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| **THE CABINET OF MINISTERS OF UKRAINERESOLUTION** |
| **No. 500 dated June 6, 2012Kyiv** |

**On Approving the Procedure for State Export Control over the Negotiations on Concluding Foreign Trade Agreements (Contracts) for the Export of Goods**

{As amended by Resolutions of the Cabinet of Ministers
[No. 859 dated October 21, 2015](https://zakon.rada.gov.ua/laws/show/859-2015-%D0%BF#n2)
[No. 99 dated February 21, 2018](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF#n30)
[No. 482 dated May 17, 2021](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n9)}

The Cabinet of Ministers of Ukraine **hereby resolves as follows**:

1. To approve the [Procedure for State Export Control over the Negotiations on Concluding Foreign Trade Agreements (Contracts) for the Export of Goods](https://zakon.rada.gov.ua/laws/show/500-2012-%D0%BF#n10) attached hereto.

2. The Ministry of Economic Development and Trade shall bring its regulatory legal acts in line with this resolution within three months.

3. To invalidate the Resolutions of the Cabinet of Ministers of Ukraine according to the  [List](https://zakon.rada.gov.ua/laws/show/500-2012-%D0%BF#n64) attached hereto.

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| **Prime Minister of Ukraine** | **M. AZAROV** |
| **Ind. 70** |  |

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|  | **APPROVED****by Resolution No. 500 of the Cabinet of Ministers of Ukraine dated June 6, 2012** |

**PROCEDURE
for State Export Control over the Negotiations on Concluding Foreign Trade Agreements (Contracts) for the Export of Goods**

**General**

1. This Procedure defines the order of public export control over the negotiations held by business entities registered by the State Service for Export Control as participants of international transfers of goods (hereinafter, "business entities") with foreign participants of economic or other activities (hereinafter, "foreign participants") on concluding foreign trade agreements (contracts) for the export of military goods, dual-use goods, and other goods that are not included in the list of goods subject to public export control and fall under the public export control procedure pursuant to the legislation, to the foreign states that are under partial embargo on the export of such goods proceeding from the international commitments of Ukraine (hereinafter, "negotiations").

*{Clause 1 amended pursuant to Resolution of the Cabinet of Ministers*[*No. 482 dated May 17, 2021*](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n10)*}*

2. The terms used in this Procedure shall have the meaning defined in the Law of Ukraine[*On State Control over International Transfers of Military Goods and Dual-Use Goods*. Law](https://zakon.rada.gov.ua/laws/show/549-15) (hereinafter, "Law").

3. Foreign states specified in Clause 1 hereof include states in respect of which:

the Cabinet of Ministers of Ukraine, pursuant to [Decree No. 861 of the President of Ukraine dated July 15, 1999"On the Procedure for Establishing (Canceling) Restrictions on the Export of Goods Pursuant to the International Commitments of Ukraine"](https://zakon.rada.gov.ua/laws/show/861/99), adopted relevant resolutions to establish restrictions on the export of military goods, dual-use goods, and other goods that are not included in the list of goods subject to public export control and fall under the public export control procedure pursuant to the legislation (hereinafter, "goods");

the State Service for Export Control, other central executive authorities performing tasks in the field of international military and technical cooperation and export control, pursuant to Article 2 of [Decree No. 1207 of the President of Ukraine dated December 24, 2002"On Additional Measures to Enhance Control over International Military Technical Cooperation"](https://zakon.rada.gov.ua/laws/show/1207/2002), pursuant to the legislation, take measures to implement resolutions of the UN Security Council until relevant resolutions of the Cabinet of Ministers of Ukraine are adopted;

sanctions have been imposed pursuant to [Article 5](https://zakon.rada.gov.ua/laws/show/1644-18#n52) of the Law of Ukraine *On Sanctions.*

*{Clause 3 supplemented with a paragraph pursuant to Resolution of the Cabinet of Ministers*[*No. 482 dated May 17, 2021*](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n11)*}*

4. To inform business entities of foreign states under partial embargo on the export of goods, the State Service for Export Control shall publish the list of such states on its official website with due regard to Clause 3 hereof.

