



## W A K O N A K R A I N G

On state control over international  
transfers of military goods  
and dual-use

*(Bulletin of the Verkhovna Rada of Ukraine (VVR), 2003, N 23, st.148)*

This Act regulates activities related to state control of international transfers of military goods and dual use, to protect national Ukraine's interests, compliance with international obligations proliferation of weapons of mass destruction, their means of delivery Gear restrictions conventional weapons, as well as implementing measures to prevent the use of these products in terrorist and other illegal purposes.

### Section I

#### TERMS

##### Article 1. Definitions

In this Act, the following terms used in this meaning:

international transfer of goods - exports, imports, re - goods, their temporary removal from Ukraine or temporary entry into its territory, transit of goods through Ukraine, and as any other transfer of goods that are made outside Ukraine, participation in and subjects of international transfer of goods;

export - sell or transfer to other legally catalog foreign economic and other activities or without removal of the export of these goods outside the customs border Ukraine, including re-exports of goods, including:

sale or transfer of goods to Ukraine Embassy or representative of any entity of a foreign state, foreign or stateless persons;

sale or transfer in Ukraine or abroad rights management (control) products under a legal entity foreign state or its representative, a foreigner or person without citizenship, including through communications;

reverse engineering alien or stateless person;

actual shipment of goods for further transfer or move outside of Ukraine;

embargo (complete or partial) - prohibition or restriction of export goods to countries identified by international organizations, Member which Ukraine is, or states for which is held national policy;

imports - purchase or other lawful from foreign business entities and other activities catalog with no import or import of these goods to Ukraine, including their Purchase for own use branches and representative offices institutions and organizations of Ukraine, who are abroad, and well as diplomatic missions and consular offices Ukraine abroad;

re - sale or transfer to other legally foreign economic and other activities with export or no export from Ukraine of goods previously imported into Ukraine;

transit - transportation of goods from one to another foreign State of the territory of Ukraine between two points or within one crossings across the state border of Ukraine, except where the ownership or right to possession and use commodity if such transportation in the territory of Ukraine

established order is transferred from one person to another;

temporary export goods - export of goods from Ukraine to foreign country following their return to Ukraine;

temporary import of goods - imports to Ukraine from foreign country following their removal from Ukraine;

goods - goods of military and dual use;

military goods together or separately - is:

products for military use - weapons, ammunition, military and special equipment, special components for their production, explosives and materials and equipment specially designed for the development, production or use of these products;

Military service - providing foreign legal or individuals in Ukraine and abroad service, including intermediary (broker) in the development, production, construction, assembly, testing, repair, maintenance maintenance, modification, modernization, operation, management, demilitarization, destruction, sale, storage, detection, identification, acquisition or use of products or technologies for military use, as well as specified entities of a foreign state or its representatives or foreign service funding such work;

technology for military use - special information in any form (except publicly available information) necessary for the development, production or use of products military service and military.  
This information may be provided in the form of technical data or Technical Assistance:

Technical data - projects, plans, drawings, diagrams, charts, models, formulas, specifications, software manuals and instructions placed on paper or otherwise, including electronic, media;

Technical assistance - providing coaching, providing consultation, implementation to training, training, development of practical methods of work;

basic technologies - technologies that define the principle of and use of equipment, technologies and elements without which the military technique can not be created and used;

dual-use goods - some types of products, equipment, materials, software and technology specifically designed for military use and works and services associated with them are also civilian purpose, can be used in military or terrorist purposes or for the development, production, use military goods, weapons of mass destruction, delivery of specified weapons or nuclear explosive devices, including certain types of nuclear materials, chemicals, bacteriological, biological and toxic drugs list which is determined by the Cabinet of Ministers of Ukraine;

end users - entrepreneurs  
Ukraine, state authorities of Ukraine, the Armed Forces of Ukraine and other military units, law enforcement, foreign entities economic and other activities that are directly consuming goods imported under in or exported from Ukraine  
Ukraine;

military end use - the use of any products to develop, manufacture, assembly, testing, repair, maintenance, modification, modernization, maintenance, storage, detection, identification, acquisition military products, including:

of production, test or process equipment and components;

use any components of the goods and as equipment, materials, software and technologies or provide any services;

inclusion of such goods to the production of military purpose;

subject of international transfers of goods -- registered a specially authorized executive body issues of national export control subject of business

of Ukraine, who intends to carry out or carries out international transfer of goods, including intermediary (broker) activities;

