

A woman with brown hair, wearing a bright red double-breasted coat over a white turtleneck sweater and dark blue trousers, is walking down a set of concrete stairs. She is smiling and holding a white coffee cup in her right hand and a smartphone in her left. A grey shoulder bag is slung over her left shoulder. The background shows a modern building with large windows and a metal railing.

Investor's Guide to Ukraine's Reconstruction by BDO experts

Please note that this information is in effect as of the date of this document (23/03/2024).

This analytical note contains general information taken from public sources and does not constitute professional advice or service.



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By utilizing these resources, investors can make informed decisions and uncover promising investment prospects in Ukraine.

Investment Opportunities Map of Ukraine

European Business Association and Global Business for Ukraine, together with Ukraine Invest, launched a **Map of investment and business opportunities in Ukraine**.

An innovative interactive tool designed to assist potential investors in exploring the vast array of investment opportunities available across different regions of Ukraine. This powerful platform provides comprehensive information on each opportunity, enabling investors to make informed decisions based on their interests and preferences. Additionally, users have the option to express their interest in a particular project by submitting a request through the platform.

The investment map showcases detailed insights into every region of Ukraine, encompassing essential factors such as size, population, taxation regulations, educational institutions, abundant natural resources, and thriving industries.

Projects featured on the map are conveniently categorized based on either region or industry, allowing users to effortlessly navigate through their preferred sectors of interest. Each project description includes vital details such as the initiator, current status, precise location, investment opportunity, required investment amount, as well as specific goals and deadlines.

We are proud to announce that representatives from BDO in Ukraine actively participate in the Advisory Board responsible for meticulously selecting projects for placement on the map. This ensures that only the most promising and high-potential opportunities are showcased, providing investors with a reliable and credible resource.

As a comprehensive and user-friendly starting point for potential investors, this interactive map serves as a gateway to unlocking the vast investment potential in Ukraine.



Systems responsible for the recovery of Ukraine

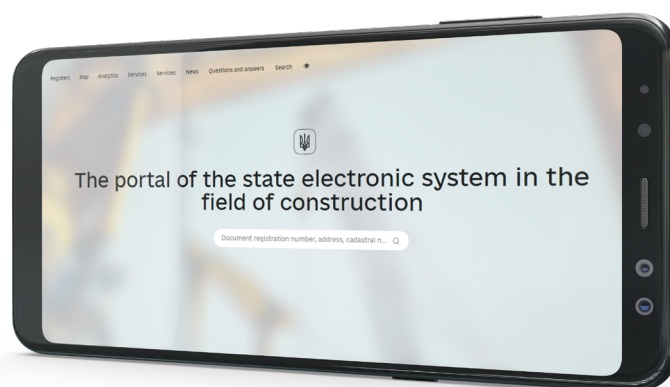
The [DREAM Platform](#) is a comprehensive digital ecosystem designed to manage reconstruction projects through a unified platform. It integrates data from government sources, local communities, and key datasets, enabling effective collaboration and prioritization based on socio-economic impact. Currently in pilot mode and coordinated by the Ministry for Restoration and Agency for Restoration, it is set for full launch in spring 2024.



In May 2023, Ukraine's Ministry for Communities, Territories and Infrastructure Development, in partnership with the Ministry of Digital Transformation, launched the [e-recovery service](#). This service aids individuals whose homes, particularly apartments and houses, were damaged in the war. As of December 2023, 62,000 applications were submitted, predominantly from the Kharkiv, Kyiv, Mykolaiv, Kherson, and Donetsk regions, with 26,5 families receiving repair payments under this program.



Unified State Electronic System in the Construction Industry ([e-construction](#)) in Ukraine aims to organize the construction process, making it transparent and corruption-free through maximum public information disclosure. This system is designed to manage the entire lifecycle of a construction project, from obtaining urban planning conditions to commissioning. It centralizes and standardizes data from various sources, with most construction-related information and documentation expected to be created within the system by relevant entities.



Ukrainian companies and companies with significant Ukrainian exposure in which you can invest

Ukrainian exposure can be obtained not only with direct investments in Ukrainian assets but also through different Ukraine-exposed stocks and Eurobonds / military bonds.

Astarta Holding N.V (ASTH, WSE)

One of the largest agro-industrial holdings in Ukraine:

- ▶ 220 kha under management;
- ▶ sugar production: №1 producer in Ukraine with 250 - 500 thousand tons of sugar production per annum;
- ▶ cattle farming: №1 producer of industrialized milk in Ukraine with more than 100 thousand tons of milk production per annum and 25.5 thousand heads of cattle;
- ▶ soybean crushing: №2 in soybean processing in Ukraine with a crushing capacity of 230 thousand tons;
- ▶ bioenergy: designed daily capacity of 150 thousand m2 of biogas;

At the beginning of full-scale invasion, Astarta shares lost almost 70% of their value compared to the beginning of 2022. Now, in the beginning of February 2024, stocks are almost at the same level, as before February 2022 (growth since the beginning of 2023 more than 47%)

9 month performance in 2023 shown mixed results: Revenue increased from EUR 341 to 392 mln (+15%) EBITDA declined by (-11%) from EUR 130 to 117 mln, which can be explained with better situation on grain export market due to launch of alternative sea route by Ukraine and higher prices on key feed components.

The company actively helps the armed forces of Ukraine and implements social projects.

Ovostar Union N.V. (OVO, WSE)

One of the largest egg producers in Europe:

- ▶ Near 7 million laying hens;
- ▶ Ovostar Union supplies 55 countries with fresh eggs; 40% of total sales are exports;
- ▶ Manufacturing eggs in various forms: liquid, in-shell, dry;
- ▶ Revenue in 2022 was USD 135.6 million.

From the beginning of 2022 to its lowest point, the share price lost up to 45% of its original value. And from the beginning of 2023 to February 2024 share price increased by (+55%).

Revenue for the 9M period of 2023 increased from USD 90 up to 123 mln (+36%) compared to 2022, and EBITDA inc. Gross profit of the same period increased from EUR 15.5 up to 42 mln (+170%)

MHP (MHPCq, LSE)

MHP is the largest integrated Ukrainian producer and exporter of poultry and crops, as well as other meat and sausage products and ready-to-eat meat products.

The company specializes in the production of poultry and, in particular, the cultivation of cereals:

- ▶ the leading producer of poultry in Europe with one of the strongest food brands in Ukraine, producing almost 670 thousand tons in 2022;
- ▶ One of the largest grain producers and oilseeds processors in Ukraine with significant growth potential (340 thousand ha of arable land in 2022 under management);
- ▶ At the beginning of the full-scale invasion, the MHP shares lost about 50% of their value compared to the beginning of 2022 and as of February 2024 remain on the same level (slight growth of 10% since the beginning of 2023).

Poultry meat production increased by (+6%) in 9M 2023, exports increased by (+21%).

Revenue for the 9M of 2023 grown from USD 1,876 to 2,294 mln (+22%) compared to 9M 2022, EBITDA increased by (+21%) - USD 367 to 304 mln.

MLK Foods Public Company Ltd / Milkiland (MLK, WSE)

MLK Foods is an international dairy producer with core operations in the CIS and EU:

- ▶ The Group's production assets are located in Ukraine. The total annual milk processing capacity exceeds 500 thousand tons;
- ▶ Controlled through the Group's subsidiary Milkiland Ukraine and includes milk processing 10 dairy processing plants, dairy farming, and an extensive milk collection system throughout Ukraine.

Stock prices have fallen 67% from the end of 2021 to the lowest point in 2022 year and additionally lost 30% from the beginning of the 2023 till February 2024, as the Company used to have financial issues before full-scale invasion and war only increased the pressure.

IMC SA (IMC, WSE)

IMC - is among top 10 Ukrainian agriculture companies operating 120 thousand hectares of arable land in key farming regions of Ukraine (Poltava, Chernihiv, Sumy).

Revenue increased from USD 61.8 to 98.7 mln (+60%) in 9M 2023 compared to the same period of 2022 year. EBITDA decreased from USD 36.8 to 13.8 mln (-62%), due to decrease of crop prices in 9M 2023.

EPAM Systems Inc (EPAM, NYSE)

EPAM is IT company named a Forbes global 2000 company in 2011, works in over than 50 countries:

- ▶ 55 600 employees worldwide, largest number of EPAM employees is in Ukraine - 11 300;
- ▶ EPAM is part of the S&P 500 index since 2021.

In 2022, EPAM's revenue reached USD 4,824 million, marking a 28% increase from USD 3,758 million in 2021. Net income also saw growth, with a rise of over 13% in 2022 to USD 481.7 million, up from USD 419.4 million in the previous year.

Military Bonds

Ukraine has issued a series of war bonds to raise financing and support the army. These bonds can be purchased by Ukrainian legal entities and individuals, as well as foreign investors who want to support Ukraine. The bonds can be nominated and purchased in UAH, USD, or EUR. The most recent auction held on January 30, and issued bonds equivalent to UAH 1.6 BLN.

The war bonds offer up to an 18.5% yield, which surpasses the US Treasury bill, which offers max yield of 5.35%.

Ukrainian Eurobond

Ukrainian sovereign Eurobonds have been under significant pressure since the onset of the war. Approximately 50% of the Ukrainian budget (specifically its social component, excluding the military) is supported by international donors. Given this, restructuring of at least the upcoming issues seems plausible. As of February 2024, the YTM for the upcoming Ukraine 24 was a staggering 396%. Longer-duration bonds exhibit lower YTM but are still trading between 23-31 cents per USD/EUR.

There's also a unique instrument - the GDP-linked Warrants. In 2015, Ukraine issued GDP warrants worth \$3.6 billion to make its restructuring of \$15 billion of debt more appealing. This restructuring required investors to write off 20% of the original value of their assets. However, these warrants provide a potential benefit linked to GDP growth between 2021 and 2040. If the real, inflation-adjusted GDP growth surpasses 3%, Ukraine commits to paying warrant holders an amount equivalent to 15% of the economic output exceeding this threshold. This percentage escalates to 40% if the growth surpasses 4%.

Eurobonds from the corporate and banking sectors have demonstrated better resilience compared to the sovereign ones, attributed mainly to a healthier financial situation. This is particularly true for the banking sector, where liquidity has reached an all-time high, thanks to successful reforms implemented between 2015 and 2016. Some entities, like MHP, plan to repurchase a portion of their own bonds, viewing it as a strategic investment given the prevailing circumstances.

SOVEREIGN	PRICE	YTM %	CORPORATE /BANKS	PRICE	YTM %
GDP Warrants	46.50	0.00	DTEK Energy 27	56.00	26.20
Ukraine 24	30.75	396.45	DTEK Oil & Gas 26	69.00	24.25
Ukraine 25	29.25	127.15	DTEK Renewables 24 (EUR)	61.50	93.80
Ukraine 26 (7.75)	28.25	81.20	Interpipe 26	75.00	23.00
Ukraine 26 (8.994)	31.00	92.95	Kernel Holding 24	85.00	32.20
Ukraine 27	27.50	63.25	Kernel Holding 27	70.00	18.15
Ukraine 28	27.50	53.00	MHP 24	95.75	23.65
Ukraine 28(EUR)	25.50	53.00	MHP 26	81.00	17.85
Ukraine 29	27.50	46.80	MHP 29	71.00	13.80
Ukraine 30	28.75	45.50	Metinvest 25 (EUR)	88.50	15.75
Ukraine 31	23.50	40.50	Metinvest 26	77.00	22.10
Ukraine 32 (EUR)	22.75	30.90	Metinvest 27	69.00	19.95
Ukraine 34	24.75	36.15	Metinvest 29	66.50	17.15
Ukraine 35	24.75	35.45	Naftogaz 25	77.00	24.50
Ukravtodor 30	24.75	39.55	Naftogaz 26 (EUR)	54.00	36.80
Ukrenergo 28	27.50	47.20	Naftogaz 28	52.50	34.50
			Ukrainian Railway 26	57.00	42.60
			Ukrainian Railway 28	53.00	29.90
			VF Ukraine 25	81.00	30.60
			Oschadbank 25	95.00	18.50
			Ukreximbank 25	95.00	17.55
			Ukreximbank 29	71.00	61.35

Canada Ukraine Sovereignty Bond

If you want to support Ukraine with your investment, then Ukraine Sovereignty Bond can be a stable option. These are bonds, issued by Canada for five years for CAD 500 million. The bonds are issued in Canadian dollars and have an interest rate of 3.245%. According to the terms, the Canadian government will transfer the funds collected from the sale of bonds to Ukraine through the IMF Administered Account for Ukraine.

Political and war risks mitigation possibilities

Political risks are associated with government actions which deny or restrict the right of an investor/owner i) to use or benefit from his/her assets; or ii) which reduce the value of the firm. Political risks include war, revolutions, government seizure of property and actions to restrict the movement of profits or other revenues from within a country.

By purchasing political risk insurance (PRI), investors can successfully strengthen their position in the host state, allocating the burden of political risk to third parties (insurance agencies). PRI is provided by **international organizations**, such as the Multilateral Investment Guarantee Agency (MIGA) and **state-sponsored insurance agencies**, known as export credit agencies (ECAs) or public insurance agencies.

Political risks covered PRI providers cover very similar sets of political risks:

- 1) Currency inconvertibility and transfer restrictions.
- 2) Confiscation, expropriation, nationalization.
- 3) Political violence/war.
- 4) Default on obligations such as loans, arbitral claims, and contracts.

Most credit agencies have frozen their limits for Ukraine because of the lack of instruments in place.

War risk - risks associated with war, such as physical damage to goods and assets, hostile occupation, and contract obligation breaches for war-related reasons, including bank loans, goods, or services supply. It should cover not only total losses of property but also damages of a moderate scale.

1. MIGA - Multilateral Investment Guarantee Agency

<https://www.miga.org/products>

MIGA is a member of the World Bank Group. MIGA's mandate is to promote cross-border investment in developing countries by providing guarantees (political risk insurance and credit enhancement) to investors and lenders.

MIGA provides political risk insurance guarantees and credit enhancement to private sector investors and lenders. MIGA's guarantees protect investments against non-commercial risks and can help investors obtain access financing on improved terms and conditions.

MIGA's War and Civil Disturbance coverage provides protection against loss from, damage to, or the destruction or disappearance of, tangible assets or total business interruption (the total inability to conduct operations essential to a project's overall financial viability) caused by politically motivated acts of war or civil disturbance in the country, including revolution, insurrection, coups d'état, sabotage, and terrorism.

For tangible asset losses, MIGA pays the investor's share of the lesser of the replacement cost and the cost of repair of the damaged or lost assets, or the book value of such assets if they are neither being replaced nor repaired. For total business interruption that results from a covered war and civil disturbance event, compensation is based, in the case of equity investments, on the net book value of the insured investment or, in the case of loans, the insured portion of the principal and interest payment in default. This coverage encompasses not only violence in the host country directed against a host country government, but also against foreign governments or foreign investments, including the investor's government or nationality.

Temporary business interruption may also be included upon a request from the investor and would cover a temporary but complete cessation of operations due to loss of assets or unreasonably hazardous conditions in the host country, which result in a temporary abandonment or denial of use. For short-term business interruption, MIGA pays unavoidable continuing expenses and extraordinary expenses associated with the restart of operations and lost business income or, in the case of loans, missed payments.

MIGA covers capital and debt insurance up to 90%.

