

CABINET OF MINISTERS OF UKRAINE

P O S T A N O V A
on June 8, 1998 N 838
Kyiv

On confirmation of the order of the subjects
foreign trade powers to the right of
Export and import military goods and goods
containing information that constitutes state secrets

(With changes introduced according to KM
N 1042 (1042-99-P) Of 15.06.99)

(Changes to the text are not included. Additionally, please.
Ordinance KM

N 1782 (1782-99-P) Of 25.09.99
N 244 (244-2001-P) Of 14/03/2001
N 816 (816-2002-P) Of 13/06/2002
N 1511 (1511-2002-P) Of 11/10/2002
N 628 (628-2003-P) Of 26/04/2003
N 1313 (1313-2003-P) Of 21/08/2003)

Cabinet of Ministers of Ukraine **P o s t o n a l I:**

To approve the Regulations on the order of the subjects
foreign trade powers to the right of
Export and import military goods and goods that
contain information that constitutes state secrets (attached).

Prime Minister of Ukraine V. Pustovoitenko

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APPROVED
Cabinet of Ministers of Ukraine
on June 8, 1998 N 838

SITUATION
on the order of foreign entities
of office for the right to export
imports of military goods and goods
containing information that constitutes state secrets

(The text of the Regulations, the words "Government Commission policy
export controls in all cases replaced by
According to the Commission on Export Control Policy and
military-technical cooperation with foreign
States, "according to KM N 1042 (1042-99-P)
from 15.06.99)

Chapeau

1. This situation determines the order of the subjects foreign trade powers to the right of Export and import military goods and goods that contain information that constitutes state secrets (hereinafter -- goods).

2. In this Regulation the concept of military * destination, export, import, temporary export goods temporary import of goods used in the sense given in Regulations of the State Export Control in Ukraine approved by the President of Ukraine from February 13, 1998 N 117 ([117/98](#)).

* List of military goods, international transmission are subject to state control (Annex to the Regulation on state control over international transfers of goods military, approved by the Cabinet Ministers of Ukraine dated December 8, 1997 N 1358 ([1358-97-P](#)) (Official Gazette of Ukraine, in 1997, number 50, pp. 50). (Footnote to paragraph 2 as amended by Decree N CM 1042 ([1042-99-P](#)) Of [15.06.99](#))

3. Exports, imports can only make the subjects foreign trade, which were relevant to this authority.

4. Without the provision of economic operators authority for the right to export and import goods (hereinafter -- powers) are performed:

movement of goods in connection with events conducted Armed Forces and other military formations of Ukraine outside its territory or military forces of foreign states in the Ukraine in the framework of international agreements;

temporary export, import goods in order to demonstrate (ads) for exhibitions, trade fairs, as well as their certification, testing, or warranty repair companies (institutions, organizations) that own these products;

import and temporary import, export of spare parts and technologies to repair or modernization of military products purpose enterprises (institutions, organizations) that are manufacturers of such goods or carrying out their repair or modernization. (Fourth paragraph of paragraph 4 as amended by Resolution CM N 1042 ([1042-99-P](#)) Of [15.06.99](#))

Economic operators use previously granted authority if:

export-producing enterprises designated components for military products to ensure production of goods in foreign countries for Ukrainian licenses;

export training and support specialist

equipment and supplies, spare parts and technology to products military, previously set by the enterprises (institutions, organizations) of Ukraine to foreign consumers, and services related to their maintenance, repair, tests, etc., if they are made subject foreign trade, which was the supplier of these products. (Seventh paragraph of paragraph 4 as amended by Decree N CM 1042 (1042-99-P) Of 15.06.99)

5. Conclusion on the need for subject foreign trade office issued during registered economic operators in Derzheksportkontroli.