permit - a document issued by specially authorized body executive branch of state export controls, which provide for the implementation of international transfers of goods eligible for exports or imports. Permission may be one time, the general or open;

conclusion - a document issued by specially authorized body executive branch of state export controls, which provide for the implementation of international transfers of goods eligible for temporary import or export goods and their transit of negotiations associated with executing foreign agreements (contracts) on the international transfer of military goods appointment or export dual-use goods and other goods to the States in respect of which a partial set embargo on the supply of such goods. The conclusion may be one time, or the general public;

one-time permit or opinion - or permit the conclusion that provided the subject of international transfers of goods for appropriate negotiation or implementation of specific international transfers of goods determined by the final consumer of indicating their name, quantity, value, special conditions supply names of the foreign business entity or other activities, the country of destination or origin of goods and the consumer;

general permit or opinion - or permit the conclusion that provided the subject of international transfers of goods for repeated appropriate negotiation or implementation international transfers of goods determined by the final consumer of indicating their name, special conditions of delivery, name foreign entity or other activities of the state destination or origin of goods and the consumer;

public opinion or approval - or permit a conclusion that provided the subject of international transfers of goods for repeated appropriate negotiation or implementation international transfers of goods, indicating only their name, special conditions of delivery and the name of the destination or origin;

State export controls - a set of control measures of international transfers of goods, their use of legal or individual who is specially authorized body executive branch of government export controls and other government agencies to ensure protection national security and in accordance with international obligations Ukraine;

vnutrishnofirmovoho export control system - a complex measures of organizational, legal, informational and other character that is the subject of international transfers goods in order to observe him and his subordinates departments of legal requirements in export control;

intermediary (brokerage) activities - any activities subject business of Ukraine, which contributes to the implementation international transfers of defense equipment, including action with financing, shipping or freight forwarding, regardless of the origin of such goods and the territory in which performed specified activities;

document Warranty - a document that contains written commitment (confirmation) authorized by state body of Ukraine, or foreign country for use in the claimed for goods and issued in the form of international import certificate, delivery verification certificate or other document containing such an obligation (for confirmation) and document that contains a written commitment to the consumer, issued in the form of end-user;

International Import Certificate - a document issued authorized by the public authority of the importing country, which Reaffirms the obligation of the importer to import goods to your state, and if the goods are not imported to it, it is not send them to another location without permission of the state body;

delivery confirmation certificate - a document issued authorized by the public authority of the importing country, which confirms that the goods it delivered to this State;

end-user certificate - a document that the final consumer determines the location and purpose of end-use (installation) of goods and guarantees that these products will not be used for purposes other than specified in the certificate will not be transferred to another business entity in the destination country or re-exported without the permission of the relevant public authority and assume warranties (liabilities) on imported goods, provided the conditions of the foreign trade agreement (contract) or the requirements of the state -- exporter of goods.

#### **Article 2. Scope of Law**

This Law shall apply to activities associated with international transfers of goods, including mediation (brokerage) services, manufacturing, scientific, technical and other of cooperation, demonstrating products as exhibits in the International fairs to advertising of testing, trade and exchange of operations performed in established procedure to the subjects of international transfers goods.

This Law shall not apply to:

movement of goods in connection with activities conducted Armed Forces of Ukraine and other military formations Ukraine abroad or military forces of foreign countries in Ukraine in the framework of international treaties provide adequate mechanisms of public control movement of goods;

international gas transmission, sporting or hunting weapons, its parts, and gas cartridges for ammunition sporting or hunting weapons as well as for export, import in accordance with international agreements and service time & attendance and staff Weapons belonging to soldiers and ordinary people superiors of the Interior, other persons accordance with the law have the right to carry such weapons.

#### **Article 3. Legal basis of national export control**

The legal basis of national export control is Constitution of Ukraine ( [254k/96-VR](#) ), This and other laws of Ukraine, Acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, other regulations and international agreements of Ukraine, consent to be bound by the Verkhovna Rada of Ukraine.

#### **Article 4. The principles of state policy in state Export Control**

State policy of national export control formed according to the following basic principles:

priority of Ukraine's national interests - political, economic and military protection which is necessary for national security;

binding international obligations of Ukraine on proliferation of weapons of mass destruction, their delivery and establishing state control over the implementation of international transfers of military and dual-use and ensure the implementation of measures to prevent use the goods in terrorist and other illegal purposes;

legality;

implementation of export controls only to the extent that necessary to achieve its objectives;

harmonization of procedures and rules of national export control with international law and practice;

of interaction with international organizations and foreign countries in the field of national export control to strengthen international security and stability, including to prevent proliferation of weapons of mass destruction and means of delivery.