Cost of insurance for Ukraine is believed to be up to 1%

MIGA's Product Lines available in Ukraine

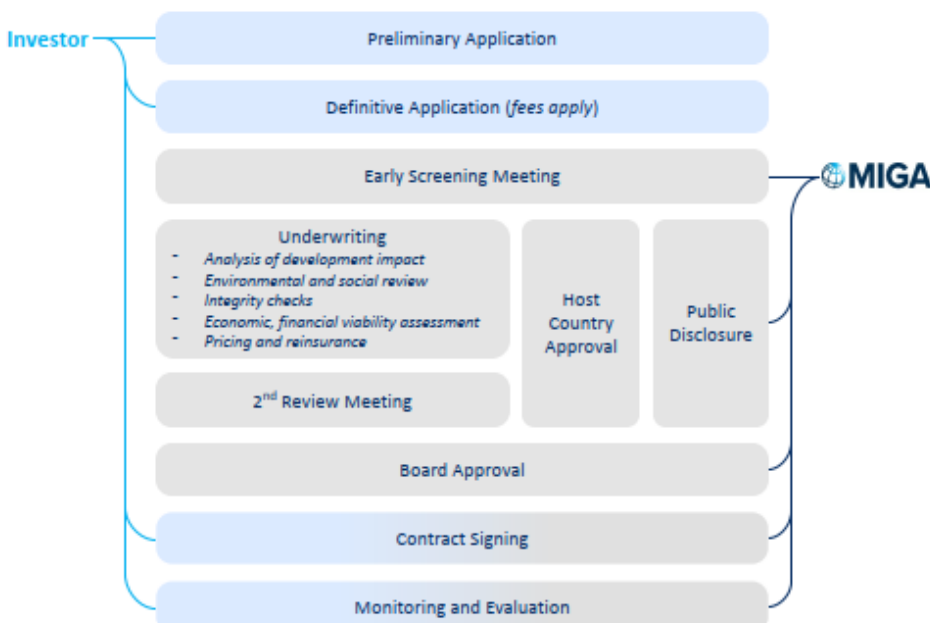
Instrument	Cover
Political Risk Insurance	 Transfer Restriction and Currency Inconvertibility*
	 Expropriation
	 War and Civil Disturbance
	 Breach of Contract by Governments and State-Owned Entities
Trade Finance	 Non-Payment by a Public Authority or Government-Owned Entity of its Obligations Relating to a Cross-Border Trade Transaction

* Currently not available in Ukraine

Political Risk Insurance (PRI) solutions for Investors and Lenders

 Currency Inconvertibility and Transfer Restriction	Inability to convert or transfer dividends or loan payments due to FX restrictions
 Expropriation	Government nationalizes or otherwise makes it impossible to operate the project through discriminatory measures
 War and Civil Disturbance	Destruction or interruption of business due to political violence (incl. sabotage and terrorism)
 Breach of Contract	Failure of government to honor obligations under contractual agreements and subsequent failure to honor arbitral award

Registration and Underwriting Process



2. List of International Export Credit Agencies and other organisations that announced support to Ukraine

No	Country	Agencies	Web	Conditions
1	Austria	OeKB	https://www.oekb.at/en/oekb-group/news-und-wissen/news/2023/ukraine-weitere-oeffnung-deckung.html	<p>Covering and financing exports: Supplier credit Sale of receivables Buyer credit Cover of letter of credit confirmations Leasing Concessional financing (soft loan) Production financing Down-payment financing Assumption of risk for bank guarantees Guarantee for use of machinery Stock in commission Private credit insurance</p> <p>With OeKB, you are guaranteed to get the right solution when covering the risk of your exports, whether they are goods or services. Even high-level commercial and political risks that the private credit insurance market doesn't cover can be covered. With your bank as a partner, we can also finance covered transactions at particularly attractive rates. This means you get your money quickly as an exporter, and your customer can pay for the investment over a longer period.</p>
2	Belgium	CREDENDO	https://credendo.com/en/knowledge-hub/credendo-announces-it-will-resume-cover-ukraine	<p>Buyer Credit Insurance The Belgian government asked Credendo to resume coverage of export transactions on Ukraine, acting for the account of the Belgian State.</p> <p>An amount of EUR 100 million will be made available for this purpose, of which EUR 75 million for short-term transactions (risk duration of maximum one year) and EUR 25 million for medium- to long-term transactions (risk duration above one year). That ceiling could later be raised based on positive experience. Insurance will be made available for transactions with sufficient Belgian interest and for a maximum of EUR 15 million per transaction. Moreover, where necessary, guarantees from Ukrainian banks or authorities will be required.</p>
3	Canada	Export Development Corporation	https://www.edc.ca/en/article/faqs-russia-ukraine-conflict.html	<p>As international risk experts, EDC helps Canadian companies to navigate, manage and take on risk to support their growth beyond Canada's borders. EDC's solutions include:</p> <ul style="list-style-type: none"> • Capital - access to working capital and financing • Risk mitigation - insurance that lowers the risk of doing business abroad • Trade knowledge - expertise to help companies make informed decisions • Global connections - relationships that connect Canadian and international companies and help both parties grow
4	Czech Republic	Export Guarantee and Insurance Corporation	EGAP.cz	<p>Based on the Resolution of the Government of the Czech Republic No. 525 of 12 July 2023 on capital strengthening of the Export Guarantee and Insurance Corporation, a.s. (EGAP) for the purpose of insurance of export credit risks to Ukraine and the subsequent instruction of the Ministry of Finance of the Czech Republic, as the sole shareholder of EGAP, it is again possible to provide insurance of the export of goods and services to Ukraine.</p>

No	Country	Agencies	Web	Conditions
5	Denmark	Export and Investment Fund of Denmark	https://www.eifo.dk/en/knowledge/news/new-reinsurance-scheme-reduces-the-risk-of-trading-with-ukraine/	An insurance solution from EIFO makes sure that 1)you will be compensated for your loss in case your customer suddenly goes bankrupt or cancels the order 2)you can accept new orders in spite of risk of war and political unrest in a country 3)you can focus on new business transactions rather than worrying about the risks related to previous transactions
6	Finland	Finnvera Oyj, Finnish Export Credit Ltd (FEC)	https://www.finnvera.fi/eng/finnvera/newsroom/news/finnveras-export-credit-guarantees-help-promote-ukraines-reconstruction-efforts	Finnvera with up to EUR 50 million in compensation for credit losses sustained in connection with export credit guarantees granted for the promotion of exports and investments to Ukraine. Finnvera will resume granting export credit guarantees from 1 January 2024. This arrangement applies particularly to financing options for short-term trade (such as documentary credit guarantees and credit insurance), which are particularly important for securing SME exports. The provision of export credit guarantees for medium and long-term trade can also be gradually increased.
7	France	Bpifrance	https://www.bpifrance.fr/	The French state-owned insurance company Bpifrance Assurance Export will insure French companies that are ready to invest in Ukraine and take an active part in the country's reconstruction without waiting for the war to end. Any company operating under French law and making a long-term investment abroad in a new or existing company, or any credit institution providing a bank loan to a foreign subsidiary, is eligible for this investment insurance. It protects investors or lending institutions against the risks of property damage or non-payment, non-transfer, expropriation or political violence. The insurance covers up to 95% of the loss of the investor's assets or receivables.
8	Germany	Investment Guarantees (agent PWC)	https://www.investitions-garantien.de/news/ukraine-krieg/bundesregierung-verbessert-die-garantiekonditionen	A Supplier Credit Guarantee offers protection against payment default, in particular if: 1)a foreign buyer becomes insolvent 2)the foreign buyer fails to make payment within 6 months (protracted default) 3)adverse measures are taken by foreign governments or warlike events arise 4)local currency amounts are not converted or transferred 5)contract performance becomes impossible due to political circumstances
9	Italy	SACE	https://www.sace.it/media/comunicazioni/news/dettaglio-comunicato/simest-gruppo-cdp-al-via-le-misure-per-pmi-e-midcap-colpite-dalla-crisi-ucraina	INVESTMENT PROTECTION. With SACE investors can safely invest abroad, getting insurance against the risk of loss of invested capital, interests and profits due to political events. SACE covers business from expropriation, nationalization, war and civil unrest, currency restrictions and breach of contract. In addition, if investors are unable to continue operations abroad due to war or civil unrest, with SACE they can recover loss of profit. Italian companies and their subsidiaries abroad planning to make foreign direct investments can get benefits: Safely invest abroad. Insurance of sums due to investors by way of future dividends, revenues from the sale of the investment and interests on shareholder's loans.

No	Country	Agencies	Web	Conditions
10				<p>Possibility of transferring policy rights to a bank to obtain better terms of financing for then foreign subsidiary.</p> <p>Equity investment supported by SIMEST can be insured against political risks.</p> <p>SACE takes equity participation in foreign direct investments, providing additional financial resources to safely grow and expand into foreign markets.</p> <p>SIMEST takes direct participation in up to 49% of the equity of foreign Italian subsidiary for a maximum duration of 8 years. If the company is established in a non-EU country, SACE can also offer interest rate subsidy.</p> <p>SIMEST's participation can be considered for establishing the company, for capital injection and/or M&A transactions.</p> <p>April 26, 2023, the Italian Export Credit Agency SACE is ready to resume work with Ukraine, which is a very important signal for Italian business, and, in addition to the previously announced €500 million, will allocate an additional €1 billion to support trade and financial operations.</p>
11	Japan	NEXI (Nippon Export and Investment Insurance)	https://www.nexi.go.jp/en/topics/newsrelease/202402150245.html	<p>NEXI covers losses incurred from i) the Commercial Risks in which the counterparty of overseas transactions such as trade is responsible, and ii) the Political Risks that arise from overseas transactions such as trade for which the party concerned are not responsible.</p>
12	Latvia	ALTUM	https://www.altum.lv/en/services/enterprises/kara-seku-atbalsts/ https://www.altum.lv/en/services/enterprises/support-of-the-consequences-of-war-guarantee/	<p>Use State support for exporters - export credit guarantee:</p> <ol style="list-style-type: none"> 1)The guarantee covers buyer's and political risks 2)Covers the risk of the guarantor of the buyer's obligations - bank or buyer's associated company 3)Serves as additional security for guarantees or a letter of credit issued by the buyer's bank if there are doubts about the bank's liquidity 4)Serves as a collateral in factoring or for obligations to a bank to secure financing for other current assets
	Netherlands	Atradius	https://atradiusdutchstatebusiness.nl/en/news/eca-support-package-for-ukraine..html	<p>You may take out cover solely for post-delivery or post-completion payment risk (credit risk) or in combination with cover for the costs you will incur prior to the delivery of your goods or completion of your work on the project (pre-delivery risk). Non-payment may be due to circumstances in your client's country such as war, natural disasters or a government's financial difficulties (political risks). It may otherwise be due to financial difficulties experienced by your client (commercial risk).</p> <p>Depending on the situation, you may choose to insure only political or only commercial risks.</p> <p>Deductible/Insured's Own Risk:</p> <p>The percentage of cover we can offer under an insurance policy for contractors is flexible. It will be fixed at a percentage which is usually between 90% and 98% of the contract value. You will therefore bear the risk for the remainder, i.e. at minimum 2% and at maximum 10% of the contract value. This is known as your deductible or own risk. You may transfer this risk to other parties to the transaction, such as your bank or suppliers. You must however apply for and obtain written approval from Atradius for this before your contract enters into force.</p>

No	Country	Agencies	Web	Conditions
13	Poland	KUKE	https://kuke.com.pl/en/news-and-insights/eur-53-6-million-to-support-polish-exports-in-ukraine	<p>KUKE is the official Polish export credit agency that provides solutions in the form of credit insurance, guarantees, factoring, and investment insurance. Solutions for banks, small and large companies. KUKE can protect the outlays borne by Polish investors against losses caused by risky political events in investment countries. The insurance covers documented pecuniary and tangible expenditures as well as intangible and legal assets (net) invested in a foreign business, which give the right to participate in profits, in the estate in bankruptcy, guarantee the right to vote and to supervise and co-manage.</p> <p>The insurance covers losses incurred in connection with the execution of a direct investment abroad as a result of events referred to as political risk and force majeure.</p> <p>Decisions in the form of government interventions preventing an investment from going ahead.</p> <p>The announcement of a universal payment moratorium.</p> <p>Decisions concerning trade restrictions consisting of prohibitions on exports.</p> <p>The transfer of receivables being rendered impossible (e.g. dividends).</p> <p>The exercise of rights related to an investment being rendered completely impossible.</p> <p>War, revolution, riots, protracted mass strikes, earthquakes, volcano eruptions, typhoons, flood, and fires of catastrophic dimensions.</p>
14	Slovakia	Eximbanka SR	https://eximbanka.sk/en/other-forms-of-export-support/ukraine-export-investment-and-economic-recovery/	<p>Coverage of short-term receivables</p> <p>EXIMBANKA SR started covering short-term receivables (up to 90 days and up to a total limit of 10 million euros).</p> <p>This limit is actively used by Slovak exporters and is mainly used to cover both commercial and political risks (under enhanced conditions).</p> <p>This is mainly the export of products of the agricultural and food sectors, steel products, pharmaceutical products, products of the chemical industry.</p>
	Sweden	EKN, Exportkreditnämnden	https://www.ekn.se/garantier/mer-om-garantier/fragor-och-svar-om-garantier-till-ukraina/ https://www.ekn.se/om-ekn/nyheter-och-evenemang/nyheter-pressemeddelanden/sarskild-exportkreditgaranti-for-ukraina/	<p>The Ukraine Regulation only applies to guarantees to cover losses in connection with export transactions with goods to Ukraine. The warranty covers the risk of non-payment on the part of the buyer. EKN's ordinary terms and conditions for products are applied, with the necessary adaptations to the special regulation.</p> <p>EKN must settle any claims for non-payment before the end of 2026. As a result, EKN will not be able to guarantee receivables that fall due later than can be dealt with in the claims adjustment process, preliminarily August 2026. If the repayment period with the Ukrainian buyer is longer, EKN does not bear that risk.</p> <p>EKN can cover a maximum of 80 per cent of the guaranteed commitments. The terms and conditions for an export credit guarantee under the special Ukraine Regulation must be designed so that the guarantee holder and EKN bear losses proportionately and in the same way.</p>

No	Country	Agencies	Web	Conditions
15				EKN can cover a maximum of 80 per cent of the guaranteed commitments. The terms and conditions for an export credit guarantee under the special Ukraine Regulation must be designed so that the guarantee holder and EKN bear losses proportionately and in the same way. The total guarantee framework for which EKN can issue a guarantee to Ukraine is SEK 333 million. A guarantee can be applied for a maximum of SEK 100 million per applicant in the same group of companies. However, this limitation does not apply if there is room in the guarantee framework when there are six months left of the period during which EKN can issue guarantees, i.e. as of 30 June 2024.
16	UK	UK Export Finance	https://www.gov.uk/government/news/new-insurance-scheme-to-facilitate-uk-business-supporting-ukraine?ref=ukrainerebuildnews.com	UK government helping plan war-risk insurance scheme which will lead UK companies to do business in Ukraine Lack of available insurance currently a major barrier preventing UK companies trading with and investing in Ukraine to help it rebuild Business and Trade Minister The Earl of Minto inks agreement today at the European Bank for Reconstruction and Development The UK will today sign a Statement of Intent on a European Bank for Reconstruction and Development (EBRD) war-risk insurance scheme for Ukraine. The EBRD's effort, along with complementary backing by other international financial institutions, over time will help UK companies to do business in Ukraine and support its reconstruction.
17	USA	DFC - U.S. International Development Finance Corporation	https://www.dfc.gov/media/press-releases/joint-declaration-support-trade-finance-ukraine	Types of Coverage: 1) Currency Inconvertibility 2) Government interference (Expropriation) 3) Bid, Performance, Advance Payment, and Other Guaranty Coverages 4) Breach of Contract for Capital Markets 5) Reinsurance 6) Political violence including terrorism

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Agencies that not cover yet war risks, but provide support for local producers while

No	Country	Agencies	Web	Conditions
18	Ireland	Ireland Credendo	https://www.gov.ie/en/press-release/fd9e9-ministers-coveney-mcgrath-and-mcconologue-announce-first-lender-to-the-market-for-12-billion-ukraine-credit-guarantee-scheme/	This scheme has a lending ceiling of €1.2 billion and will facilitate loans for working capital and medium-term investment. The important features are: 1) no personal guarantee or collateral required for loans up to €250,000 2) loans of up to 6 years and €1 million 3) reduced interest rates (vs standard market rates) available until 31 December 2024 and includes farmers, fishers and small mid-caps 4) open call has encouraged variety of lenders to participate, including non-banks and credit unions 5) pre-eligibility available on SBCI Hub which speeds up the process. Businesses will have certainty that their liquidity funding needs can be met through low-cost loans supported by the government. This is a central pillar of the government's response to aid businesses impacted by rapidly rising costs as a result of the invasion of Ukraine.
19	Romania	Exim Banca Romaneasca	https://www.eximbank.ro/en/2022/12/08/schema-de-ajutor-de-stat-ucraina/	<p>Covered risks</p> <p>1) Commercial risks - Risk of unjustified execution of export guarantees by the commercial partner, while the insured party met its obligations within the auction and/or the contractual obligations;</p> <p>2) Political risks:</p> <ul style="list-style-type: none"> -Risk of executing export guarantees due to the exporter's incapacity to meet its contractual obligations due to the occurrence of political risks in the Debtor's country or in a third country, such as: the risk that a public debtor or a country to prevent the achievement of an export transaction; risks exceeding the will of individual buyers, or which are not the responsibility of individual buyers; -Risk of executing export guarantees by the Debtor, in the conditions when the contract continuation makes no longer an economic sense due to the instating of sanctions or payment moratoria which prevent the Debtor to pay on maturity.

German Export Credit Guarantees - Simplified procedures for Ukraine

German Export Credit Guarantees is a new opportunity for Ukrainian entrepreneurs to obtain the necessary equipment, and for German manufacturers to sell their goods.

Hermes covers an export credit guarantee (ECG) by the German Federal Government. These guarantees are an important part of German foreign trade policy and protect German exporters and export finance banks from political and commercial risks. Euler Hermes Aktiengesellschaft has been commissioned by the Federal Government to manage the federal financing instruments Export Credit Guarantee and Imposed Loan Guarantee.

Euler Hermes Aktiengesellschaft offers short-term loans for the following goods:

- ▶ 6 months (raw materials, semi-finished products, components, consumer goods, spare parts)
- ▶ 12 months (high-value components, fertilizers and plant protection products, long-lasting goods)

German companies are ready to deliver goods to Ukraine worth more than 24 million euros in July and June. The special conditions offered by the German Government can predict that **100 million euros** will be invested in business in Ukraine this year.