The order granting authority

6. For powers, except those in paragraph 13 of the Regulations, foreign economic entities send to Derzheksportkontrolyu letter concise statement of purpose treatment, which adds the following documents:

application template;

conclusion of the Ministry, other central executive power to the administration of which he belongs, and the findings MVESTorga, Ministry of Economy, Ministry of Defense within their competence to the possibility of such economic operators office;

help with exports, imports and income in Ukraine funds as a result of foreign trade agreements (contracts) for the previous year;

certificate to work on technical maintenance, repairs, spare parts, training personnel etc., in the range of goods that are assumed to exports (filed if the applicant intends to export the products);

information on the availability of the enterprise (institution, organization) or of the officers, which work in of export controls.

Furthermore, in cases where the subject of foreign activity provides to export goods that are material media, which is attributed to the state secrets to the above documents the corresponding Derzhkomsekretiv conclusion.

Letter issued in the form of (institution, organization) and should contain information about the purpose of treatment, specific activities in the field of export and import of goods that intends to carry out foreign economic entities, names and positions of persons who are charged with carrying out works receiving office and work in the field of export control.

7. Statements and documents submitted to obtain authority considered Derzheksportkontrolem involving within their

MIP competence, the Ministry of Economy, MVESTorga, Security Service, Ministry of Foreign Affairs, Defense and if necessary other central executive power.

When considering requests from economic activities included:

its activities in the international market for the previous year;
compliance of international agreements and activities obligations of Ukraine;

no restrictions on cooperation with certain countries;
lack of data on the violation of its officers or persons legislation, including legislation on export controls;

Execution of orders for the range of goods provided for export;

participate in cooperation with the production of goods;
participation in international agreements;
feasibility of providing authority for a certain range products based on the interests of the state;

presence in the enterprise (institution, organization) of or officials, which work in the field of export control;

availability of effective marketing services in the enterprise;
the potential for its consolidation in international markets, develop new models of weapons and military technology, as well as new regional sales;

possibility of advertising, exhibition, pre-contract and other activities to implement goods;

availability of export options for documentation products military;

presence in the enterprise (institution, organization) Military Mission (Mission of the customer);

presence in the enterprise (institution, organization) license conduct activities related to state secrets (if if economic operators intend to exports, imports, which are material media, that is attributed to a state secret).

8. Also listed in paragraph 6 of document Derzheksportkontrol and other central executive bodies involved in their consideration of the subject may request additional foreign of additional information or other documents necessary to adoption of an informed decision about empowerment.

9. Term Review Derzheksportkontrolem statements to provide taking into account the term of office for consideration of other central executive bodies of up to 45 days the date of full economic operators set of documents. Term consider the application in case of Additional circumstances may be extended by the Chairman Derzheksportkontrolyu. (First paragraph of paragraph 9, as amended according to KM N 1042 (1042-99-P) Of 15.06.99)

Ministries, other central executive bodies,

involved in the review of documents in the 20-day period after their receipt of foreign economic entities or receiving a request from Derzheksportkontrolyu prepare conclusions on possibilities (feasibility) of a particular subject foreign trade office.

In terms of consideration of statements do not count the time needed for receipt of additional economic operators information or other documents.

10. Derzheksportkontrol based on documents filed with the taking into account proposals of ministries, other central executive involved in the consideration, usually twice a year (if necessary) prepares the relevant Cabinet Ministers of Ukraine, indicating the name of the subjects foreign trade and name of product categories, which provides for the granting of powers to each of these subjects, or the conclusion of unreasonableness of the subjects foreign trade, seeking relevant statements referred to authorities. (Paragraph 10 of the first paragraph amended according to KM N 1042 ([1042-99-P](#)) Of [15.06.99](#))

Draft Resolution of the Cabinet of Ministers of Ukraine and the corresponding Derzheksportkontrolem opinion filed with the Commission Export Control Policy and Military-Technical cooperation with foreign states.