#### **Article 5. Methods of implementation of national export control**

Methods of implementation of national export controls are:

identification of goods, which provides for the establishment under certain goods that are the subject of international programs, name and description of goods on the list products subject to national export controls;

permits or certificates for the implementation of international transfers of goods or negotiate the implementation of such Transmission;

customs control and customs clearance according to law;

sanctions to foreign entities activities that violated the order of such programs, established by this Law and other legislative acts in export controls.

**Article 6.** The powers of government in national export control

Legal basis of public policy in public export control determines the Verkhovna Rada of Ukraine.

The general manager of government policy in public export controls in accordance with the Constitution of Ukraine ( 254k/96-VR ) To the President of Ukraine.

National Security and Defense of Ukraine coordinates activities and exercises control over the executive in government export controls.

Cabinet of Ministers of Ukraine shall ensure the implementation of the state policies of national export controls.

Implementation of state policy in national export Control provides specially authorized executive power of state export controls, as well as ministries, other central executive bodies, authorized under the law to carry out activities in the field State export controls. These authorities may also involve the implementation of measures of state export control other central executive bodies, Missions of Ukraine and juridical persons, activity which are not directly related to the state export controls, with the consent of their managers.

Specially authorized executive agency for national export controls, directly or jointly with other central authorities in furtherance of the activities relating to international transfers of goods, where national interest, especially through the creation new and preserve existing jobs in the field of high technologies, or to restrict or prohibit conduct such activities in the case when it contradicts the national interests of Ukraine and its international commitments, goals against terrorism, as well as if there is reason to believe that these products belong to weapons of mass destruction, or intended to create such weapons, means of delivery, or the absence of adequate safeguards (obligations) for end-use products.

**Article 7.** Exchange of information on the implementation of state Export Control

Specially authorized executive agency for State export control has the right to receive free other executive bodies of subjects of international transfers of goods information necessary for authority in the field of national export control use it and to the international exchange of this information.

Information on international transfers of goods received bodies performing state export control authorities of executive power of subjects of international transfers of goods and in the international exchange of such information, used exclusively for export control and protection national interests.

Exchange of information related to international transfers products with the relevant authorities of other states and international organizations should not contradict the legislation of Ukraine and its national interests.

**Section II**  
**PRINCIPLES OF ORGANIZATION AND IMPLEMENTATION OF STATE**  
**Export Control**

**Article 8.** The procedure for exercising control over international transfer of goods

The procedure for exercising control over international transfers goods ( 1807-2003-P, 86-2004-P ) Established by the Cabinet Ministers of Ukraine according to this and other laws of Ukraine,

acts of the President of Ukraine depending on specific product groups.

**Article 9.** Lists of goods subject to state  
Export Controls

Name and description of goods, international transfers are subject to national export control lists to make goods subject to government export control (hereinafter -- lists).

Lists are composed of relevant groups of goods specially authorized executive body of state export control involving the relevant central authorities. To compile the list might also involved representatives of enterprises, research institutions, organizations and associations.

Lists approved by the Cabinet of Ministers of Ukraine.

**Article 10.** Application of national export  
controls to prevent proliferation  
weapons of mass destruction, their delivery and  
conventional

When a central executive implementing state export controls, information about the intentions or the use of any products not listed on the lists of countries that are their consumers, for development, manufacture, assembly, testing, repair, maintenance, modification, modernization, operation, management, storage, detection, identification or for the proliferation of weapons of mass destruction or their means of delivery these authorities are obliged to inform the special authorized executive body of state export control, which is right in regard to use to such goods of national export control procedures.

State export control is also about export or temporary export goods, not made to lists, in case when:

such goods are imported into the territory of Ukraine for provision of international import certificate on the requirements of the exporter;

export or temporary export of such goods from Ukraine by States in respect of which Security Council resolutions United Nations, other international organizations member of which Ukraine is whether the national legislation establishes full or partial embargo on such goods.

If any economic operators reported a specially authorized executive body issues of national export control or he has learned to other through the possibility of full or partial use of any goods provided for export or temporary export to other countries for the development, manufacture, assembly, testing, repair, maintenance, modification, modernization, operation, management, storage, detection, identification or proliferation of weapons of mass destruction or means of delivery, or for military end-use States in respect of which Security Council resolutions United Nations, other international organizations whose members are Ukraine, or the national legislation establishes a complete or partial embargo on military goods, This entity must apply to specially authorized Authority on the state export control receiving permission for the right to export these goods, regardless of that indicated they were on the list or not.