A representative of Geringhoff, an agricultural machinery manufacturer specialising in combine harvesters, noted that the Ukrainian market is very important to them. The agricultural production market is seasonal, making timely payments crucial. If they don't have Hermes cover, they will require advance payment. The company hopes that Hermes cover will allow them to increase the number of customers in Ukraine.

With this coverage, the client will pay for the goods to Geringhoff, and in the case of its bankruptcy, after 12 months, Hermes cover will compensate the Ukrainian company's debt to the manufacturer. The cost of Hermes cover for Ukrainian companies depends on many factors. It can be as low as 0.5% of turnover, and the German importer includes this amount in the product's price.

Regarding the minimum initial payment, there are no specific requirements for short-term contracts. It all depends on the exporters, but they must have a presence in Germany. Shipments from China are not covered by Hermes. Additionally, Hermes cover is not risk insurance in favor of Ukrainian companies, and military risks are not compensated. That is, if a Russian missile destroys equipment or something else, these costs cannot be covered. There are other programmes available, and their terms of cooperation with them can be found on their website. There is currently no maximum number of contracts for Hermes cover, but the details are carefully reviewed before signing contracts for cover.

For Ukrainian companies, the first step should be communication with German partners, and then communication with the office that provides cover.

The Senior Underwriting Manager of the Export Credit Agency (ECA) in Germany emphasized that coverage terms can range from 360 days to 15 years depending on the project size and the shelf life of the goods being supplied, and for some projects, such as renewable energy, even longer.

Benefits provided by project financing from the German ECA:

- ▶ Low financial costs
- ▶ Longer loan terms
- ▶ Flexibility (based on 70 years of experience and an excellent reputation)

The maximum limit for project value is **250 million euros**. If the project amount exceeds **10 million euros**, a more detailed analysis of the project is conducted, all risks are clarified, and an audit is performed. If necessary, the issue of collateral or state guarantees is raised. Cover can also be combined with leasing of German equipment.

International Chambers of Commerce / Business Associations

International Chambers of Commerce & Business Associations play a pivotal role in facilitating foreign investment in Ukraine. These organizations serve as a bridge between investors and the local business landscape, offering invaluable insights, networking opportunities, and tailored support services. Whether you are looking to understand market dynamics, regulatory frameworks, or seek potential business partners, these chambers provide a comprehensive suite of resources to ensure a smooth and successful entry into the Ukrainian market.

Contact your local Chamber or Business Association for more information.

Chamber of Commerce	Location	Website
 American Chamber of Commerce Ukraine (ACC)	Ukraine	www.chamber.ua
 Australia-Ukraine Chamber of Commerce (AUCC)	Ukraine / Australia	www.aucc.biz
 British Ukrainian Chamber of Commerce (BUCC)	Ukraine / United Kingdom	www.bucc.com.ua
 Canada-Ukraine Chamber of Commerce (CUCC)	Ukraine / Canada	www.cucc.ca
 Chamber of Commerce Switzerland - Ukraine (HSU)	Switzerland	www.hsu.ch
 Danish Business Association	Ukraine	www.dba-ukraine.com
 French-Ukrainian Chamber of Commerce and Industry (CCIFU)	Ukraine	www.ccifu.com.ua
 German-Ukrainian Chamber of Industry and Commerce (AHK Ukraine)	Ukraine	www.ukraine.ahk.de
 International Turkish Ukrainian Business Association (TUID)	Ukraine	www.tuid.org.ua
 Italian Chamber of Commerce in Ukraine (CCIPU)	Ukraine / Italy	www.ccipu.org
 Netherlands-Ukrainian Chamber of Commerce (NUCC)	Netherlands	www.nucc.nl
 Norwegian-Ukrainian Chamber of Commerce (NUCC)	Norway	nucc.no
 Polish-Ukrainian Chamber of Commerce	Ukraine / Poland	www.pol-ukr.com
 Spanish-Ukrainian Chamber of Commerce (CCIU)	Spain	www.spain-ukraine.com
 Swedish Business Association in Ukraine (SBA)	Ukraine	www.sba.org.ua
 Swedish-Ukrainian Chamber of Commerce	Sweden	www.svensk-ukrainsk.se
 Ukrainian-Austrian Association	Ukraine	www.ukrainian-austrian-association.com
 Ukrainian Business Council in UAE (UBC)	UAE	www.ubcdubai.org
 Ukrainian Chamber of Commerce Panama	Panama	www.uccpanama.org
 Ukrainian-Czech Chamber of Commerce (UKRCHAM)	Czech Republic	www.ukrcham.cz
 Ukrainian-Danish Chamber of Commerce	Denmark	www.uadkcc.com
 Ukrainian-Estonian Chamber of Commerce (UECC)	Estonia	www.uecc.ee
 Ukrainian-Lithuanian Chamber of Commerce	Lithuania	www.ulcc.lt
 Ukrainian-Swiss Business Association (USBA)	Switzerland	www.ukraine-swiss.ch

Taxation in Ukraine

1. THE TAX SYSTEM

In Ukraine, taxes and statutory charges are levied in accordance with the Tax Code of Ukraine (effective from 2011). The major taxes and compulsory payments are:

- ▶ Corporate income tax (CIT)
- ▶ Value added tax (VAT)
- ▶ Personal income tax (PIT)
- ▶ Unified social contribution (USC)
- ▶ Temporary "military charge"
- ▶ Excise tax
- ▶ Property tax
- ▶ Duty
- ▶ Land rental fee

All taxpayers are required to register with the State Tax Agency (STA) and to obtain a tax identification (ID) number. Registration is undertaken through the local tax office where the business is located. Without a tax ID number it is not possible to open a bank account in Ukraine.

2. TAXES ON BUSINESS

2.1. Corporate income tax

2.1.1. Tax rates

Since 2014 the basic CIT rate is 18%.

Agricultural and small businesses may qualify for a simplified tax regime at a low tax rate (3% or 5% of the sales). Special tax treatment also applies to insurance companies and lotteries.

In Ukraine, CIT administration is centralised and no additional corporate income taxes are imposed at regional or local levels. For each reporting period, CIT is calculated on a self-assessed basis.

CIT returns must be filed on a quarterly basis and in some cases - on calendar year basis (for new legal entities, and for entities with annual income less than UAH 40 million that is appr. USD 1.1 million). It is allowed to credit the foreign income tax (up to the amount of the Ukrainian income tax on the same income).

2.1.2. Taxable base

CIT is levied on tax residents of the Ukraine on their gross worldwide income and it is levied on non-residents on their Ukraine-sourced income. A non-resident entity with place of effective management in Ukraine qualifies as a tax resident taxed on Ukraine-sourced income only.

The taxable base for CIT is calculated as Ukraine and foreign-sourced income, which is determined by adjusting (increasing or decreasing) the financial result before tax (profit or loss), as defined in the financial statements in accordance with IFRS or the national accounting regulations (standards) (an election available for most businesses except banks, insurance companies etc.), for tax differences according to the Tax Code. Income includes any income from the sale of goods/works/services, capital gains, foreign exchange gains, free-of-charge transfers, and other taxable receipts in cash, in kind, or in the form of intangibles accrued within the reporting period.

Taxpayers with annual income below UAH 40 million (that is appr. USD 1.1 million) may opt to not apply the tax differences.

Ukraine uses an accrual method for tax accounting. Income is realised in the tax period when the transfer of ownership title to goods/services/works occurs, while deductible expenses (forming the cost of production of sales) is recognised on the date when the relevant goods/services/works were supplied.

Dividends received from residents of Ukraine and non-residents under the recipient's control shall not be included into taxable incomes.

2.1.3. Tax loss use

Tax losses can generally be carried forward indefinitely, except for so-called big taxpayers - that are allowed to use in a tax year only 50% of unused tax loss (the remaining 50% can be forward to the next year). It is not allowed to carry back a tax loss.

A taxpayer qualifies as a big one if at least 2 conditions are met (assets value above EUR 20 mln, sales proceeds above EUR 40 mln, average staffcount - above 250).

2.1.4. Allowable deductions

Most business-related expenses are deductible for CIT purposes. However, the deductibility of certain

expenses is specifically limited (for example, interest payable to related non-residents; royalties paid to non-residents).

2.1.5. Transfer Pricing

The Ukrainian transfer pricing rules correspond to OECD transfer pricing guidelines. The amount of taxable profit received by a taxpayer from one or more controlled operations is considered to be at "arm's length" if the determination of cost or income is calculated in a manner that is no different from the way it is determined for comparable transactions between unrelated parties.

The List of Controlled Operations

For purposes of transfer pricing, controlled operations are defined as the following types of transactions, so long as the total income of the taxpayer and/or its related persons exceeds 150 million UAH per year and the volume of business transactions of the taxpayer with one counterparty exceeds 10 million UAH for the corresponding year:

- ▶ Business transactions conducted between a taxpayer and related parties that are non-residents (including through a non-related intermediary(ies) that does not perform any significant activities);
- ▶ Business transactions amounting to the sale or purchase of goods through a non-resident agent;
- ▶ Business transactions between a non-resident and its PE in Ukraine;
- ▶ Business transactions where one of the parties is a non-resident of legal forms (specific for each country) that do not pay tax on their foreign incomes and/or do not qualify as a tax resident in a country of their incorporation. The list of such forms in the respective countries is published by the Cabinet of Ministers of Ukraine;
- ▶ Business transactions where one of the parties is a non-resident registered in a country that is included in the list of countries published by the Cabinet of Ministers of Ukraine (including the countries with the CIT rate is at least 5% lower than in Ukraine).

Also 30% adjustment applies to income from sales to a resident of low-tax jurisdiction or of a special legal form, or expenses on purchases from them unless a transfer pricing documentation proves an arm's length prices.

Annual Reporting and Penalties

For transfer pricing purposes, the reporting period is the calendar year. Taxpayers having transactions with controlled operations during the reporting period with one counterparty in amount exceeding UAH 10 million should submit a report on controlled operations and a notification on participating in a multinational group to the tax office before 1 October of the following year (in a prescribed format) and the transfer pricing documentation on them - within 30 days after the tax office's request.

Also big businesses are required to file a master file and a country-by-country report (if the group revenues exceed EUR 50 mln and EUR 750 mln respectively).

2.1.6. Withholding tax

Any income received by (and paid to) a non-resident company is subject to a withholding tax (WHT) in Ukraine at a rate of 15% unless an applicable double tax treaty provides otherwise and the income's beneficial owner is confirmed (also anti-avoidance rules apply to prevent treaty shopping). Such income includes dividends, interest, royalties, capital gains, lease payments, brokerage and agency commission, and so on. Income from a non-resident's sale of a Ukrainian real estate company is also subject 15% WHT.

Income received as consideration for goods/services/works provided to a resident is mostly WHT exempt. Different WHT rates apply to certain types of income paid to non-resident's (for example, freight, insurance premiums paid abroad, and advertising fees). Withholding tax rate may be reduced under an international taxation convention (Appendix 1).

Ukraine started to apply MLI in December 2019.

2.1.7. Taxation of non-residents acting via permanent establishment

Foreign entities that conduct commercial or non-commercial activities in Ukraine are required to follow the tax registration procedure and file the CIT returns for commercial activities via their permanent establishment (PE) in Ukraine.

PE is a fixed place of business through which economic activities of non-residents in Ukraine are carried out wholly or partially, in particular: a place of management; branch; office; factory; workshop; installation or structure for the exploration of natural resources; mine, oil/gas well, a quarry or any other place of extraction of natural resources; warehouse or premises used for the delivery of goods, computer servers.

PEs are subject to normal corporate income tax. However, an exemption may be available if the activities of the non-resident do not lead to creation of a PE under the Tax Code or the relevant tax treaty. With regard to corporate income tax, taxable profits of a PE can be determined based on direct method where

profits are determined as gross income (received offshore or onshore) less allowable expenses incurred by the PE.

2.1.8. Thin capitalisation

For a debtor whose debt obligations from transactions with non-resident related parties exceed the amount of equity by more than 3.5 times (or by more than 10 times for financial institutions and companies involved exclusively in leasing activities),

the debtor's financial result before tax is additionally increased by the excess amount of interest on loans, borrowings, and other debt obligations over 30% of the financial result before tax, interest and depreciation (EBITDA).

Interest that exceeds this limit is added back (i.e., increases the financial results before tax). Annually the taxpayer may carry forward 95% of the remaining excessive interest (non-deducted during a year) until it is fully utilized.

2.1.9. Controlled Foreign Companies (CFC)

CFC's profits are taxed at 18% for legal entities and 5% or 9% for an individual. The first CFC reports shall be filed by a controlling shareholder in 2023 for 2022.

2.2. Value added tax

2.2.1. Tax rates

In general terms, Ukraine uses input/output VAT system similar to the EU. VAT applies at the following rates:

- ▶ 20% is levied on the supply of goods and services in the customs territory of Ukraine and on the importation of goods and services to Ukraine.
- ▶ 7% - for medical drugs and products.
- ▶ 14% - import and local sales of some agricultural products.

Supplies of certain goods and services (for example, charitable aid, financial services, and so on) and export of software development, consulting and some other services, are exempt from, or not subject to, VAT. (That is, they are exempt without a right to a VAT credit).

Export supplies of goods are zero-rated. (That is, they are exempt with a right to a VAT credit).

Since 2022 e-supplies of services to individuals in Ukraine are subject to 20% VAT and the foreign providers must VAT register in Ukraine (if their sales in Ukraine exceed UAH 1 million for any preceding 12 month period), add 20% VAT to the price and file the monthly VAT returns.

2.2.2. Registration for VAT purposes

Registration as a VAT payer is compulsory for all Ukrainian companies, individuals, and permanent establishments of non-resident companies that qualify as VAT payers (in other words, those whose volume of transactions subject to VAT exceeds UAH 1 million (approximately USD 27 thousand) for any preceding 12 months of operation).

Taxpayers whose volumes of transactions do not reach the mandatory threshold can voluntarily register as VAT payers.

2.2.3. VAT mechanism

The amount of VAT that a registered VAT payer incurs on local purchases of goods and services (so-called input VAT) can be credited against the taxpayer's VAT liabilities (so-called output VAT) in computing the final VAT payable to (or refundable from) the government. The input VAT amount in excess of the taxpayer's VAT liabilities may be used to offset VAT liabilities of subsequent tax periods, or it can be refunded in cash.

VAT on import of goods (payable to the customs) and services is collected through a reverse charge mechanism (sometimes referred to as "import VAT"). This mechanism requires self-assessment and payment of the 20% VAT by a Ukrainian importer for the tax period (which is a month under the VAT system) when goods/services are imported to Ukraine. The paid VAT can usually be claimed by the Ukrainian importer as a VAT credit in the same tax period. If the goods or services imported are used in transactions that are not subject to VAT, or for transactions outside the business activity of the Ukrainian importer, the import VAT cannot be recovered, and it becomes a cost to the Ukrainian importer.

The reverse charge mechanism does not apply if a non-resident service provider has a PE registered as a VAT payer in Ukraine. In such a case, the VAT registered PE is in charge of assessing VAT liabilities, offsetting them against the input VAT, and paying the difference to the government.

2.2.4. System of electronic VAT administration

VAT payers are automatically assigned with accounts in the system of electronic VAT administration. The system of electronic VAT administration ensures automated VAT accounting in respect of each taxpayer.

Upon sale VAT payers must register all VAT invoices in the system that is a pre-condition for recognition of VAT credit by a customer/buyer.

2.2.5. VAT reporting

For VAT purposes, the reporting period is a calendar month (though in rare cases of low volume activities it can be a quarterly reporting period). VAT payers are required to file VAT returns within 20 days after the end of the reporting month. VAT payable, if any, should be remitted to the government within 30 days after the end of the reporting month.

2.3. Unified tax

Legal entities and individual entrepreneurs may choose to pay taxes pursuant to so-called "simplified taxation system", if they meet certain thresholds. In such cases, they can be registered as unified taxpayers (UT). Unified taxpayers are exempt from some taxes. For example, depending on the UT taxpayer group, UT is a substitute for corporate income tax, personal income tax regarding the business activity of an individual, VAT (unless the taxpayer chooses to pay Unified Tax at a reduced rate plus VAT), land tax (on land used for business purposes), and so on.

If a taxpayer engages in certain, specifically excluded types of business activities or is owned by a non-resident, they cannot qualify as unified taxpayers. The types of activities listed include, for example, currency exchange, export, import of excisable goods, gambling, financial services, and so on. Non-resident individuals of Ukraine are also not allowed to be registered as unified taxpayers. UT taxpayers are also subject to simplified tax reporting requirements.

The unified tax system consists of 4 groups. The reporting period for Groups 1, 2, and 4 is the calendar year, for Group 3 it is quarterly.

Details about Unified Tax Groups, as well as the income thresholds, types of activities UT taxpayers may engage in, and the UT rates are provided in Appendix 2.

