

NB. – TERMS OF PAYMENTS IN THE EXPORT-IMPORT OPERATIONS AND COMPULSORY SALE OF FOREIGN EXCHANGE EARNINGS. – October 31, 2012

November 16, 2012 the National Bank of Ukraine (hereinafter – “**NBU**“) has adopted the resolution № 475 "On amendment of terms of payment in operations of export and import of goods and the introduction of compulsory sale of foreign exchange earnings", registered with the Ministry of Justice of Ukraine on 16 November 2012 under the number 1921/22233 (hereinafter - the "**Resolution**").

The Resolution came into force on 19 November 2012.

In accordance with this Resolution, within 6 months from the date of its entry into force, i.e. till May 19, 2013, the following two main amendments are in progress:

- The payment period in the export and import of goods, referred to in Articles 1 and 2 of the Law of Ukraine "On procedure of payment in foreign currency", is reduced from 180 calendar days to 90 days.

It shall be recalled that for deadline violation Article 4 of the Law of Ukraine "On procedure of payment in foreign currency" fix a penalty of 0.3% of the amount of outstanding revenue (cost of undelivered goods) in foreign currency per day. The total amount of the penalty shall not exceed the amount of outstanding revenue (cost of undelivered goods).

- The requirement for compulsory sale in the interbank foreign exchange market of Ukraine foreign exchange earnings of residents, resulted from the sale of goods according to foreign economic contracts, is introduced.

This requirement only applies to foreign currency of 1st group of the Classifier of foreign currencies and precious metals, which include, among others, USD, EUR, GBP.

Resolution of NBU on November 16, 2012 № 479 stipulates that such compulsory sale relates only to 50% of foreign exchange earnings.

Due to the fact that the deadline for the payment in export and import of goods is reduced, residents of Ukraine shall revise its foreign economic contracts for compliance with this amendment.

As for the compulsory sale of foreign exchange, such a requirement only applies to the revenues, which have been credited to the accounts of residents of Ukraine from November 19, 2012, and does not apply to revenues, which have been charged prior to this date.

This information shall not be considered as a legal advice and is accurate at the date of its publication. Should you require further information, please contact the law firm Rabomizo.