**Article 11.** Expertise in national export  
control

Expertise in the field of national export control is a specially authorized executive body issues of national export controls to address the issue of providing the subjects of international transfers catalog permits, conclusions or international import certificates of registration of the possibility of foreign trade in specially authorized executive branch of state export controls as subjects of international transfers of goods or provision of this subjects of authority for the right to import, export military goods and goods that contain information of state secret.

The main objectives of the examination in public export controls are:

assessment of the protection of national interests  
safety, compliance with international obligations of Ukraine, connected with  
proliferation of weapons of mass destruction, their delivery and  
limited transfer of conventional arms, as well as measures to  
avoid using these products in terrorist and  
other illegal purposes;

estimate the value of export in terms of opportunities  
establishment in the state, which is the final consumer of these goods, weapons  
mass destruction or their delivery systems, conventional  
weapons and military equipment or purchase of any goods,  
that can be used to create weapons of mass destruction or  
means of delivery;

Modern names and descriptions of products submitted  
for examination, the names and descriptions of goods made to  
respective lists of goods subject to government export  
control;

determine the origin of goods;

check availability guarantee the delivery of goods declared  
end user and their use in the stated purposes;

Assessment of observance by subjects of international  
transfer of goods legislation in the field of national export  
control, establishing presence in their respective systems  
vnutrishnofirmovoho export controls and organizational  
documents that govern the operation of these systems;

determine the possibility of extradition to the subjects of international  
Gear catalog permissions for import, export of goods or  
conclusions on the right of transit of goods or negotiations  
associated with executing foreign contracts  
(contracts) for international transfers of goods and  
feasibility of cancellation or termination of these permits (conclusions)  
in case of violation of such subjects of legislation in the field  
national export controls;

determine the possibility of the subjects of  
international transfers of goods imported certificates and  
feasibility of cancellation or termination of these documents in case  
violation of such legal entities in public  
export controls;

determine the possibility of registration of  
business, intending to make international  
transfer of goods, including the registration of entities or  
of Ukraine, who intend to pursue an intermediary (broker)  
activities relating to international transfers of goods  
military, in a specially authorized body  
executive branch of state export controls;

determine the possibility of making the Cabinet of Ministers of Ukraine  
proposals for provision of foreign entities  
of office for the right to import, export  
military goods and goods that contain information  
as state secrets;

definition of goods belonging to the material media  
information that constitutes state secrets, and the degree  
secrecy of such goods;

identify other factors that may contribute to reasonable  
decision-making in the field of national export controls.

Experts may not be appointed representatives of companies or  
organizations interested in the conclusions of the examination. Duration  
examination should not exceed 30 days from the date when all  
necessary documents to the specially authorized body  
executive branch of state export controls, and  
if you want additional interagency coordination - after  
completion of this agreement.

Procedure for examination in the field of export control  
determined by the Cabinet of Ministers of Ukraine.

**Article 12.** Registration of the implementation of international  
Gear catalog

Business entities of Ukraine, who intend to  
to the international transfer of goods, including conduct  
intermediary (broker) activities associated with international  
transfers of military goods, pre -  
recorded as the subjects of international transfers of goods  
specially authorized executive body of  
State export controls. For this purpose, these entities  
submit information and documents necessary for

preliminary examination of the goods to specially authorized executive body of state export controls. After examination of the specially authorized executive authority on national export control identifies products determine the conditions of their international programs to specific State and issues certificates of the subjects indicated their registration as subjects of international transfers of goods with appropriate explanations about the features of such programs.

Preliminary identification of goods, as well as implementing necessary steps to obtain permits for international transfers of such goods or conclusions on their export from Ukraine without permits is the responsibility of business entity.

Entrepreneur has the right to authorize Preliminary identification of goods of which received in the prescribed manner the authority to implement activities for the previous identification of goods.

The order granting such authority is determined by the Cabinet Ministers of Ukraine.

**Article 13. Authority of international law**  
Gear catalog

For export and import of military goods use and products that contain information that is state secrets, economic operators must obtain from the Cabinet of Ministers of Ukraine in accordance authority.

Procedure for obtaining and cancellation of authority to the right the export and import of military goods and products that contain information that constitutes state secrets, established by the Cabinet of Ministers of Ukraine ( 838-98-P ).