3. TAXATION OF INDIVIDUALS

3.1. Personal income tax

In Ukraine, individuals are subject to PIT depending on whether they are tax residents or not. Individuals who are tax residents of Ukraine are taxed on their worldwide income and non-residents are taxed on their Ukraine-sourced income only. Under Ukrainian law, Ukraine-sourced income is income derived by an individual as a result of any labour or business activity performed in Ukraine, including remuneration for the work performed in Ukraine, whether paid by a Ukrainian or a foreign company.

Under Ukrainian law, an individual can be considered a tax resident of Ukraine if he/she meets the Ukrainian tax residency criteria, which are as follows:

- ▶ An individual is considered a Ukrainian tax resident if he/she has a domicile in Ukraine.
- ▶ If the individual also has a domicile in another country, the individual is deemed to be resident of Ukraine provided he/she has a permanent place of residence in Ukraine.
- ▶ If the permanent place of residence is also available in another country, the individual is deemed to be resident of Ukraine provided his/her centre of vital interests is situated in Ukraine.
- ▶ If it is not possible to determine the actual centre of vital interests, or if the individual does not have a permanent place of residence in any country, the individual is deemed to be tax resident of Ukraine if he/she stays in Ukraine at least 183 days during a calendar year.

In Ukraine, both resident and non-resident individuals are taxable at the tax rate of 18%.

Dividends income is taxed that the rate of 5% if the dividends payer is a corporate income taxpayer and 18% in other cases.

Interest on bank deposits and current accounts is taxed at the rate of 18%.

Generally, any benefit provided by the individual's employer is subject to tax in Ukraine, unless such benefit and/or reimbursement of expenses is provided by the Ukrainian employer and is connected with the employment duties of the employees according to the employment agreement or in a collective agreement.

Under Ukrainian law, income received from foreign sources, or income from Ukrainian sources that was not taxed at source, is subject to taxation in Ukraine based on an annual tax return. The obligation to report this income in Ukraine and to pay the tax rests with the individual. The tax return is filed with the district/city tax authorities' office at the place of the individual's domicile in Ukraine.

The annual tax return is due by 30 April of the year after the end of the calendar year. The self-assessed tax is due by 31 July of the year after the end of the calendar year. The tax can be paid in UAH only.

If a remuneration to an individual (whether the individual is a tax resident or non-resident) is paid

through the payroll of a Ukrainian entity, the income tax is withheld at source. In such cases the individual is not required to submit any tax return in Ukraine.

Where Ukraine has an international treaty (that is, a double taxation treaty) that provides for tax treatment other than that provided under Ukrainian law, the rules of the international treaty prevail over domestic legislation.

3.2. Military charge

In addition, a temporary "military charge" has been introduced from 2014. The military charge is 1.5% of employment income (withheld by the employer, or self-assessed on the PIT return together with PIT self-assessment) and is applied in respect of all other types of income that is subject to personal income tax.

4. UNIFIED SOCIAL CONTRIBUTION

In addition to personal income tax (PIT), remuneration, allowances, and similar payments made to employees (whether Ukrainian or foreign nationals) through a Ukrainian payroll are subject to the unified social security contribution (USC), which is paid by an employer at its expense. Only foreign individuals working in a foreign company's representative office are not subject to USC.

The monthly taxable base for USC is capped at 15 times the minimum subsistence allowances (in 2023 the cap equals to UAH 100,500/month or approximately USD 2,750/month).

USC due from the employer is payable when the remuneration is paid. Employers' contribution is 22% of the gross income, up to the monthly cap.

5. OTHER TAXES

5.1. Customs duty

Importation of equipment, machinery, materials, and other goods is usually subject to Ukrainian import duties. No import (customs) duties apply if a foreign shareholder (investor) contributes equipment and machinery to the share capital of its Ukrainian subsidiary, provided the Ukrainian company does not dispose of the contributed equipment and machinery within three years.

In-kind capital contributions are, however, subject to Ukraine's 20% VAT under the reverse charge regime.

Import (customs) duties are levied on the customs value of imported goods and are calculated in a variety of ways:

- ▶ as an ad valorem tax (that is, as a percentage of the customs value of the imported goods),
- ▶ as a certain fixed amount per imported item, or
- ▶ as a combination of the two.

Regular Ukrainian customs duty rates on import of specific goods are set out in the Law of Ukraine "On the Customs Tariff of Ukraine".

Reduced rates of customs duties apply to goods originating from most favoured nation countries (subject to providing certificate of origin). Full rates apply to goods from other countries.

The import of goods is subject to 20% VAT that is paid using the reverse charge mechanism. The amount of VAT is assessed based on the customs value of the imported goods plus import customs duties and excise duties. Also, if excisable goods are imported in Ukraine (for example, cigarettes, alcohol products, and so on), the importer is required to pay excise duty before customs clearance. Export of goods from Ukraine is generally subject to 0% Ukrainian VAT and is typically exempt from customs duties.

5.2. Excise tax

Excise tax rates on imports are assessed at rates on the sum of the declared customs value and customs duties, without VAT. Payment should be made in Ukrainian currency at the Ukrainian National Bank exchange rate effective on the date of payment. Excise tax is also paid by Ukrainian manufacturers of excisable goods.

Excise tax is paid on cars, tobacco, alcoholic beverages, fuel, and electric energy.

As well, a 5% excise tax was introduced on retail sales of excisable goods such as tobacco, beer and alcoholic beverages. This tax is charged by the retail sales companies.

5.3. Property Tax

For property tax purposes, residential and non-residential property owned by individuals and legal entities are considered taxable objects. The tax base is the total area of residential and non-residential property. The tax rate is up to 1.5% of the minimum wage per 1 sq.m. of the taxable base (in 2023 the minimum wage is UAH 6 700 or USD 183).

The tax period for property tax purpose is the calendar year.

Chart of withholding tax rates

The following chart presents a list of withholding tax rates that may be applicable to certain types of income derived from the Ukraine by non-residents of Ukraine.

DOUBLE TAX TREATIES/ RECIPIENT RESIDENT IN	WITHHOLDING TAX RATES (WHT)			
	DIVIDENDS %	INTEREST %	ROYALTY FOR LITERARY WORKS %	ROYALTY FOR INDUSTRIAL PROPERTY %
ALGERIA	5 (25)/15	10	10	10
ARMENIA	5 (25)/15	10	0	0
AUSTRIA	5 (10)/10	2/5	5	0
AZERBAIJAN	10	10	10	10
BELARUS (terminated)	15	10	15	15
BELGIUM	5 (20)/15	2/5	5	0
BRAZIL	10 (25)/15	15	15	15
BULGARIA	5 (25)/15	10	10	10
CANADA	5 (20)/15	10	0/10	10
CHINA	5 (25)/10	10	10	10
CROATIA	5 (25)/10	10	10	10
CYPRUS	5 (20)/15	2	10	5
CUBA	5/15	10	0	5
CZECH REPUBLIC	5 (25)/15	5	10	10
DENMARK	5 (25)/15	10	10	10
EGYPT	12	12	12	12
ESTONIA	5 (25)/15	10	10	10
FINLAND	5 (20)/15	5/10	10	5
FRANCE	5 (10/20)/15	2/10	10	0
GEORGIA	5 (25)/10	10	10	10
GERMANY	5 (20)/10	2/5	5	0
GREECE	5 (25)/10	10	10	10
HUNGARY	5 (25)/15	10	5	5
ICELAND	5 (25)/15	10	10	10
INDIA	10 (25)/15	10	10	10
INDONESIA	10 (20)/15	10	10	10
IRAN	10	10	10	10
ISRAEL	5 (25)/10/15	5/10	10	10
ITALY	5 (20)/15	10	7	7
JAPAN	15	10	0	10
JORDAN	10 (25)/15	10	10	10
KAZAKHSTAN	5 (25)/15	10	10	10
KOREA	5 (25)/15	5	5	5
KUWAIT	5	0	10	10
KYRGYZSTAN	5 (50)/15	10	10	10
LATVIA	5 (25)/15	10	10	10
LIBYA	5 (25)/15	10	10	10

DOUBLE TAX TREATIES/ RECIPIENT RESIDENT IN	WITHHOLDING TAX RATES (WHT)			
	DIVIDENDS %	INTEREST %	ROYALTY FOR LITERARY WORKS %	ROYALTY FOR INDUSTRIAL PROPERTY %
LEBANON	5 (20)/15	10	10	10
LITHUANIA	5 (25)/15	10	10	10
LUXEMBOURG	5 (20)/15	5/10	10	5
MACEDONIA	5 (25)/15	10	10	10
MALAYSIA	15	15	15	10
MALTA	5 (20)/15	10	10	10
MEXICO	5(25)/15	10	10	10
MOLDOVA	5 (25)/15	10	10	10
MONGOLIA	10	10	10	10
MOROCCO	10	10	10	10
NETHERLANDS	5 (20)/15	2/10	10	0
NORWAY	5 (25)/15	10	10	5
PAKISTAN	10 (25)/15	10	10	10
POLAND	5 (25)/15	10	10	10
PORTUGAL	10 (25)/15	10	10	10
REPUBLIC OF SOUTH AFRICA	5(20)/15	10	10	10
ROMANIA	5(20)/15	10	15	10
RUSSIA (terminated)	5/15	10	10	10
SAUDI ARABIA	5(20)/15	10	10	10
SINGAPORE	5(20)/15	10	7,5	7,5
SLOVAKIA	10	10	10	10
SLOVENIA	5(25)/15	5	10	5
SPAIN	18	0	0	5
SWEDEN	5(20)/10	10	10	10
SWITZERLAND	5(20)/15	10	10	0
SYRIA	10	10	18	18
TAJIKISTAN	10	10	10	10
THAILAND	10(25)/15	10/15	15	15
TURKEY	10(25)/15	10	10	10
TURKMENISTAN	10	10	10	10
UNITED ARAB EMIRATES	5(10)	3	10	0
UNITED KINGDOM	5(20)/10	0	0	0
USA	5(20)/15	0	10	10
UZBEKISTAN	10	10	10	10
VIETNAM	10	10	10	10
YUGOSLAVIA (SERBIA AND MONTENEGRO)	5(25)/10	10	10	10

Notes:

(1) Figures in the brackets in the "Dividends" column indicate the minimum percentage share ownership a foreign shareholder in a Ukrainian company must own in order for the reduced WHT rate to apply (provided such shareholder is the beneficial owner of such dividends).

(2) Figures indicated in the table above separated by a slash (/) suggest that different WHT rates may apply to a particular type of income under the relevant double taxation treaty, depending on the circumstances.

Unified tax groups information

GROUP	NUMBER OF EMPLOYEES	INCOME FOR CALENDAR YEAR	TYPES OF ACTIVITIES	UT RATE: FIXED (% OF MINIMUM WAGE DATED AS AT 1ST OF JANUARY) OR % OF INCOME/ VALUE
1. Individuals - entrepreneurs	None	No more than UAH 1,118,900 (USD 30,570)	Retail sales of goods at markets, rendering of consumer services to individuals	Up to 10% of minimum wage (UAH 670 per month in 2023)
2. Individuals - entrepreneurs	No more than 10 employees (simultaneously)	No more than UAH 5,587,800 (USD 152,670)	Rendering services (including consumer services) to the unified taxpayers and individuals; goods manufacturing and sale; catering	Up to 20% of minimum wage (UAH 1,340 per month in 2023)
3. Individuals - entrepreneurs & legal entities	Not limited	No more than UAH 7,818,900 (USD 213,630)	All type of business activities (except excluded activities)	a) 3% of income + VAT b) 5% of income without VAT c) 2% until 30.06.2023 (this rate was introduced temporary during marital time)
4. Agricultural producers	Not limited	Agricultural production for the previous year not less than 75%	Agriculture	0.19%-6.33% of the agricultural land value

Diia.City - preferable special tax regime for IT industry in Ukraine



provides unique tax and legal space for IT business, making it easier and less expensive to manage and operate your business.

Labor Taxes:

- ▶ Personal income tax – **5%** vs 18% on general taxation
- ▶ Social Security fee – **22%** of the min wage (apx. **45 EUR** person / month) vs 22% on full gross salary on general taxation (with an upper limit)
- ▶ Military tax – **1.5%** (same on general taxation)

Corporate Tax:

- ▶ **9%** exit capital tax or **18%** income tax

Diia.City conditions fixed for 25 years

The state guarantees residents of the Diia.City the stability of conditions for 25 years, as well as observance of the rights and legitimate interests of residents and the specialists.

If your company has such financial indicators (example):

- Revenue – €200,000
- Founders' dividends /NI – €20 000
- Staff – 10 people
- Average salary – €1,200/month (€144,000 gross per annum)



Such a company and its employees are going to pay **€16.6K** in taxes within the Diia.City annually:

- Income tax: €0 (vs €3,600)
- Exit Capital Tax: €1,800
- **Personal Income Tax + Military Tax: €9,360 (vs €28,080)**
- Social security: €5,400 (vs €31,680)
- Total taxes: €16,560 (vs €63,360), including:
 - Company – €7,200 (vs €35,280)
 - Employees – €9,360 (vs €28,080)

For comparison, the calculation of taxes in other countries with special frameworks

–	€5 500	–	€2 175	–	–	Income tax
€1 800	–	–	–	€1 000	–	Exit capital tax
€9 360	€7 200	€14 400	€4 976	€28 800	€7 200	PIT (+Military)
€5 400	€5 760	€9 360	€22 032	€2 880	€30 925	Social security tax
€16 560	€18 460	€23 760	€29 183	€32 680	€38 125	Total taxes (€ per year)
	India	Kazakhstan Astana Hub	the U.S. Delaware	Georgia IT virtual zone	Poland	

Valuation of war damage

Businesses in Ukraine have experienced substantial and ongoing financial losses due to Russia's military aggression. This has led to severe damages, disruptions in production processes and supply chains, and human casualties.


















According to **estimations by Kyiv School of Economics**, as of February 2023 the total amount of damage caused by Russia to Ukraine's infrastructure exceeded \$143 billion (at replacement cost).

Agricultural war damages, losses, and needs amount \$40 billion, including direct and indirect losses.

To get reimbursement for the damage caused, the first step is to record and assess the damage from the war.

Damage valuation methodology

Valuation of damage and lost profits due to Russian aggression is carried out in accordance with the **Methodology** approved on 18.10.2022 by the Ministry of Economy of Ukraine and the State Property Fund of Ukraine.

Property type	Damage assessment, \$ billion
 Housing	53,6
 Infrastructure	36,2
 Assets of enterprises, industry	11,3
 Education	8,9
 Agriculture and land resources	8,7
 Energy	8,1
 Forests	4,5
 Transport	3,1
 Trade	2,6
 Culture, sport, tourism	2,2
 Healthcare	1,8
 Utilities	1,4
 Electronic communications	0,6
 Administrative buildings	0,5
 Social sphere	0,2
 Financial sector	0,04
 Total	143,8

Data by Kyiv School of Economics (KSE)

The assessment of damages accordance with this Methodology serves to determine:

- ▶ Damages caused by armed aggression within the scope of criminal proceedings in accordance with the legislation of Ukraine.
- ▶ Damages caused by armed aggression for the purpose of victims' claims for compensation.
- ▶ Damages caused by armed aggression for the purpose of filing lawsuits by victims to judicial authorities, including international ones.

According to this Methodology the types of damages are as follows:

- ▶ Real damages.
- ▶ Lost profit/benefits.
- ▶ Expenses necessary to restore property and property rights impacted due to aggression.

The valuation is carried out by independent valuers or court experts.

The damage valuation report is valid until the date of compensation (inclusive).

Privatization process in Ukraine

I. Classification of privatization objects

1. The objects of small-scale privatization shall include:

- ▶ single property complexes of state and municipal enterprises and their structural subdivisions, including single property complexes and their structural subdivisions leased out, except for single property complexes of state and municipal enterprises that are objects of large-scale privatization;
- ▶ individual property;
- ▶ objects of unfinished construction (buildings, structures, transmission devices that have not been put into operation), conserved objects;
- ▶ objects of social and cultural purpose.
- ▶ blocks of shares of a joint-stock company formed in the process of privatization or corporatization, shares (stakes) owned by the state in the authorized capital of business entities, other business organizations and enterprises based on the combination of property of different forms of ownership and located in Ukraine or abroad, except for blocks of shares of joint-stock companies that are objects of large-scale privatization;
- ▶ pools and other objects that do not belong to the objects of large-scale privatization.

2. Large-scale privatization objects

include objects of state or municipal ownership (single property complexes of state-owned enterprises and blocks of shares (stakes) in business entities in the authorized capital of which more than 50 percent of the shares (stakes) are owned by the state) and pools whose asset value (for a pool - the total value of the assets of privatization objects from which the pool is formed), according to the financial statements for the last reporting year, exceeds UAH 250 million.

