution approves:  the procedure for confirming the degree of localisation of production of goods;  the procedure for monitoring compliance with the requirements regarding the degree of localisation of production of procurement items included in the list of goods that are procurement items with a confirmed degree of localisation of production.  The Procedure for confirming the degree of localisation of production of goods lays down a mechanism for confirming the degree of localisation of the production of goods to be procured that are defined in subpoint 2 of point 6 <sup>1</sup> of Title X "Final and transitional provisions" of the Law of Ukraine "On Public Procurement".  This Procedure shall not apply to the procurement of goods the value of which equals or exceeds	

the thresholds specified in the Agreement on Government Procurement concluded on 15 April 1994 in Marrakesh, as amended by the Protocol amending the Agreement on Government Procurement done on 30 March 2012 in the city of Geneva, as well as provisions on public procurement in other international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine, in particular free trade agreements, in the hryvnia equivalent as at the date of procurement, and the country of origin of which are countries with which Ukraine has concluded such agreements, and countries parties to the Agreement on Government Procurement to which Ukraine acceded in accordance with the Law of Ukraine "On Ukraine's Accession to the Agreement on Government Procurement", to be confirmed by a certificate of origin of goods.

The degree of localisation of the production of the goods to be procured shall be confirmed by the Ministry of Economy automatically during the creation of the list of goods that are procurement items with a confirmed degree of localisation, based on the application for the inclusion of goods in the list submitted by the manufacturer of the goods according to the prescribed form, calculation of the cost of goods with an indication of the customs value of imported components (imported by the manufacturer and/or purchased from suppliers which are residents of Ukraine) according to the prescribed form and the confirmation that at least one of the elements of the goods was manufactured in the territory of Ukraine (in particular units, assemblies, parts and components) and/or confirmation of the use of units, assemblies, parts and components manufactured in the territory of Ukraine.

The Text of the Resolution is available:

at the website of the Parliament of Ukraine below:  
<https://zakon.rada.gov.ua/laws/show/861-2022-n#Text> (in Ukrainian);

at the website of the Ministry of Economy of Ukraine below:  
<https://www.me.gov.ua/Documents/MoreDetails?lang=uk-UA&id=ade90a64-f7d7-4ed9-b20b-4bdacfd38810&title=OfitsiiniDokumenti-legislation> (in English).

<b>Language(s) of notified legal text</b>	Ukrainian and English
<b>Date of adoption</b>	2 August 2022
<b>Entry into force</b>	2 August 2022
<b>Other information</b>	
<b>Agency or authority responsible</b>	The Ministry of Economy of Ukraine  Telephone: +38-044-200-47-53 Fax: +38-044-253-63-71