**Article 14. Vnutrishnofirmovoho export control system**

In order to ensure compliance with legislation in the field national export controls at all stages of international transfers of goods the subject of international transfers goods creates a system of export control vnutrishnofirmovoho accordance with the recommendations of a specially authorized body executive branch of state export controls, which creates such a system and provides this entity informational and methodological assistance.

Creating a system of export control is vnutrishnofirmovoho obligatory subject of international transfers of goods, who intends to obtain from the Cabinet of Ministers of Ukraine authority for the right to export and import goods Military and products that contain information that state secrets, or if the subject has to get the general public or resolution or conclusion.

Specially authorized executive agency for national export control systems provides certification vnutrishnofirmovoho export controls established entities implementation of international transfers of goods, and issues such subjects appropriate evidence of such certification.

The order of certification is determined by the Cabinet of Ministers Ukraine.

**Article 15. Permission and conclusion**

Permission or conclusion drawn specifically authorized executive body of state export controls as a single, general or open.

One-time permit or opinion provided by the subject of international transfer of goods to negotiate related the conclusion of specific foreign trade agreements (contracts) for international transfers of goods, or implementation of specific transfers of goods in accordance with the following agreements (contracts) and is valid for a prescribed period, but not more than one year. This period may be extended specially authorized executive body issues of national export controls based on sound addresses the subject of international transfers of goods, but not over the term of the foreign trade agreement (contract).

General permission or opinion may be subject implementation of the international transfer of goods if the planned repeatedly negotiations relating to the conclusion foreign trade agreements (contracts), or repeatedly



implementation of such programs for specific end-users economic agreements (contracts) concluded during the permit or the conclusion is valid for set deadlines, but not more than three years.

Clear approval or opinion may be subject implementation of international transfers of goods according to when provides consistent negotiations related to conclusion of foreign trade agreements (contracts), or consistent implementation of such programs to various end users State specific purpose of such agreements (contracts) concluded during the term of a permit or Imprisonment under relevant international treaties, or in case of such programs with countries that are parties to international regimes export control or for which the corresponding public policy, and is valid for a prescribed period, but not more than three years.

Prerequisite of the subject of international transfer of goods and the general public, or permit the conclusion is creation of the subject of export vnutrishnofirmovoho control, which ensures compliance with national export control of the implementation of specific international programs products, ensuring proper storage of documents related with such transfer, and submit a specially authorized body executive authority on national export control Reporting on the actual use of the permit or conclusion.

The period for consideration of applications if the issue of permits or conclusions do not require additional interagency coordination, set depending on the category of goods, but can not exceed the date of receipt of all required documents:

45 days - for export (reexport) of military purpose;

30 days - on exports (re-) dual Use and temporary export (import) of any goods;

15 days - on the import and transit of goods and temporary export or import goods for demonstration of exhibitions, fairs, with the purpose of advertising, testing and other similar purpose, if it does not provide for transfer ownership of the goods.

In the consideration of applications not count the time needed for obtaining from the subject of international transmission of additional information.

If the additional information within two months is not received, the application is rejected and not subject to review.

If necessary, extend the review application order to extend determined by the Cabinet of Ministers Ukraine.

**Article 16.** Obtaining permission opinion or international import certificate

The decision to grant permission, opinion or international import certificate shall specifically authorized executive body of state export controls the results of the examination in the field of export control.

To obtain permission, opinion or international import certificate subject of international transfers of goods or foreign subject of economic or other activities must contact with a written statement to the specially authorized body executive branch of government export controls and provide documents necessary for examination and adoption decision on the merits of the application. These documents should contain reliable information about the subjects involved in making international transmission products, on products and order them for international transfers. The application submitted original documents of guarantee.

Consideration of applications for permits, and conclusions or international import certificate is specifically authorized executive body of state export controls involving as appropriate other government agencies, as well as enterprises, institutions and organizations of any form of ownership for consent of their managers during consideration of matters falling within their competence.

Application for a permit, or the conclusion of international import certificate remains without consideration if:

She filed (signed) by a person who has this authority;

documents are not submitted in full or made with violation of this article.

On leaving the application for granting permission, the conclusion international import certificate, without consideration or in the case decision on refusal to grant him special authorized executive body of state export control of the applicant and notify the central authority executive, if the applicant is within his control, within three days after the relevant decision of specific reasons.

Permit withdrawal or international import certificate may be abolished or its action can be stopped especially authorized executive body of state export controls if:

of the need to ensure national interests or adherence to international obligations of Ukraine;

termination of the established order of law entity - the subject of international transfers of goods;

recognition of the established law of the bankrupt subject of international transfers of goods;

need for a specially authorized body executive authority on national export control further examination of documents provided by the subject of international transfer of goods to obtain a permit, the withdrawal or international import certificate;

violation of the subject of international transfers of goods law, including violations of the assumptions provided Article 24 of this Law.