Who may not be buyers within the framework of privatization:

- ▶ state authorities;
- ▶ state-owned enterprises owned by the state of Ukraine;
- ▶ state economic associations, state holding companies, state joint stock companies (companies), their subsidiaries and enterprises;
- ▶ employees of state privatization bodies;
- ▶ buyers registered in offshore zones (according to the list determined by the Cabinet of Ministers of Ukraine) with a non-transparent ownership structure (whose beneficial owners are not disclosed by 100 percent), as well as buyers originating from the aggressor state;
- ▶ the state recognized by the Verkhovna Rada of Ukraine as the aggressor state, as well as legal entities in which such state has participation and persons controlled by such legal entities;
- ▶ legal entities whose beneficial owners of 10 percent or more of the shares (stakes) are residents of a state recognized by the Verkhovna Rada of Ukraine as an aggressor state. This provision does not apply to legal entities whose shares are admitted to trading on foreign stock exchanges according to the list of the Cabinet of Ministers of Ukraine, except for legal entities that are residents of the aggressor state;
- ▶ individuals - citizens and/or residents of the state recognized by the Verkhovna Rada of Ukraine as the aggressor state;
- ▶ legal entities registered in accordance with the laws of the countries included by the FATF in the list of countries that do not cooperate in the field of combating money laundering, as well as legal entities with 50 percent or more of the authorized capital owned directly or indirectly by such persons;
- ▶ legal entities whose information on beneficial owners has not been disclosed in violation of the Law of Ukraine "On State Registration of Legal Entities, Individual Entrepreneurs and Public Organizations";
- ▶ individuals and legal entities subject to special economic and other restrictive measures (sanctions) in accordance with the Law of Ukraine "On Sanctions", as well as their related parties;
- ▶ persons who were a party to the sale of a privatization object in Ukraine and with whom the sale and purchase agreement for the privatization object was terminated due to a breach by such persons, as well as persons related to them;
- ▶ persons included in the Register of persons having significant economic and political influence in public life (oligarchs) in accordance with the Law of Ukraine "On Prevention of Threats to National Security Related to Excessive Influence of Persons Having Significant Economic and Political Influence in Public Life (Oligarchs)".

II. Sale process:

1. Sale of small-scale privatization objects:

- ▶ Small-scale privatization objects are sold exclusively at electronic auctions.
- ▶ An electronic auction shall be held in accordance with an agreement concluded between the auction organizer and the operators of electronic platforms.
- ▶ The standard agreement between the auction organizer and operators of electronic platforms shall be approved by the State Property Fund of Ukraine.
- ▶ Information about the auction participants and information about potential buyers shall be treated as confidential information and shall not be disclosed until the auction is completed.

2. Sale of large-scale privatization objects:

- ▶ The terms of sale and starting prices of large-scale privatization objects of state ownership at auctions shall be approved by the Cabinet of Ministers of Ukraine.
- ▶ Prior to the first auction for the sale of a large-scale privatization object, the Cabinet of Ministers of Ukraine simultaneously approves the starting prices and conditions for the sale of a large-scale privatization object at auctions.
- ▶ The procedure for conducting electronic auctions for the sale of large-scale privatization objects, the amount and procedure for payment of the fee for participation in an electronic auction, and determination of the winner based on the results of an electronic auction shall be approved by the Cabinet of Ministers of Ukraine.
- ▶ The specifics of the sale of large-scale privatization objects in municipal ownership may be established by a decision of the relevant representative body of local self-government.

Completion of the auction

The winner of the auction who refuses to sign the auction protocol or the sale and purchase agreement or fails to pay the sale price of the privatization object within the established time limit, is deprived of the right to participate in subsequent auctions for the sale of the same object.

Upon completion of the auction, the guaranteed deposit paid by potential buyers shall be refunded to potential buyers who did not win the auction within a period not exceeding 10 business days from the date of approval of the auction protocol by the privatization body.

In case the winner of the auction refuses to sign the auction protocol or to conclude the sale and purchase agreement, or in case he fails to pay the sale price of the privatization object within the established time limit, the guaranteed fee shall not be refunded and shall be transferred to the relevant budget.

The winner of the auction shall be credited with the guaranteed fee, minus the fee for participation in the electronic auction, when paying for the privatization object.

Execution of privatization transactions

The contract of sale of the privatization object shall be concluded between the privatization body and the winner of the electronic auction after payment in full of the sale price of the privatization object and within 25 working days - for small-scale privatization objects, 35 working days - for large-scale privatization objects from the date of formation of the protocol on the results of the electronic auction.

If it is necessary to prepare documents for the notarization of the sale and purchase agreement for a privatization object by decision of the state privatization body, the state privatization body and the winner of the electronic auction shall conclude a preliminary sale and purchase agreement for the privatization object.

The costs associated with the preparation of documents for notarization of the sale and purchase agreement for the privatization object shall be borne by the winner of the electronic auction. In this case, the sale and purchase agreement for the privatization object shall be concluded within 60 business days from the date of conclusion of the preliminary agreement.

The ownership of the privatization object is transferred to the buyer after the conclusion of the contract for the sale and purchase of the privatization object and the signing of the act of acceptance and transfer of the privatization object, except in cases of transfer of ownership of a block of shares.

The ownership of the acquired block of shares is transferred to the buyer after the conclusion of the contract of sale of the privatization object and from the moment the block of shares is credited to the buyer's securities account in a depository institution.

Financial state support programs

Ukraine has a number of government programs aimed at providing financial support to businesses, namely

The State Program “Affordable Loans 5-7-9%” provides for:

Interest compensation to a business entity in order to reduce its actual costs of paying the base interest rate to the appropriate level:

- ▶ up to 1 percent per annum in the first two years of lending, and 5 percent per annum thereafter - for business entities carrying out economic activities in the high military risk zone for investment purposes;
- ▶ up to 3 percent per annum - for business entities operating in the area of high military risk for working capital financing.

For business entities conducting business activities outside the zone of high military risk, the compensation interest rate is reduced:

- ▶ to the level of 5 or 7 or 9 percent per annum for loans granted for investment purposes and/or in the areas of processing industry, reconstruction, energy services, and operating capital financing
- ▶ up to 13 percent per annum - for loans granted for working capital financing, except for the areas specified above;
- ▶ up to 15 percent per annum for loans granted to an individual entrepreneur.

Within the framework of the State Program "Affordable Financial Leasing 5-7-9%":

- ▶ setting the compensation rate for medium and large enterprises at 11% per annum with the possibility of reducing it to 9% per annum if new jobs are created;
- ▶ setting the compensation fee for micro and small enterprises at 9% per annum with the possibility of reducing it to 7% per annum if new jobs are created.

Support under factoring agreements includes:

- ▶ maximum financing limit per counterparty and group - up to 95% of the monetary claim amount, or up to UAH 150 million (taking into account received state support under lending and leasing programs);
- ▶ maximum term of factoring financing use for a business entity - 360 days;
- ▶ the state compensates to the entrepreneur the expenses on payment of the basic remuneration up to the level of 13% per annum.

These programs are mainly regulated by the Resolution of the Cabinet of Ministers of Ukraine On providing financial state support No. 28 dated 24.01.2020.

Investment Nanny Program

This program provides for:

- ▶ CIT exemption (for 5 years by choice)
- ▶ Exemption from VAT for importing new equipment and components to it and Exemption from import duties for new equipment and components to it (the list and volumes of equipment are approved by the Cabinet of Ministers for each project)
- ▶ Lease of state or communal land plots without land auctions
- ▶ Land tax exemption or reduced land tax rates, etc.

This program is mainly regulated by the Law of Ukraine “On State Support of Investment Projects with Significant Investments in Ukraine” No. 1116-IX dated 17.12.2020 and the Law of Ukraine “On Amendments to the Tax Code of Ukraine Concerning Peculiarities of Taxation of Business Entities Implementing Investment Projects with Significant Investments in Ukraine” No. 1293-IX dated 02.03.2021.

Requirements for an investment project with significant investments for which state support may be provided:

- ▶ An investment project is implemented on the territory of Ukraine in the areas of processing industry (with some exceptions), extraction for further processing and/or enrichment of minerals (with some exceptions), waste management, transport, warehousing, postal and courier activities, logistics, education, scientific and scientific and technical activities, healthcare, art, culture, sports, tourism and resort and recreational activities, information and electronic communications, real estate transactions, production of energy-efficient building materials, climate control equipment and equipment for heating, ventilation, air conditioning, and hot water supply systems.
- ▶ An investment project involves the construction, modernization, technical and/or technological re-equipment of investment objects, purchase of necessary equipment and components thereto, and may also involve the construction of adjacent infrastructure facilities necessary for the implementation of an investment project at the expense of an investor.
- ▶ Creation of an investment project with significant investments during the period of implementation of the project at least:
 - ▶ **10 new jobs** with an average salary of employees not less than 50 % higher than the real average salary for the relevant type of activity in the region where the project is implemented for the previous calendar year; or
 - ▶ **30 new jobs** with an average salary of employees that is at least 30 % higher than the real average salary for the relevant type of activity in the region where the project is implemented for the previous calendar year; or
 - ▶ **50 new jobs** with an average salary of employees that is at least 15 % higher than the real average salary for the relevant type of activity in the region where the project is implemented for the previous calendar year;.
- ▶ The amount of significant investments in the investment objects during the term of implementation of the investment project exceeds the amount equivalent to **EUR 12 million**.
- ▶ The term of implementation of an investment project does not exceed **5 years**.

The Law of Ukraine "On Industrial Parks"

The Law of Ukraine "On Industrial Parks" (Law) defines the legal and organizational grounds for establishing and operating the industrial parks within the territory of Ukraine to ensure economic development and increase the competitiveness of regions, activate investment activities, create new jobs, develop modern industrial and market infrastructure.

Legislation on Industrial Parks:

The Constitution of Ukraine, the Civil Code of Ukraine, The Economic Code of Ukraine, The Land Code of Ukraine, the Tax Code of Ukraine, the Customs Code of Ukraine, this Law, the Law of Ukraine "On Regulation of City Planning Activity," other legislative acts of Ukraine, as well as international treaties of Ukraine ratified by the Verkhovna Rada of Ukraine.

State support for industrial parks

The Law of Ukraine's "On Industrial Parks" and respective changes to the Tax Code and the Customs Code provide state incentives for investment parks. The following incentives are available for initiators of the creation of industrial parks, their management companies, and participants:

- ▶ exemption from income tax for ten years, subject to reinvestment in the development of the investment project;
- ▶ exemption from VAT on the import of new equipment for own use;
- ▶ the possibility of granting benefits for real estate taxation on the territory of industrial parks by decision of the local authority;
- ▶ exemption from import duty taxation of new equipment imported by participants of industrial parks for their use;
- ▶ non-refundable financing to arrange an industrial park and/or construction of related infrastructure facilities (highways, communication lines, heat, gas, water and electricity, utilities, etc.);
- ▶ compensation for connecting to engineering grids (incl. compensation for connecting to the electric grid, national railway system, gas-, heat- and water supply networks).

Initiators of industrial parks

Land of state or communal property	Private property lands
State authorities, local self-government bodies, which are empowered to dispose of land plots, as well as tenants	Owners or tenants (legal entities or individuals)

Terms of use

The land plot to be used for the creation and operation of the industrial park may be located within or outside settlements and must meet the following requirements:

- ▶ belong to industry lands;
- ▶ be suitable for industrial use, taking into account the conditions and restrictions established by the relevant urban-planning documentation
- ▶ have an area of 10 to 1000 ha.

The use of land plots on lands of state or municipal property is carried out in compliance with the following conditions:

- ▶ the period of use of a land plot within the scope of an industrial park must be liable at least 30 years from the date of deciding to create an industrial park;
- ▶ the use of land plots must respond to sanitary, epidemiological, and environmental requirements.

Facilities that may be located in the industrial park include:

- ▶ offices of the management company, participants and other entities of the industrial park, financial institutions, objects of marketing and advertising;
- ▶ preschool education institutions, general secondary education institutions, institutions of higher, professional higher, and professional (vocational and technical) education;
- ▶ science parks, accelerators, and laboratories for the development of innovative technologies;
- ▶ multi-purpose halls for scientific conferences and other events;
- ▶ fire brigades;
- ▶ green areas;
- ▶ industrial, warehouse buildings and structures, logistics infrastructure facilities;
- ▶ engineering buildings and structures;
- ▶ waste management facilities (except waste disposal);
- ▶ other objects not prohibited by Law.

Sources of provision of finance for the development of an industrial park

The sources of provision of finance for the development of an industrial park may be funds from the state and local budgets allocated following the procedure and amounts provided for by Law, funds from private investors, including funds attracted under the model of state-private partnership, attracted funds, including loans from banks and other financial and credit institutions, funds from other sources not prohibited by Law.

Creation of the IP

The initiator makes the decision to create an industrial park of the creation based on the concept of an industrial park approved following the requirements of this Law.

The initiator of the creation, within **five working days** from the date of the decision to create an industrial park, is obliged to submit to the competent government authority a copy of the decision to develop an industrial park and the concept of the industrial park.

The decision to create an industrial park is the reason for the agreement concluding on the creation and operation of an industrial park between the initiator and the management company of an industrial park.

List of documents for inclusion of an IP in the Register of Industrial Parks

To decide on the inclusion of the industrial park in the Register of Industrial Parks, the initiator of the creation shall submit the following documents to the authorized state body:

1. The application for inclusion of the industrial park into the Register of Industrial Parks;
2. The decision of the initiator on the creation of the industrial park;
3. The concept of the industrial park;
4. An extract from the State Land Cadastre regarding the land plot and title documents for the real estate objects located thereon;
5. Name of the management company and participants (if any).

The industrial park is included in the Register of Industrial Parks **within 45 business days** from the date of receipt of the application from the initiator of the industrial park by the authorized state body.

The authorized state body, following the procedure approved by the Cabinet of Ministers of Ukraine, shall review the documents **within 21 business days** from the date of receipt of the papers from the initiator of the establishment.

Key legislative act regulating data protection in Ukraine

The key legislative act regulating data protection in Ukraine is the Law of Ukraine "On Personal Data Protection" No. 2297-VI, dated June 1, 2010 (the "Law")

The Law applies to individuals and legal entities that perform any actions or a set of actions, such as collection, registration, accumulation, storage, adaptation, modification, updating, use and dissemination (distribution, sale, transfer), depersonalization, destruction of personal data, including with the use of information (automated) systems.

The Law may not apply if the data is processed:

- ▶ by an individual solely for personal or household needs;
- ▶ exclusively for journalistic and creative purposes, provided that a balance is struck between the right to respect for privacy and the right to freedom of expression.

Data controllers must comply with the following obligations:

- ▶ Personal data must be processed openly and transparently.
- ▶ The means of processing personal data must correspond to the purpose of the processing.
- ▶ Personal data must be protected from accidental loss, destruction, or unauthorised processing and access.

The Law also sets out certain requirements for securing protection measures during the processing of data.

The law provides the subject of personal data with a wide range of rights regarding the processing of his or her personal data, including:

- ▶ to know about the sources of collection, location of his/her personal data, purpose of their processing, location or place of residence (stay) of the owner or manager of personal data or to give a corresponding order to obtain this information to the persons authorized by him/her, except in cases established by law;
- ▶ to receive information on the conditions of granting access to personal data, in particular information about third parties to whom his/her personal data is transferred;
- ▶ to have access to their personal data;
- ▶ to protect their personal data from unlawful processing and accidental loss, destruction, damage due to intentional concealment, failure to provide or untimely provision thereof, as well as to protect against provision of information that is inaccurate or discrediting to the honor, dignity and business reputation of an individual, etc.

Personal data may be transferred to foreign parties to relations related to personal data only if the relevant state ensures proper protection of personal data in cases established by law or an international agreement of Ukraine.

It is assumed that the following countries provide such level of protection:

- ▶ European Economic Area (EEA) member states;
- ▶ Countries ratifying the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

The Cabinet of Ministers of Ukraine determines the list of states that ensure adequate protection of personal data.

Personal data may be transferred to foreign subjects of relations related to personal data also in the case of:

- ▶ the personal data subject provides express consent to such transfer;
- ▶ the data controller and the data subject need to enter into or perform an agreement for the benefit of the data subject;
- ▶ the data transfer is needed to protect the vital interests of personal data subjects;
- ▶ the data transfer is needed to protect the public interest, establish, fulfill and enforce a legal claim;
- ▶ provision by the personal data owner of appropriate guarantees of non-interference in the personal and family life of the personal data subject.

Key points on prevention of money laundering in Ukraine

The prevention of money laundering in Ukraine is mainly regulated by financial monitoring.

Financial monitoring is a set of measures taken by financial monitoring bodies in the field of prevention and counteraction, including state financial monitoring and primary financial monitoring.

Financial monitoring in Ukraine is regulated by the Law of Ukraine "On Prevention and Counteraction to Legalization (Laundering) of the Proceeds of Crime, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction" dated December 6, 2019 (the "Law") and a number of regulations.

In accordance with the Law, threshold financial transactions (in particular, in the amount approx. EURO 10 000 and above) and suspicious financial transactions (if there are grounds to believe that they are the result of criminal activity or are related to or relate to terrorist financing or financing of the proliferation of weapons of mass destruction) are subject to financial monitoring.