11. If adopted by the Commission on Export Control Policy and military-technical cooperation with foreign countries proposals for the provision of economic operators office project appropriate decision, agreed with Industrial Policy, Ministry of Economy, MVESTorga, Security Service, Ministry of Foreign Affairs and other central executive bodies involved in the review documents, together with an extract from the minutes of the Commission Export Control Policy and Military-Technical cooperation with foreign countries sent Derzheksportkontrolem in due course to Cabinet Ukraine.

Should the Commission policy of export controls and military-technical cooperation with foreign countries decision not to provide foreign entity powers of reconsideration of its application is not possible earlier than one year, unless otherwise determined by this Commission.

12. Cabinet of Ministers of Ukraine takes decision on granting economic operators of office after coordination draft regulations with relevant committees of the Verkhovna Of Ukraine and the Commission on Export Control Policy and military-technical cooperation with foreign states. (First paragraph of paragraph 12, as amended by Decree N CM 1042 ([1042-99-P](#)) Of [15.06.99](#))

In case of publication of the Cabinet of Ministers of Ukraine in accordance Resolution Derzheksportkontrol sends information about the subjects foreign trade, which granted authority to relevant central executive bodies.

Accounting for economic operators who Cabinet of Ministers of Ukraine were granted the powers and granting them documentary evidence of this is Derzheksportkontrolem.

Documents submitted by economic operators to obtain the credentials stored Derzheksportkontrolem, other central bodies of executive power within three years after the expiry of granted powers or decision decision not to provide them.

13. The requirements of paragraphs 6 - 11 and the second paragraph - fourth paragraph 12 of this Regulation do not apply to cases of economic operators of office on the right exports its products and imports production for domestic production within the framework of international agreements on military-technical cooperation, manufacturing or scientific and technical cooperation in armaments cooperation as well as within the state defense order.

Providing economic operators of office within the framework of international agreements on military-technical cooperation, industrial or scientific and technical cooperation in armaments cooperation as well as within state defense order is carried out by preparing and submission to the Cabinet of Ministers of Ukraine Ministry, other central executive body responsible for implementing specific international agreements or the state defense order, draft the appropriate regulations to be attached Lists product categories and a list of foreign entities activities - artists work in the framework of this international agreement or the state defense order, agreed to the established order with MVESTorga, Ministry of Economy, Ministry of Defense, Derzheksportkontrolem, Ministry of Foreign Affairs, Security Service, the Commission's export policy control and military-technical cooperation with foreign States and the adoption of the Cabinet of Ministers of Ukraine in accordance decision.

(Item 13 as amended by Decree N CM 1042 ([1042-99-P](#)) Of [15.06.99](#))

Tenure and conditions
their suspension or cancellation

14. Tenure, except as provided paragraph 13 of the Regulations, is determined by the Cabinet of Ministers Ukraine for the period up to three years. Effects of these powers, each time

automatically extended for a specified period if Derzheksportkontrol other central executive bodies not submit to the Cabinet of Ministers of Ukraine petition to terminate such office after the expiry of their validity.

Tenure in the cases referred to in paragraph 13 this situation is determined by the Cabinet of Ministers of Ukraine according to international agreements of Ukraine or the period the state defense order.

15. Control over the use of foreign entity of the powers provided Derzheksportkontrolem and other central executive authorities within their competence.

16. Effects of office for submission Derzheksportkontrolyu other central authorities agreed with the Commission Export Control Policy and Military-Technical cooperation with foreign countries, may be suspended or abolished by the Cabinet of Ministers of Ukraine in case of:

establish that violations of foreign entity of the legislation of Ukraine or other countries relating to export and import goods;

circumstances that can lead to injury Ukraine's national security;

end entity;

recognition of economic operators bankrupt;

establishing evidence that the powers granted to based on inaccurate or incomplete data.

17. Economic operators, power is suspended or revoked by the Cabinet of Ministers of Ukraine may be contact with the application for renewal or re-provision of authority only if elimination of reasons why such authority has been suspended or revoked.