Specially authorized executive agency for State export control provides storage applications subjects of international transfers of goods or foreign business entities or other activities and related document for five years from the date of permission, or conclusion international import certificate or the date of decision a refusal of such a document.

**Article 17.** Foreign economic agreements (contracts) on implementation of international transfers of goods

Foreign economic agreements (contracts) for international transfer of goods entered into the society and economic activities according to law with the requirements of implementation of such programs established by the Cabinet of Ministers Ukraine.

Economic operators Ukraine forbidden to enter into foreign trade agreements (contracts) on international transfers of any goods or participate in their performance in any other way than that provided by the Law, if they become aware that such goods may be used in a foreign country or foreign entity economic activity to create weapons of mass destruction or means of delivery.

Economic operators must refuse to perform foreign trade agreements (contract) in respect of international transfers of any product if it became known that the goods will be used in other purposes or other end user than it was defined in this agreement (contract) or related documents on under which received permission, a conclusion or international import certificate.

### **Section III State export control the activities Of the International bailment**

**Article 18.** State export controls over the negotiations relating to the conclusion foreign trade agreements (contracts)

On foreign economic or other activities conduct negotiations related to the laying of Foreign agreements (contracts) on the export of goods military, as well as the export of dual use, to supply them to the appropriate foreign country have a partial embargo, the subject of foreign activity can only be subject to receipt of a positive conclusion

specially authorized executive agency for national export controls on their ability to conduct.

The order of national export control over the negotiations referred to in the first part of this article established by the Cabinet of Ministers of Ukraine.

**Article 19.** State Export Control End use goods

The subject of international transfers of goods must provide specially authorized executive agency for State export control complete and accurate information about known to him the final use of goods, international transfers are planned, as well as original documents to assure confirming the use of products exclusively for the declared him or other end user applications.

The subject of international transfers of goods should take steps to audit and final delivery use of the goods in case of exports and provide it information specially authorized executive body issues of national export controls and promote authorized by the state authorities of Ukraine to conduct them such inspections.

Specially authorized executive agency for national export controls and other authorized state authorities of Ukraine have the right to pursue in order provided parts four - six of this article, review delivery or end-use goods on any stage of their International transfer and after the actual delivery of the goods final consumer.

State export control discharge end consumers in Ukraine commitment to use the declared for imported goods is based on the results analysis of reports of business entities - the end consumers about the actual use of goods, and by conduct routine random checks of the actual use goods for purposes of their customers. Such verification may be specifically authorized officials authorized executive body of state export control, or it formed for this purpose interagency Control Commission.

Check with the participation of foreign exporters and / or competent public authority of the exporting actual use of consumers goods in Ukraine, were imported to the provision of government guarantees for their use stated purposes can be conducted only in cases provided economic agreements (contracts), or when it is caused by international treaties, to which is the country of export, and Ukraine.

Checking the state authorities of Ukraine using foreign consumers of goods imported from Ukraine to the provision written state guarantees authorized by this state authorities of foreign countries for their use in the stated purposes can be done if, when provided by foreign economic agreements (contracts) under which goods imported from Ukraine, or if it is caused by international treaties, parties which are relevant States and Ukraine.

The procedure guarantees and implementation of state control over Compliance for use in the stated purposes goods subject to government export control, including including issuing international import certificates and certificates confirmation of delivery, set by the Cabinet of Ministers Ukraine.

**Article 20.** The procedure of national export controls in implementation of international transfers of goods within international treaties of Ukraine

If the international transfer of goods (including services development or a technology) is within interstate or intergovernmental agreements of Ukraine, which provide such transfer, the specially authorized executive body of national export control uses a simplified procedure for consideration of granting a permit or conclusion.

The reason for the application of such procedures is to define in interstate or intergovernmental agreement of specific items products and their exporters and end users.

The decision to grant permission or at the conclusion of

international transfers adopted by the specially authorized body executive branch of state export controls in terms to 15 days of receipt of relevant documents on the subject implementation of international programs.

**Article 21. Customs**

Customs clearance and customs control of goods carried in order stipulated by the Customs Code of Ukraine ( 92-15 ).

At the request of the importer of goods, customs authorities of Ukraine issues certificate of confirmation of delivery, that evidence to Ukraine goods specified in the said certificate.