The national financial monitoring system consists of the following elements:

1. Subjects of primary financial monitoring (banks, financial institutions and others);
2. Subjects of state financial monitoring (NBU, NSSMC, Ministry of Digital Transformation, Ministry of Finance, Ministry of Justice, State Financial Monitoring);
3. Law enforcement, intelligence and judicial authorities (SBI, BES, SSU, PGO, NABU, National Police and others).

The State Financial Monitoring Service is the coordinator of the national financial monitoring system.

The Order of the Ministry of Finance of Ukraine No. 465 dated December 28, 2022, approved the updated Risk Criteria for Legalization (Laundering) of Proceeds of Crime, Terrorist Financing and Financing of the Proliferation of Weapons of Mass Destruction.

Currently, according to the Law, a high risk of business relations (financial transaction without establishing business relations) is established, in particular, in relation to the following clients:

- ▶ customers whose place of residence (location, registration) is a state (jurisdiction) that does not implement or improperly implements the recommendations of international and intergovernmental organizations involved in combating money laundering or terrorist financing or the financing of the proliferation of weapons of mass destruction.
- ▶ clients included in the list of persons, clients who are representatives of persons included in the list of persons, clients that are directly or indirectly owned or ultimate beneficially owned by persons included in the list of persons;
- ▶ foreign financial institutions (except for financial institutions registered in the member states of the European Union, member states of the Financial Action Task Force on Money Laundering (FATF), except for states that carry out armed aggression against Ukraine in the meaning given in Article 1 of the Law of Ukraine "On Defense of Ukraine") with which correspondent relations are established;
- ▶ foreign public figures, members of their families and persons related to such politically exposed persons, as well as clients whose ultimate beneficial owners are the said persons;
- ▶ customers whose place of residence (location, registration) is a state included in the list of offshore zones by the Cabinet of Ministers of Ukraine;
- ▶ clients in respect of whom information on the ultimate beneficial owner of the legal entity is excluded from the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations or a note is made that the ownership structure of the legal entity is recognized by the National Bank of Ukraine as non-transparent;
- ▶ customers who are citizens of a state that carries out armed aggression against Ukraine (except for citizens of such a state who were granted the status of a combatant after April 14, 2014) and/or persons whose place of permanent residence (location, registration) is a state that carries out armed aggression against Ukraine;
- ▶ clients whose ultimate beneficial owners are citizens of a state that carries out armed aggression against Ukraine (except for citizens of such a state who were granted the status of a combatant after April 14, 2014), and/or persons whose place of permanent residence (location, registration) is a state that carries out armed aggression against Ukraine, etc.

Access to EU Finance - How it works?

Who is eligible for EU funding?

EU Funding is available for all types of companies of any size and sector.

A wide range of financing is available: loans, microfinance and venture capital. Every year the EU supports more than 200 000 businesses. The EU also supports businesses with grants and contracts.

How it works

The **decision** to provide EU financing will be **made by the local financial institutions** such as banks, venture capitalists or angel investors.

Thanks to the EU support the local financial institutions can provide additional financing to businesses.

The exact financing conditions - the amount, duration, interest rates and fees - are determined by these financial institutions.

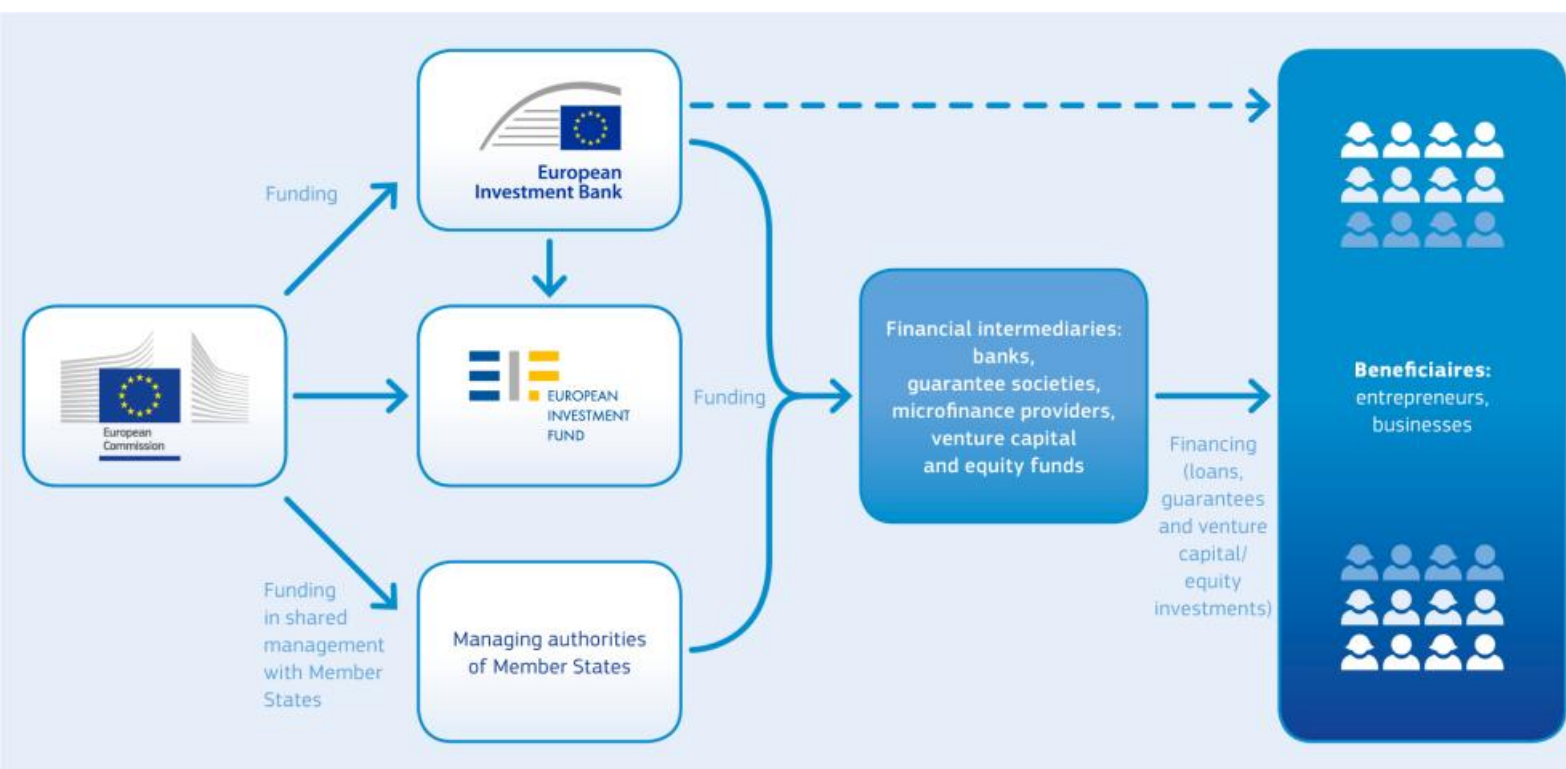
You can **contact one of over 20 banks in Ukraine** to find out more.

Your right for credit feedback

You have a right to get feedback from credit institutions on their credit decision.

This can help you understand your financial position and improve your chances to obtain financing in the future.











Use your right and refer to [Article 431 of the EU Capital Requirements Regulation](#).



Source - [Access to EU Finance - Access to EU Finance - European Commission \(europa.eu\)](#)

Selected Banks in Ukraine

Financial intermediaries	Type of finance	Investment focus	Amounts of Finance	Additional information	Sources of finance
<u>JSC Agroprosperis Bank</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 9,999,999,999 EUR	Focus: Agriculture sector	EFSE
<u>JSC Bank Lviv</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 9,999,999,999 EUR	Focus: Agriculture sector	EFSE
<u>JSC 'Tascombank'</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>JSC Raiffeisen Bank</u> <u>Aval</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>JSC Agroprosperis Bank</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>JSC Bank Alliance</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>JSC Bank Lviv</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>JSC Piraeus Bank ICB</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>Kredobank</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 9,999,999,999 EUR		EFSE, Other
<u>OTP Leasing UA</u> 	Loan/ Guarantee	All sectors/ general, Leasing	Min: 0 EUR Max: 9,999,999,999 EUR		EFSE
<u>PJSC Bank Vostok</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>PJSC MTB Bank</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB

Financial intermediaries	Type of finance	Investment focus	Amounts of Finance	Additional information	Sources of finance
<u>Pravex Bank</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 25,000,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>ProCredit Bank JSC</u> 	Loan/ Guarantee	All sectors/ general, Research, Development, Innovation	Min: 25,000 EUR Max: 7,500,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>ProCredit Bank Ukraine</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 9,999,999,999 EUR		EFSE
<u>ProCredit Bank Ukraine JSC</u> 	Loan/ Guarantee	All sectors/ general, Digitalisation, Research, Development, Innovation	Min: 25,000 EUR Max: 7,500,000 EUR		InnovFin
<u>Piraeus Bank UA</u> 	Loan/ Guarantee	All sectors/ general	Min: 0 EUR Max: 9,999,999,999 EUR		EFSE, Other
<u>PJSC "UkrGasbank" (APEX Loan)</u> 	Loan/ Guarantee	All sectors/ general, Research, Development, Innovation	Min: 25,000 EUR Max: 7,500,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>PJSC "West Finance and Credit Bank" (APEX Loan)</u> 	Loan/ Guarantee	All sectors/ general, Research, Development, Innovation	Min: 25,000 EUR Max: 7,500,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>State Export-Import Bank of Ukraine (JSC Ukreximbank)</u> 	Loan/ Guarantee	All sectors/ general, Research, Development, Innovation	Min: 25,000 EUR Max: 7,500,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>State Savings Bank of Ukraine JSC (Oschadbank)</u> 	Loan/ Guarantee	All sectors/ general, Research, Development, Innovation	Min: 25,000 EUR Max: 7,500,000 EUR	EIB loans can be used to finance all tangible and intangible investments. Support of internationalisation	EIB
<u>IEU4Business</u> 	Loan/ Guarantee, Equity/ Venture capital, Other	All sectors/ general	Min: 0 EUR Max: 9,999,999,999 EUR	EU is supporting small and medium enterprises (SMEs) in Ukraine through its initiative EU4Business. At this platform, you may learn how to get a credit or a grant, improve your business development skills and get access to new markets	Other

Compensation for employers for hiring the unemployed persons and creating new workplaces

In 2023 the Ukrainian government has adopted significant regulations in employment that provide for compensation for employers for hiring the unemployed persons and creating new workplaces:

- ▶ CMU Resolution No. 124 dated 10.02.2023, which approved the Procedure for Providing Employers with Compensation for Employment of Registered Unemployed Persons.
- ▶ Resolution of the Cabinet of Ministers of Ukraine No. 338 dated 18.04.2023 "Some Issues of Providing Compensation to Employers of the Single Contribution to the Compulsory State Social Insurance for Employment in New workplaces", which approved two procedures:
 - The Procedure for Compensation to Employers of a Part of Actual Expenses Related to Payment of the Unified Social Tax for Employment to New Jobs;
 - The Procedure for Compensation to Small Businesses for Actual Expenses in the Amount of a Single Contribution to Compulsory State Social Insurance for Employment of Registered Unemployed Persons for New Jobs .

Together with the Law of Ukraine "On Employment of the Population", these resolutions provide for such types of compensations:

1. Compensation of the single contribution

- ▶ In the amount of a single contribution (not more than double the minimum insurance contribution) for employment for at least two years of persons who:
 - have additional guarantees in facilitating employment and have been in the status of registered unemployed for more than one month;
 - have been in the status of registered unemployed for more than six months.
- ▶ Small business entities in the amount of a single contribution for the employment of registered unemployed persons for new jobs for at least two years.

The total duration of compensation is **12 months**.

2. Compensation of 50% of actual labor costs

Compensation of 50 percent of the actual labor costs incurred by the employer (but not exceeding the minimum wage) for the employment of persons who have been registered as unemployed for more than one month:

- ▶ persons with disabilities
- ▶ participants of military operations,
- ▶ who are no more than five years away from the age of eligibility for retirement pension.

The total duration of compensation is **6 months**.

3. Compensation of 50% of the single contribution

If employees are hired for new jobs with a salary of at least three minimum wages over the next **12 calendar months**, the employer is reimbursed for actual expenses in the amount of 50 percent of the amount of the accrued unified social contribution.

4. Compensation of 50 percent of the minimum wage

Compensation of 50 percent of the minimum wage for the employment of unemployed youth.

The total duration of compensation is no more than **6 months**.

5. Compensation for Labor Costs for Employment of Internally Displaced Persons

Also, remains in force the Resolution of the Cabinet of Ministers of Ukraine No. 331 dated March 20, 2022, which approved the Procedure for Providing Employers with Compensation for Labor Costs for Employment of Internally Displaced Persons as a Result of Hostilities during Martial Law in Ukraine.

According to this Procedure, the expenses are reimbursed in the amount of UAH 6,700/month for each employed person for whom the employer pays a single contribution for the period of martial law and within 30 calendar days after its cancellation or termination.

The total duration of reimbursement of expenses may not exceed **two months**.

Ukrainian E-Residency for Foreign Nationals

Introduction

Ukrainian e-residency offers a convenient and accessible online solution for foreign individuals, particularly IT professionals and consultants, who wish to benefit from Ukraine's favorable tax rates without physically residing in the country. This article provides an overview of the requirements and benefits of e-residency, as defined by the Tax Code of Ukraine.

Requirements for E-Residency

To qualify as an e-resident, a foreigner must meet the following criteria:

- ▶ Age: The individual must be at least 18 years old.
- ▶ Tax Residency: The person should not be a tax resident of Ukraine.
- ▶ Qualified Electronic Trust Services: The applicant must have obtained appropriate qualified electronic trust services.
- ▶ Registration: The individual needs to be registered in the E-Resident information system.

Application Process

Foreigners seeking e-residency should submit an application for acquisition of e-resident status, along with their identification documents, through the E-Resident information system known as the "Dia" application. Once approved, the individual becomes an e-resident, gaining the status of an electronic single taxpayer without VAT, as well as receiving an electronic digital signature.

Taxation and Banking

E-residents are subject to a tax rate of 5% on their income, including VAT, up to a certain limit. The limit is calculated based on the equivalent of 1,167 minimum wages established by law as of January 1 of the tax year, which currently amounts to UAH 7,850,500 (approximately EUR 199,820). Any income exceeding this limit is taxed at a rate of 15%. It is important to note that the resident's bank serves as the tax agent.

Communication and Limitations

All correspondence between e-residents and the tax authorities takes place exclusively through electronic communication in electronic form. Certain individuals are not eligible for e-residency, including Ukrainian citizens, foreigners with permanent residence rights or tax residency in Ukraine, stateless persons, and those receiving income from Ukraine for goods, works, and services (excluding passive income). Additionally, residents or citizens of countries/jurisdictions not included in the List of states whose citizens or residents can obtain e-resident status are also ineligible.

Additional Regulations for E-Residents

E-residents are only permitted to receive passive income originating in Ukraine, such as interest, dividends, and royalties. They are also restricted to providing services, producing, and selling goods exclusively to non-residents of Ukraine. Furthermore, e-residents are prohibited from employing Ukrainian citizens or residents.

Entry regime to Ukraine for foreign citizens

The visa requirements in Ukraine vary based on the nationality of the foreigner. Ukraine maintains a visa-free regime with specific countries, whereas citizens of other nations are required to apply for a visa prior to their trips.

You can check whether you need a visa to enter Ukraine on the [website](#) of the Ministry of Foreign Affairs of Ukraine. Individuals from visa-exempt countries are entitled to a stay in Ukraine for a maximum of 90 days within any 180-day period.

In the absence of a visa-free arrangement, individuals from other countries must possess the necessary set of documents for entry, which includes a passport, evidence of the trip's purpose, financial means, and a visa.

Employment

According to the labour law of Ukraine, the possible ways of employment are as follows:

- ▶ an employment agreement or employment contract
- ▶ a civil contract on performing certain services
- ▶ employment contract with non-fixed working hours
- ▶ gig contract for Diya City residents

Typically, the standard duration of a workweek is limited to 40 hours, usually spread across five days. However, an employer has the option to implement a six-day workweek, with the condition that employees are not allowed to exceed seven hours of work per day.

An employment agreement or employment contract

Ukrainian labor law provides for several types of agreements between employees and employers. In some cases, a contract may be concluded instead of a standard employment agreement. By its nature, it is a type of employment agreement that provides for a higher degree of contractual freedom. An employment contract can only be concluded with certain categories of employees, such as a company director or a foreign employee. In such a contract, the term of its validity, rights, obligations and liability of the parties (including financial liability), conditions of material support and organization of work of the employee, conditions of termination of the contract, including early termination, may be established by agreement of the parties.

During the COVID-19 pandemic, Ukraine introduced more transparent and adaptive regulations for remote and home-based work. These changes continued to be in effect during the introduction of martial law.

