

EURO NUMBER PLATES IN UKRAINE: THE PROBLEMS AND THE WAYS OF THEIR SOLVING

The domestic problem with the non-cleared cars (the cars with the so-called Euro-number plates) arose recently but it became resonant for the society and for the state. The foreign cars with the Lithuanian, German, Polish, Bulgarian number plates are noticeable on the roads of the country. The authority tries to find the effective ways to legalize the movement of the cars across the border considering the wishes of the large community of those who like to buy the foreign cars for a reasonable amount of money. The problems that arose in connection with the given situation and the possible ways of their solving will be discussed in this article.

The question of the temporarily importation of the personal vehicles with the foreign registration is regulated by the Customs Code of Ukraine provisions [1] and by the Temporary Import Convention [2]. According to this, the temporarily importation of the personal vehicles by the non-resident citizens into the customs territory of Ukraine is allowed for the period up to one year (Part 3 of Article 380 of the Customs Code), as well as the temporarily importation of the personal vehicles by the resident citizens is allowed for the period up to one year under a written commitment to their re-exportation on the condition of the written declaration in the order prescribed by the legislation of Ukraine, after paying of all customs payments, which according to the law must be paid for the import of such vehicles (Part 3 of Article 380 of the Customs Code). There is another way for importing the cars. The importation of the personal vehicles by the citizens for transiting them across the customs territory of Ukraine (Article 381 of the Customs Code). The citizens are allowed to import the personal vehicles for transiting them across the customs territory of Ukraine on the condition of their written declaration in order prescribed for the citizens. And also the citizens are allowed to import the personal vehicles on the condition of making a money collateral on the account of the body of incomes and fees that allowed such vehicles to go to the customs territory of Ukraine in the amount of the customs payment that must be paid when such vehicles are imported to the customs territory of Ukraine for free circulation. (Part 1 of Article 381 of the Customs Code). But according to Part 1 of Art. 95 of the Customs Code there are provided the following periods of the car transition: 10 days (in a case of movement in the area of one customs 5 days). This is the real legislative side of the problem.

In fact, the situation with the temporarily imported cars on the territory of Ukraine is somewhat different. 313, 300 cars with the foreign registration were imported in transit mode from January 1, 2015 to June 30, 2017. Almost 12 thousand of that cars were imported in 2017. 1,4 million temporarily imported cars for personal usage with the foreign registration were imported for the same period and almost 381 thousand of that cars were imported in 2017 [3].

A significant number of the cars with the foreign registration on the territory Ukraine is in violation of customs rules. Moreover, the offenders are not only the citizens who imported the vehicle and didn't fulfill their obligation to its export or didn't arrange the car for free circulation, but also the citizens who bought the vehicle. The citizens often use the cars not for the transit, but for their own use.

For our fellow citizens not to cross the border every five days, it is created the car registration scheme for the Lithuanian or Polish company, and then these cars are sold. Only non-citizens can legally drive a car with the foreign registration for one year on the territory of Ukraine. To bypass the law, the companies that provide cars to the citizens of Ukraine by power of attorney or register such a citizen as their employee are created abroad. The citizens of Ukraine themselves create different conditions in which they try not to cross the border as long as possible violating the customs rules. For instance typical are the "illnesses" of the person who imported the car or the "repair" of the car at the service station which is documented. In fact, the person often goes to the service station from the customs, because the car imported according to such scheme is not new and it really needs repairing.

The car that was imported into the customs territory of Ukraine is under control of the customs office that has admitted the vehicle for the transit. The responsibility for exceeding the term of the transit of the vehicles is provided in the Art. 470 Customs Code. If such an excess is not more than one day, the owner is threatened with a warning or a fine of 170 hryvnias. In case of exceeding one day, but not more than 10 days, the fine is 3400 hryvnias, if more than 10 days, the amount of fine increases to 8500 UAH. [4]

The responsibility for exceeding the term of the temporary import or the temporary export of goods (including cars) is provided by Article 481 of the Customs Code. For exceeding the term no more than 3

days, the fine is 850 UAH, if more than 3 days, but no more than 10 days and in case if the person has already been brought to justice for such an offence during the year, the fine is 5100 UAH. For exceeding the term more than 10 days the person will have to pay 17 thousand UAH.

8979 offenses connected with the exceeding of the vehicles transit term were detected by the State Fiscal Service customs officers during the seven month of the current year. The owners have been fined 46,6 million UAH. Only during January – July 2017 the offenders were fined 22,1 million UAH for the violation of Art. 481 of the Customs Code. This exceeded the index in 2016. For the comparison, during 2015 and 2016 these amounts were 16,5 million UAH and 16,8 million UAH [4].

The other side of the problem with non-cleared cars is the impossibility of ensuring the law and order on the roads because when the drivers get into the accident they simply leave the car. The driver is not always the owner who crossed the border, or the civil liability of the owner of the vehicle is not insured. The police cannot track in which mode and on what grounds is this or that car with the foreign registration and who is at the wheel.

Recently, more and more popularity gain not the cars with the Polish or Lithuanian number plates but the cars with the Bulgarian Number plates that become widespread in the southern regions of Ukraine. The fact is that the Bulgarian numbers are similar to Ukrainian ones. The drivers often choose the number plates with the letters “CA”, “CB”, “BT”, which denote Cherkassy, Chernihiv and Kherson regions. Moreover Bulgarian sellers, responding to demand can offer the Ukrainian buyer the number plate that resembles Ukrainians number plates as much as possible. Of course, such an illusion does not provide protection from problems with the customs authorities and the police.

The main reasons for this problem should be considered the cheapness of non-cleared cars in comparison with cleared cars and the inconsistency of actions of the customs service and the police in solving this problem. Our fellow citizens often voluntarily pay the fines provided by the Customs Code, and then they drive the non-cleared car showing the police the documents for payment of a fine while detaining. Of course, the matter is not a high level of legal awareness and law-abidingness of such citizens, but the impossibility of bringing to justice for one offense twice.

Moreover, the owners of the non-cleared cars hold the protest under the walls of the Verkhovna Rada of Ukraine or the Cabinet of Ministers of Ukraine, demanding the available customs clearance, cancellation of the limits for resale of the imported cars, simplification of the customs clearance mechanisms, creation of the effective mechanisms for the customs clearance of the imported cars and stopping the persecution the cars with the euro number plates till the decision on the available customs clearance will be made.

At the same time, this problem provokes not only the conflict of the owners of the cars with the euro number plates with the state in a person of the customs service and the police, but also it provokes internal social conflict with the citizens of Ukraine who either bought the car in Ukraine or imported the car from abroad having paid all necessary the customs fees.

The solution of these conflicts lies in several planes. The first is the legislative plane. The parliament has the main responsibility for solving this problem and changing the relevant legislation. After consulting with the society and taking into account the political and economic factors, the Verkhovna Rada can act quite liberally after listening to the requirements of the non-cleared cars, or it can act more radically by giving the relevant authorities the right to confiscate non-cleared vehicles. In any case, it is also necessary to make changes to the legislation on coordination of the actions of the customs and the police. Secondly, the police must be provided with the appropriate technical resources (for example, Siren system, which will allow detecting any car that is not registered from the general traffic flow) and with the tools for interaction with the customs. And finally, the visa-free regime of Ukraine with Europe opened new reality and new standards of life for the citizens of Ukraine. That's why the problem with the euro number plates should not become a factor of the social conflict in the state. It must become an instrument of approximation both of the legislation and of the living standards of Ukrainian to European standards.

Список використаних джерел

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