**Article 22. State control over the use of permits conclusions or international import certificates**

The subject of international transfers of goods, which received permit withdrawal or international import certificate, submit to specially authorized executive agency for national export controls actually written reports Committed international transfer of goods specified in these documents and the use of these goods in the declared purposes. Report form and terms of its presentation are defined specifically authorized executive body of state export controls.

The subject of international transfers of goods must provide on demand specially authorized executive body of national export control documents and information necessary for the exercise of activities in the field of export control, including the safeguards documents, technical information and other documents relating to the conclusion and implementation foreign trade agreements (contracts) on the implementation international transfers of goods, as well as provide storage documents relating to the conclusion and execution of these agreements (contracts) on which permits were obtained, conclusions or international import certificates for five years since the end of the process of international transfer of goods.

**Section IV  
PREVENTION AND TORT LIABILITY  
STATE OF EXPORT CONTROL**

**Article 23. Prevention of crimes in public  
Export Control**

In order to prevent offenses in public export controls specially authorized executive power of state export controls, as well as central executive bodies within their competence shall have the right conduct investigations related to violations of law in of state export controls, including validation delivery to final consumers of goods, according to actual use of the stated objectives and compliance legislation documents on the basis of which carried international transfer of goods.

In case of violation of legislation on public export controls provided for in Article 24 of this Law, mentioned central executive authorities inform the specially authorized executive agency for State export controls.

If sufficient information about the intention of committing or commission established or unknown persons offenses subject to which goods are subject to national export control, specially authorized executive agency for national export controls inform the relevant authorities inquiry and pretrial investigation.

**Article 24. Violation of legal requirements in public  
Export Control**

Violations of legal requirements in public export controls are:

conducting activities related to international transfers goods, without permission in due course, the conclusion or instrument of guarantee;

implementation of international transfers of goods on the basis of permits conclusions or documents of guarantee obtained by submitting

forged documents or documents containing false information;

concluding foreign trade agreements (contracts) on international transfers of any goods or participation in their performed in any other way than stipulated in this Law, if economic operators become aware of such products can be used in a foreign country or foreign business entity to establish weapons of mass destruction or their means of delivery;

for international transfer of goods, despite the fact that economic operators become aware of product will be used for other purposes or other end users than This was stated in the foreign economic agreement (contract) or related documents on which it was received permit withdrawal or international import certificate;

deliberate concealment of information relevant to the issue of granting permission, or the conclusion of international import certificate;

implementation of the international transfer of goods with the conditions defined in resolutions, conclusions or international import certificates, including after entering without the consent of the specially authorized executive body of State export control changes to the external agreement (contract) regarding the names and details exporters, importers, brokers and end users, and as SKUs, liabilities on their end use and provide relevant documents on the guarantee;

negotiations relating to the conclusion foreign trade agreements (contracts) in respect of export of military goods and goods dual use, to supply them to the appropriate foreign States have a partial embargo, without obtaining an positive conclusion of the specially authorized executive power of national export controls;

failure or delayed presentation specifically authorized executive agency of the State Export Control reports and related documents on the outcome of negotiations referred to in paragraph eight of this article, as well as actually made the international transfer of military goods and dual-use on the basis of the permits or conclusions, as well as the use of these products in declared purposes;

obstruction of duty officials specially authorized executive authority on the state of export control and other public body of the state export controls, while their official obligations or failure legitimate demands of these individuals;

unjustified refusal to provide information and documents required specially authorized executive body issues of national export control or other public body of the state export control within its authority to deliberate distortion or concealment;

deliberate destruction of documents related to installation and implementation of foreign economic agreements (contracts) for implementation of international transfers of goods, on which were permissions, conclusions or international import certificates to expiry of their storage under Article 22 of the Law.

**Article 25.** The responsibility of international actors transfer of goods - legal persons for violations legislative requirements in the field of export control

Specially authorized executive agency for national export controls imposed on the subjects of international transfers of goods - entities fines:

for violations stipulated paragraphs second, third and fourth article 24 of this Law - at the rate of 150 per cent value of goods that were subject to the relevant international transmission;

for violations stipulated paragraphs fifth, sixth and seventh Article 24 of this Law - at 100 percent of the value goods that were subject to the relevant international transfers;

for violations stipulated paragraphs eighth and twelfth Article 24 of this Law - at 1000 times the

income;

for violations stipulated ninth paragraph of Article 24 of this Law - amounting to 500 times the income of citizens;

for violations stipulated paragraphs tenth and eleventh Article 24 of this Law - at 100 times the income.