Civil law contracts

Apart from an employment agreement or contract, companies have the option to engage personnel through civil law contracts. In such arrangements, the contractor commits to delivering specific services or completing designated tasks on behalf of the client, using either their own resources or materials provided by the client.

Under such agreements, private entrepreneurs are often involved who have been granted a simplified [taxation system](#). It should be noted that the Engagement of personnel through civil law contracts falls within a regulatory grey area and involves significant risks related to potential sham employment situations.

Employment contract with non-fixed working hours

An employment agreement featuring variable working hours is a unique contract wherein no specific timeframe is predetermined for work completion. The employee's obligation to work arises only when the employer offers tasks outlined in the contract, without a guarantee of continuous work provision. However, terms of compensation are ensured to be met in accordance with the agreement.

Gig-contract

A Gig-contract refers to a unique type of civil law agreement that can be entered into between a gig-specialist, predominantly individuals in the IT field, and a company holding the Diia City resident status. Diia City represents a distinctive tax and employment framework for IT enterprises, applicable upon their registration as [Diia City](#) residents.

Work Permits for foreign employees

To legally employ a foreigner in Ukraine, the employer must obtain a work permit from the Employment Center, which remains valid for six months to three years and is indefinitely renewable upon expiration. The employer may be either a legal entity or an individual entrepreneur.

Additionally, ensuring the prompt distribution of salary and handling other financial transactions for a foreign employee, which includes covering their taxes and fees, usually requires obtaining a Ukrainian tax number issued by the tax authorities of Ukraine.

Hiring a foreigner without a valid work permit is against the law and carries legal consequences. Nevertheless, certain exceptions exist. Specifically, a work permit is not mandatory for the employment of:

- ▶ foreigners holding permanent residency status in Ukraine;
- ▶ employees of foreign representative offices duly registered in Ukraine according to the legally prescribed procedure;
- ▶ foreigners who have come to Ukraine to contribute to the execution of international technical assistance projects;
- ▶ other foreigners in cases stipulated by the laws and international treaties of Ukraine, ratified by the Verkhovna Rada of Ukraine (including Polish citizens);
- ▶ etc.

In response to the assistance extended by Poland to Ukraine and the Ukrainian people amid Russia's invasion, Ukraine has streamlined the regulations for the employment and temporary residence of Polish citizens. For instance, a work permit is no longer a requirement.

Guide to electronic public procurement system in Ukraine

1. Opportunities for foreign organizations to participate in tenders

Participation in tenders at the expense of donor organizations

Today, many donor organizations and countries provide assistance to Ukraine both as grants and as assistance for the implementation of various projects. Major such organizations and countries today are EBRD, EIB, IBRD, IFC, KfW, EFSE, USAID, MIGA, GGF, FIIAPP, GIZ, Germany, European Union, DFC, BGK, Denmark, UNDP, UNIDO, Switzerland, Sweden, Jica. But there are many other organizations that provide assistance to Ukraine.

Grant assistance is provided on the terms of grant competitions. Most of these competitions are aimed specifically at Ukrainian enterprises and are aimed at research, restoration of damaged enterprises, improvement of their competitiveness and scaling.

Most of the funds for the implementation of state projects, related to addressing social, environmental and economic issues, are spent through competitive procurement procedures (tenders). Tenders are held for the purchase of goods, works and services from various sectors of the economy, such as construction, energy, healthcare, education, etc.

Each organization, the manager of the funds, independently determines the rules (procedures) according to which tenders are carried out and the requirements for participants. Announcements for such purchases are published by organizations on the following resources:

- ▶ Own information resources of these organizations
- ▶ [USAID Competitive Economy Program \(CEP\) Application Manager \(submittable.com\)](#)
- ▶ [Development Projects: Fifth Additional Financing for Public Expenditures for Administrative Capacity Endurance \(PEACE\) in UKRAINE – P181141 \(worldbank.org\)](#)
- ▶ [Procurement | East Europe Foundation \(eef.org.ua\)](#)
- ▶ [Funding & tenders \(europa.eu\)](#)
- ▶ [eTendering – Search for call for tenders \(europa.eu\)](#)
- ▶ [Home | Prozorro](#)
- ▶ [Free consultations for entrepreneurs \(diia.gov.ua\)](#)
- ▶ <https://www.prostir.ua/>

In the announcements of the procurement, the organizers of the tender, as a rule, indicate the following information:

- ▶ Description of the procurement procedure;
- ▶ Description of qualification requirements for procurement participants (requirements for the availability of personnel with appropriate qualifications, experience, experience of the organization to implement similar contracts, availability of material and technical base (in case of procurement of the works);
- ▶ Criteria for evaluating bidders;
- ▶ Description of the terms of reference (what exactly needs to be done by the winning participant);
- ▶ Draft contract;
- ▶ Payment terms;
- ▶ Deadlines for submitting requests for clarification of tender requirements;
- ▶ Bid submission deadline and bidding;
- ▶ Deadline for evaluation and determination of the winner of the bidding;
- ▶ Other important information.

Qualification requirements for the participants in each tender are different and depend on the subject of procurement. As a rule, if the tender organizer (customer) procures development services (e.g., development strategy, business plans), it requires participants to have the appropriate education of its specialists, who will be involved in the provision of relevant services, experience in implementing similar projects in the organization and relevant confirmations (the diplomas, the certificates, the copies of the contracts, the feedback from the former clients). There is no standard set of qualification requirements, it depends on the subject of procurement and the requirements of the tender organizer.

When procuring goods, the requirements of the tender organizer depend on the goods being procured and cannot be universal. The tender organizer may require bidders to provide the documents confirming the origin of the goods, the certificates of quality and conformity, the licenses (if required), the technical specifications of the goods, operating and maintenance instructions, information on the warranty obligation and terms of after-sale service. The list of the documents, of course, can be supplemented or reduced depending on the subject of procurement

It is very important to provide all the documents required by the tender organizers because they will be evaluated according to the evaluation criteria and methodology, specified by the tender arranger in its tender announcement. Given this, before making a decision on participation in the procurement, it is necessary to:

- ▶ Carefully read all the requirements of the tender organizer;
- ▶ Assess the company's compliance with the established qualification requirements;
- ▶ Assess the company's ability to provide the services (supply the goods) in the established volumes (quantity and quality) and within the deadline.

2. General information on procurement in the Prozorro system

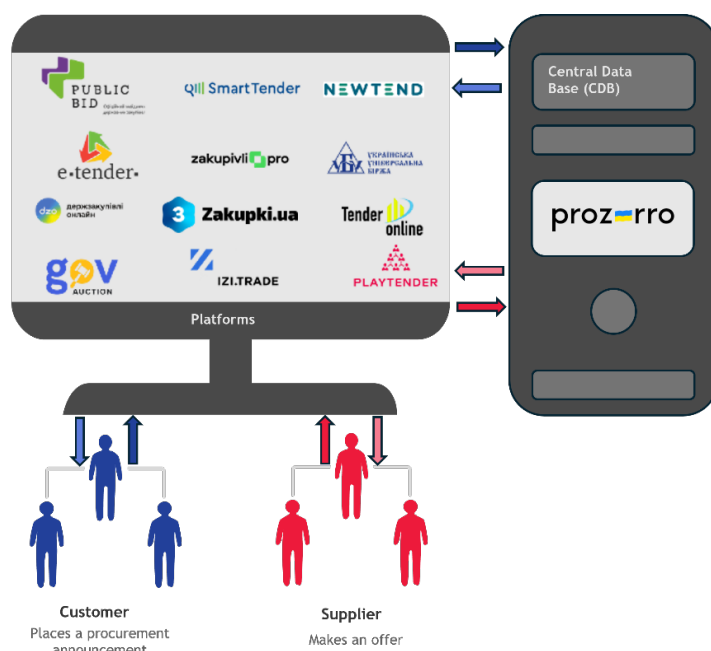
All procurements at the expense of the state budget of Ukraine and some donor organizations take place in the Prozorro system. Procurement at the expense of international donor organizations can be announced in the Prozorro system (e.g., GIZ, USAID), but the organizer can independently determine the terms and conditions for the tenders. The procurement of goods, works and services for state funds is regulated by the following regulatory documents:

- ▶ Law of Ukraine [“On Public Procurement dated 25.12.2015 No. 922-VIII”](#)
- ▶ Resolution of the Cabinet of Ministers of Ukraine (CMU) on approval of features of public procurement of goods, works and services for customers provided for by the Law of Ukraine “On Public Procurement” for the period of the legal regime of martial law in Ukraine and within 90 days from the date of its termination or cancellation dated 12.10.2022 [No. 1178](#) .

The Prozorro system is an electronic public procurement system where the tender organizers announce the tenders for the purchase of goods, works and services, and businesses participate in these procurements. Currently, all Ukrainian enterprises that are owned by the state or have a state share are required to carry out all their purchases, the amount of which is approximately equal to or exceeds EUR 5 000, through electronic procurement procedures in the Prozorro system.

Architecturally, Prozorro consists of a central database containing information on all public procurement in Ukraine and AEP, authorized electronic platforms, that have received accreditation for the right to provide electronic bidding services. AEP via API (Application Programming Interface) communicates with the Prozorro CDB.

This means that when the bidders submit their bids through the electronic platform, this information is transmitted to the central Prozorro database. You can also get access to the tender data published in the Prozorro system through AEP, which allows you to ensure transparency and openness of the tender procedures.



Currently, 12 AEP are accredited in Ukraine. Information about them can be found at the link [Home | Prozorro](#).

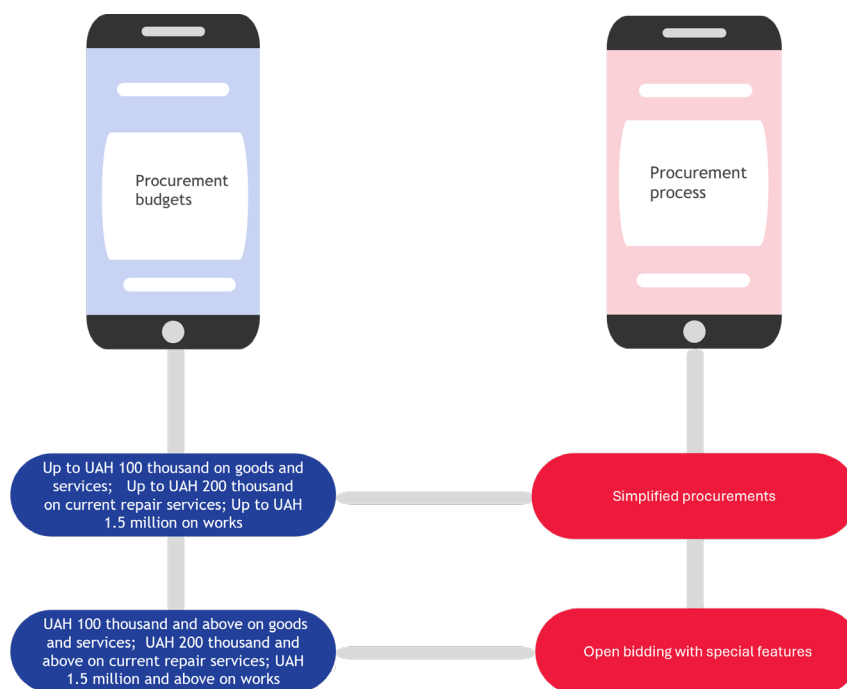
To announce the procurement, the tender organizer chooses any platform, but information on this procurement is transmitted to all accredited platforms. The participant, in turn, also chooses any platform where he submits his proposal.

Every day, more than 1000 purchases are published in the system, because the state buys almost everything, from building materials to food, petroleum products, fuel, electricity and much more. The information is publicly available, so anyone can see information about the organizers, the announced tenders, the bidders, the bidding results, and other data.

Currently, the following basic procurement procedures are used in the Prozorro system:

- ▶ Open bidding with features is the most common type of the procurement. Any bidder, who meets the requirements of the tender organizer, can participate in them. The winner is the bidder who offered the lowest price, provided that his tender proposal meets all the requirements of the tender documentation.
- ▶ Simplified procurement is a type of procurement that is used for the procurement of goods, works or services with a value of up to UAH 200 thousand. Any bidder, who meets the requirements of the tender organizer, can participate in it. The winner is the bidder who offered the lowest price.

Cost limits of procurement procedures:



Procedures “Open Bidding with Features”

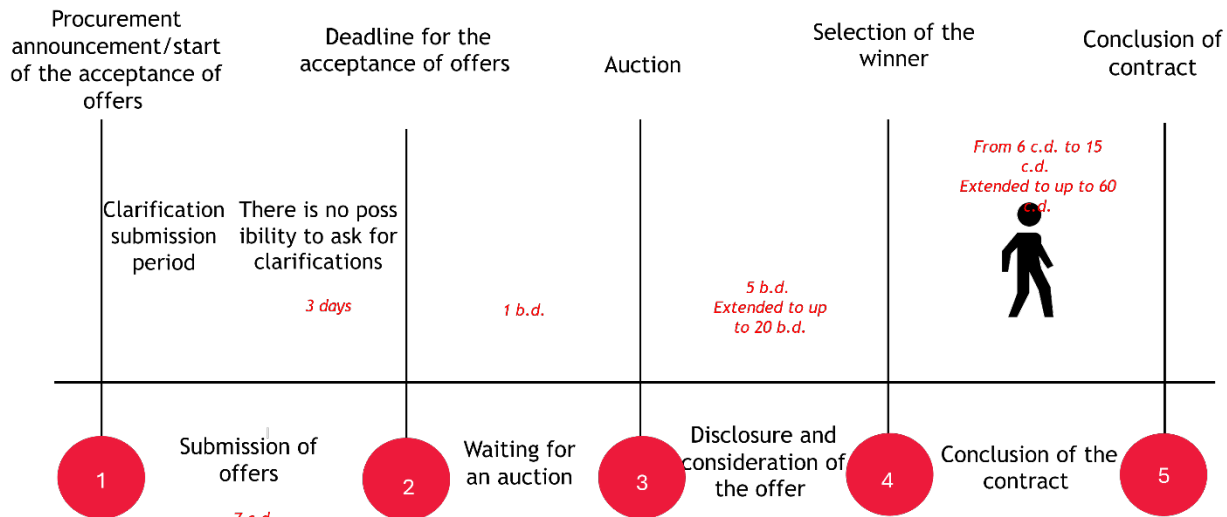
Open bidding can take place if even 1 participant submits a proposal. That is, if 1 participant submits a tender offer for the purchase, then the procurement immediately goes to the period of consideration of the submitted proposals (without an auction).

Generally, the open bidding procedure with features can be divided into 4 stages:

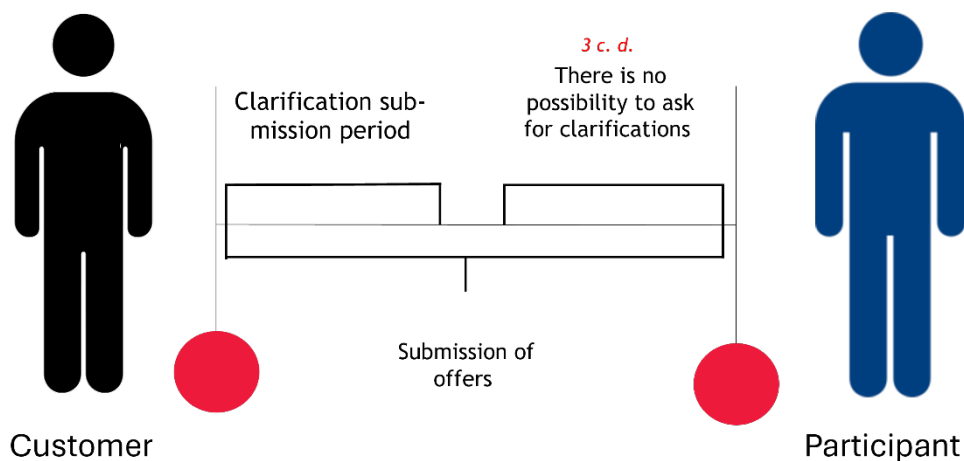
The main stages of open bidding with Features

- ▶ announcement of procurement and submission of proposals,
- ▶ auction,
- ▶ consideration of proposals (qualification),
- ▶ selection of the winner and conclusion of the contract.

Open bidding with special features

**STAGE 1 Announcement of procurement/acceptance of proposals:**

Period of clarifications and submission of offers



The procurement announcement shall be made in accordance with the form approved by Article 10 of the Law [on Public Procurement | dated 25.12.2015 No. 922-VIII \(rada.gov.ua\)](#). The tender organizer announces the procurement through one electronic platform, but within a few minutes this information appears on all electronic platforms.

The period of clarifications and submission of proposals takes place immediately after the publication of the announcement of the procurement. This period lasts at least 7 calendar days. This means that during this time, the bidders interested in this tender can contact the tender organizer for clarification, as well as submit their proposals.

Starting from the first day and during the entire period of submission of the proposals, tender organizers may make changes to the procurement announcement and tender documentation, and the bidders may submit their proposals and contact the organizers with questions/requirements/complaints, but no later than 3 c.d. before the deadline for submission of proposals, specified in the announcement. The tender organizer, in turn, is obliged to provide the answers to these questions within 3 business days from the date of receipt of the question.

The tender organizer may amend the published tender at any time, provided that potential bidders have at least 4 days before the deadline for submission of the proposals. In the event that the tender organizer has made changes to the documentation later than 4 days in advance, then the submission deadline shall be extended in such a way that at least 4 calendar days are left until the deadline for accepting the proposals. At the end of the submission of the bids, the system automatically determines the date and time of the auction, usually on the next business day after the deadline for accepting the bids.

The tender organizer may amend the published tender at any time, provided that potential bidders have at least 4 days before the deadline for submission of the proposals. In the event that the tender organizer has made changes to the documentation later than 4 days in advance, then the submission deadline shall be extended in such a way that at least 4 calendar days are left until the deadline for accepting the proposals. At the end of the submission of the bids, the system automatically determines the date and time of the auction, usually on the next business day after the deadline for accepting the bids.

If only one bidder submits a tender offer during an open bidding with features, then the open bidding will take place without the use of an auction, and the tender organizer will be able to consider a single tender offer for compliance with the requirements.

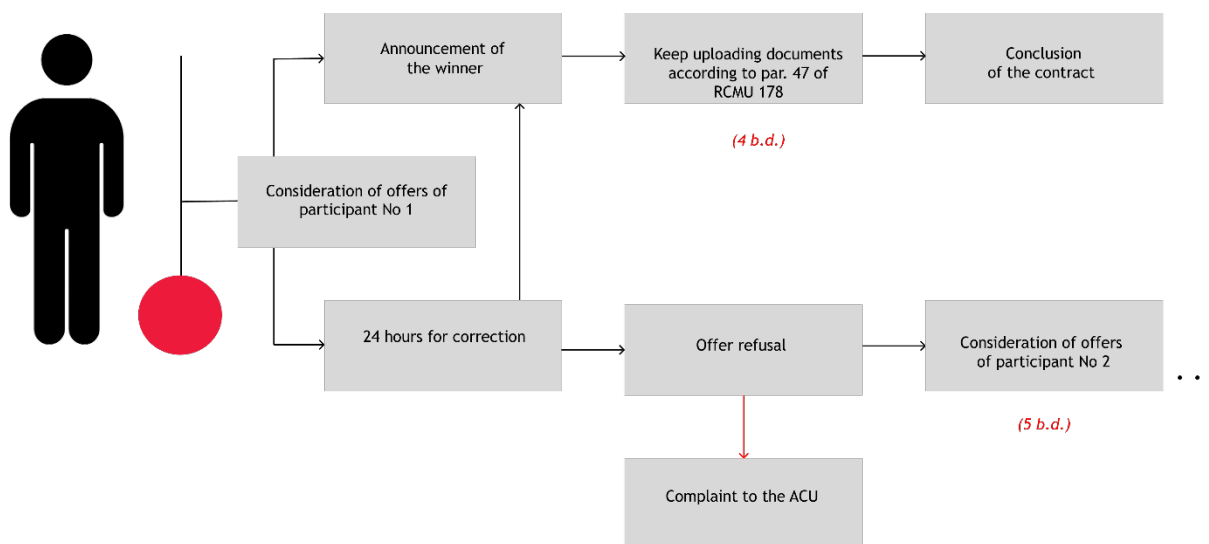
STAGE 2: Auction

The system activates the "Auction" module if several bidders (i.e. more than one) have submitted their bids. Prior to the start of the auction, the number of the submitted bids is not disclosed.

The auction takes place in three rounds, during each of which the participants have two minutes to reduce their bids in real time. The bidder with the lowest price has the opportunity to lower their price last. The participant can reduce the price in any round or in none.

At the end of the third round, the auction result is announced on the auction page: information about the names of the companies participating in the auction and information about the bid prices provided by the Bidders in each of the rounds are published.

STAGE 3: Consideration of the proposals and selection of the winner



STAGE 4: Selection of the winner

After the tender organizer has accepted the most cost-effective offer (decided on the winner of the tender), the winner must provide own original documents within 4 days. The list of these documents is determined by Law No. 922-VIII. The documents that need to be provided are those that confirm the absence of the grounds, specified in paragraphs 3, 5, 6, 12 of part one and part two of Article 17 of the Law. At the same time, the Customer does not require confirmation if the information is available in the open registers or in the form of open data.

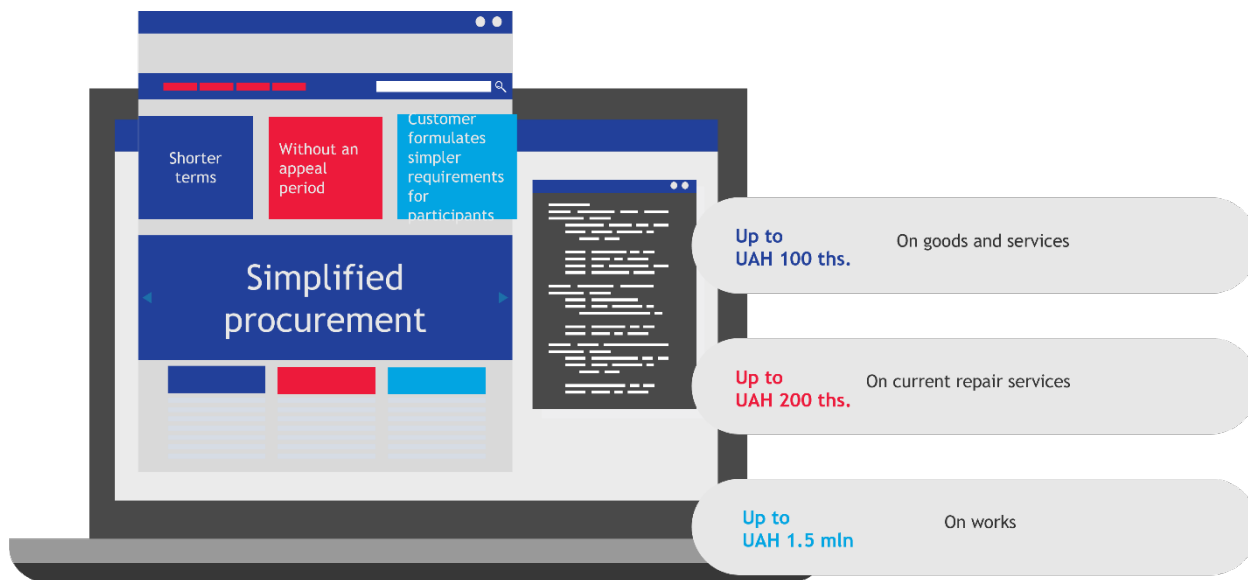
The tender organizer and the winner of the procurement have a maximum of 15 calendar days to conclude the contract. This period may be extended up to 60 calendar days if the tender organizer justifies such changes.

5. Simplified procurement

The second type of procurement is Simplified procurement. Tender organizers apply this procedure under the following price conditions:

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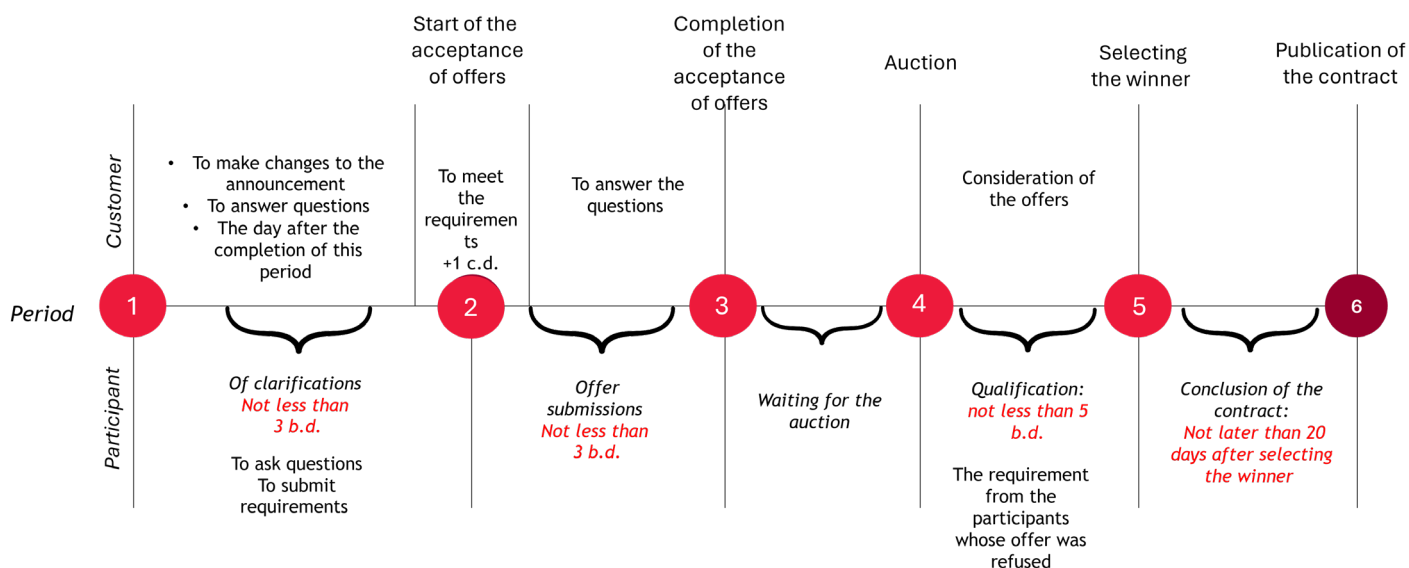
This procurement is carried out in a more simplified way, namely in a shorter time, with a minimum package of documents and without a period for appealing the requirements.

This procurement procedure involves the following stages:

- ▶ Tender announcement
- ▶ Clarification period
- ▶ Submission of proposals
- ▶ Auction
- ▶ Review and evaluation of the proposals

Conclusion of the contract

Simplified procurement



Clarification period: in this procurement lasts at least 3 business days. At this time, the bidder has the opportunity to contact the tender organizer through the platform for clarification on the information specified in the procurement announcement.

The tender organizer is obliged to provide clarifications and/or make changes to the announcement within 1 business day after the application.

Submission of the proposals: cannot be less than 2 business days.

Auction: is not mandatory. It is held only if at least two participants have sent their proposals. According to the results of three rounds of price reduction, the participant with the most favorable offer wins.

If only one proposal is submitted for the tender, the procurement immediately goes to the next stage.

Consideration and evaluation of the proposals. The deadline of consideration by the tender organizer of the bid of the winner of the auction for compliance with the terms of the tender documentation does not exceed 5 business days.

Conclusion of a procurement contract, if all documents of the most cost-effective offer meet all the requirements of the tender documentation, the Tender organizer signs a contract with the participant.

3. Registration and features of work on the authorized electronic platform

As it was previously noted, the bidders submit their tender proposals through authorized electronic platforms (AEP). The list of AEP is available at the link [Home | Prozorro](#).

Currently, 12 electronic platforms are accredited in the Prozorro system. All the platforms have the same functionality for bidding, but differ in interface and additional options. Here is a list of these platforms:

Platform Name	Link
	Public Bid
	SmartTender.biz
	Newtend
	E-tender
	Zakupivli.Pro
	Public Procurements.Online
	zakupki.com.ua
	Ukrainian Universal Exchange
	TENDER - online
	GOV. AUCTION
	IZI. TRADE
	"PlayTender"

The following platforms have the ability to choose an interface in a foreign language and are equipped with an additional feedback function for communicating with English-speaking consultants.

Platform Name	Link to registration instructions
SmartTender.biz "SMARTTENDER" LLC	https://smarttender.biz/reestratsiya/step1 https://smarttender.biz/en/academy/instructions-for-prozorro-suppliers/view/registration-in-prozorro/
E-Tender "E-Tender" LLC	https://gov.e-tender.ua/v2/register https://e-tender.ua/training-tenders/zamovnikam-prozorro-2/instrukciya-reyestraciya-oblikovogo-zapisu-zamovnika-195

Peculiarities of registration for non-residents

The registration procedure for all platforms is mostly identical. To do this, on the main page of the platform you have chosen, you need to follow the "Registration" link and fill in the fields. During registration, there is a mandatory procedure for identifying the participant.

Identification of the registered participant is carried out in one of the following ways:

- ▶ A symbolic payment of UAH 20 is made from the company's current account;
- ▶ signing a contract using an EDS. You will receive an e-mail with a link to the completed contract, apply an EDS and send it to the AEP.
- ▶ signing a contract in paper form.

Identification is required for AEP to make sure that the company is really established and aims to participate in the tenders.

How can a non-resident company replenish the balance of the cabinet?

For companies that are non-residents of Ukraine, there are certain features here.



After registration, the contact person of the non-resident company will be contacted by the platform manager to sign the contract. The contract is signed bilingually (ukr / eng, ukr / rus).


Based on the details specified in the contract, an account is formed in euros or US dollars. The company pays the required amount in a currency convenient for it (USD or EUR). However, this must be done from the current account of the non-resident participant's company.

After receiving payment in foreign currency, the funds are converted into hryvnias to the participant's personal cabinet at the NBU exchange rate at the time of their receipt. And after that, the company can participate in procurement.

To log in to the account, use a username and password. Login is the participant's email address, password is a combination of characters that is generated during registration.

There is a fee for participation in the Prozorro procurement. The amount of payment for participation in the tenders depends on the procurement budget, approved by the resolution [of the Cabinet of Ministers of Ukraine](#), and on all electronic platforms it is the same and is:

	
Procurement budget	Prozorro tariff with VAT
Up to UAH 20 000	UAH 20.40
Up to UAH 50 000	UAH 142.80
Up to UAH 200 000	UAH 408
Up to UAH 1 000 000	UAH 612
UAH 1 000 000 and above	UAH 2040
UAH 4 000 000 and above	UAH 4080



To participate in the procurement procedure, the bidder's balance sheet must contain an amount corresponding to the cost of participation in the procurement. Funds are debited automatically when sending an offer, so if the required amount is not on the balance, the participant will not be able to submit his offer.

For the non-residents of Ukraine, the period for crediting funds to the balance may be longer than for the residents, and may take up to 5 business days. This is due to additional checks carried out by the banks for the non-residents. Therefore, when planning participation in the procurement, it is advisable to consider the following tips:

- ▶ Replenish your balance in advance to ensure that the funds are received before the deadline for submitting an offer;
- ▶ Contact AEP support if the funds have not been credited to your balance within 5 business days.

For the residents of Ukraine, funds are usually credited to the balance within a few hours.

In your electronic account on AEP, you can set up electronic mailing of tender announcements. Thus, you will receive tender announcements every day that correspond to your CPV code (code of goods, works and services you are interested in). The CPV code is determined according to [DK 021:2015](#).

However, it is possible to subscribe to the tenders according to other parameters, for example:

By the subject of procurement:

- ▶ Enter keywords in the "Tender name" field.
- ▶ Select the CPV code from the drop-down list.

By date:

- ▶ Enter the date of publication of the announcement.
- ▶ Select the tender status (active, completed).

By customer:

- ▶ Enter the name or EDRPOU of the tender organizer.

By location:

- ▶ Select a region or city.

At the expected cost:

- ▶ Specify the range of expected value.

On the websites of electronic platforms, you can find detailed instructions for registration, replenishment of the balance, submission of the offers, subscription to newsletters and others.

If interested in participating in the tenders, it is proposed to act according to the following plan:

If interested in participating in the tenders, it is proposed to act according to the following plan:

- ▶ Find a procurement announcement
- ▶ Check compliance with the established requirements
- ▶ Clarify all issues that arise during the preparation of the proposal with the organizers of the tenders within the established deadlines
- ▶ Prepare a tender proposal
- ▶ Check the availability of the required amount on the AEP balance
- ▶ Submit your proposal
- ▶ Take part in an electronic auction on the day of the auction
- ▶ In case of acceptance of your offer, upload the winner's documents to the platform
- ▶ Sign the contract with the tender organizer within the established deadline.

Remember that the tender process requires patience and persistence. Do not give up after the first failures, because each tender is a valuable experience that leads you to victory.

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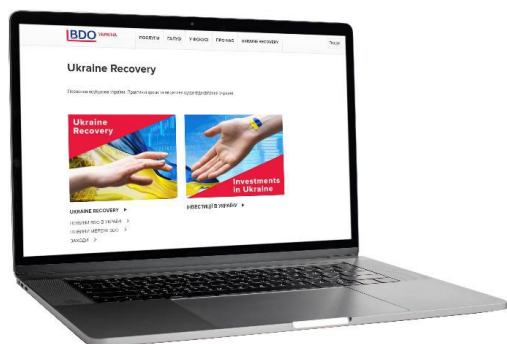


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Please note that this information is in effect as of the date of this document (21/03/2024).

This analytical note contains general information taken from public sources and does not constitute professional advice or service. Prior to making any decision or taking any action that may affect your finances or business, a qualified professional advisor should be consulted. Please, contact BDO in Ukraine for advice.

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