In addition to the imposition of fines referred to in this article specifically authorized executive body of state export controls may cancel or suspend action under permit withdrawal or international import certificate, which he provided such foreign economic entities, or cancel his registration with this body as a subject of international transfer of goods.

In cases of a subject of international transfers catalog - a legal entity that has the power to right the export and import of military goods or products that contain information that constitutes state secrets, offenses under paragraph two - seventh Article 24 hereof, or if the result of such violations caused considerable damage to the political or economic interests of the State, national security or national defense, the Cabinet Ministers of Ukraine on the submission of a specially authorized executive branch of state export controls may cancel previously granted to such person given authority.

The decision of the specially authorized executive body issues of national export controls imposition of fines, revocation or suspension of the permit, or the conclusion of international import certificate or cancellation of registration of the subject of foreign trade in this body as a subject of implementation of international transfers of goods may be appealed in court.

The State is not subject to the implementation of international transfers of goods - the entity responsible for the damage which it may suffer as a result of cancellation or termination of permit withdrawal or international import certificate, and abolition of office for the right to import, export military goods or goods that contain information that constitutes state secrets, if such person committed a violation of the laws specified in Article 24 of this Law, or if such acts arising from the need to protect national interests or compliance with Ukraine's international commitments on non-proliferation of mass destruction, their delivery systems and control programs of conventional military goods.

**Article 26.** Imposing fines for violation of legislation in the field of national export control

Penalties provided for in Article 25 of this Law, on behalf of specially authorized executive agency for national export controls imposed by the head of a specially authorized executive body of state export control or his deputy.

On an offense specified in Article 24 of this Act authorized officer specially authorized executive body of state export controls, that it has detected is a protocol, which together explained manager, other senior officials and documents, the court within three days provided by officials specified in the first part of this article.

Head or deputy head of the specially authorized executive agency of the State Export Control decides to impose a fine within ten days after receiving the documents mentioned in part two of this article.

Solution head or deputy head of the special authorized executive body of state export controls on fine issued Decree the imposition of economic operators -- legal person a fine for violation of public export control under this Act.

Decision to impose a fine up to three copies. The first copy of the decision within three days after its acceptance given under the bill, supervisor, or authorized Representative of foreign economic entities - legal person or sent by mail, which is in the record. Second and third copies are in specially authorized the executive branch of state export controls,

which imposed a fine.

Forms protocol and regulations specifically approve authorized executive body of state export controls.

Penalty payable subject to foreign action - a legal entity in terms of the p'yatnadtsyatydenyy its imposition. In case of failure to pay the fine in this period of time he charged state performer in the order determined legislation.

Decision imposing a fine for the violation, stipulated in this Law may be appealed in court. This implement the decisions of fine stops to take appropriate court.

**Article 27.** Responsibility of foreign entities activity - individuals for violations of legislation in the field of national export control

Foreign economic entities - individuals who violate the law in the state export control bear administrative, criminal and civil under penalty of law.

**Article 28.** Liability of officers of the executive authorities for violation of the law in national export control

Officers specially authorized executive power of state export controls and other bodies executive involved in decision-making in the field export controls, in case of violation of legislation in this area bear disciplinary, administrative, criminal and civil liability provided by law.

#### **Section V Financial support of public Export Control**

**Article 29.** Financing activities related to the implementation national export control

Financing activities related to the implementation of state export control, conducted by and within the resources the State Budget of Ukraine for the maintenance of appropriate government bodies.

**Article 30.** Charging fees for processing and issuance instruments in the field of national export control

With the issuance of documents for registration of subjects international transfers of goods, issuance of permits, the findings international import certificates or certificates of confirmation delivery charge, from which funds are transferred to State Budget of Ukraine. Obtaining these documents is not charge of the central authorities.

Size fee specified in the first paragraph of this article determined by the Cabinet of Ministers of Ukraine depending on the value contract, but should not exceed 500 times income.

#### **Section VI MISCELLANEOUS**

1. This Law shall come into force after its publication.

2. Laws adopted in the enactment of this Act are in part that does not contravene this Law.

3. Cabinet of Ministers of Ukraine within six months after enactment of this Act:

submit to the Verkhovna Rada of Ukraine proposals on the laws of Ukraine in accordance with this Law;

bring its regulations into compliance with this Law;

provide revision and cancellation by ministries and other central authorities of their legal acts that contradict this Law.

President of Ukraine Leonid Kuchma

Kyiv, February 20, 2003

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