*{Clause 4 amended pursuant to Resolution of the Cabinet of Ministers*[*No. 482 dated May 17, 2021*](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n13)*}*

**Procedure for the State Export Control over Negotiations**

5. The procedure for the state export control over negotiations includes the following steps:

1) A business entity shall submit a written application for a conclusion to carry on negotiations with a foreign participant (the "application). An application form and the procedure for filling it out by the business entity and submitting to the State Service for Export Control shall be established by the Ministry of Economic Development

2) The State Service for Export Control shall conduct an expert review in the sphere of public export control pursuant to the Regulation on the Procedure of Expert Review in the Sphere of Public Export Control, approved by [Resolution No. 767 of the Cabinet of Ministers of Ukrainedated July 15, 1997](https://zakon.rada.gov.ua/laws/show/767-97-%D0%BF) (The Official Bulletin of Ukraine, 1887, No. 29, Art. 70; 2003, No. 34, Art. 1827)

3) The State Service for Export Control shall execute and issue a conclusion to carry on negotiations with a foreign participant (hereinafter, "conclusion) to the business entity. A conclusion form and the procedure for its execution and issuance shall be established by the Ministry of Economic Development

4) A business entity shall conclude a foreign trade agreement (contract) for the export of goods with a foreign entity

5) A business entity shall submit to the State Service for Export Control a report on the results of negotiations

6) A business entity shall be brought to liability for the breach of the established negotiation procedure.

6. The State Service for Export Control shall study an application of the business entity and make a decision on the issuance of a conclusion based on the expert review in the sphere of public export control, which must involve the Ministry of Foreign Affairs, the Ministry of Defense, the Foreign Intelligence Service, the Security Service of Ukraine, the Main Intelligence Department of the Ministry of Defense, as well as other ministries, central executive authorities, institutions and organizations, if necessary (hereinafter, "involved agencies") with respect to the issues falling within their competence (due diligence of the end user or the intermediary, consultations with the designated bodies of the party states to international export control regimes, receiving information on the possible deviation from the declared end use of goods, etc.).

The involved agencies, at the request of the State Service for Export Control, shall express in writing their grounded opinion on the possibility to issue a conclusion to the business entity or on the grounds for its denial within 15 business days upon receipt of the request. If expressing this grounded opinion requires time exceeding 15 business days, the involved agencies shall inform the State Service for Export Control about that in writing, indicate the grounds for extending the period, and establish an additional period of time for expressing their grounded opinion, which shall not exceed 30 business days. In this case, the total period for considering the application and making a decision by the State Service for Export Control on issuing a conclusion shall not exceed 90 days upon receipt of all necessary documents from the business entity.

Upon making a decision to deny the conclusion, the State Service for Export Control shall inform the business entity and the central executive authority with the jurisdiction over this business entity about that in writing within three days, with the reasons of such decision.

**Documents Submitted by the Business Entity to Obtain a Conclusion**

7. Business entities shall carry on negotiations on the basis of a conclusion.

8. To obtain a conclusion, a business entity shall submit a list with a brief description of the purpose of the request to the State Service for Export Control, with an application attached thereto.

If a business entity submits an application for a conclusion to carry on negotiations for the export of military goods, a copy of a document attesting powers of a foreign participant to conduct foreign economic activities related to the international transfers of military goods, assigned to the foreign participant pursuant to the legislation of the country of its registration, shall be submitted along with the application.

9. Documents submitted to the State Service for Export Control pursuant to this Procedure shall be issued in the state language. Documents made in a foreign language must include their translation into the state language certified with a signature of the business entity's responsible person.

*{Paragraph 1 of Clause 9 amended pursuant to Resolution of the Cabinet of Ministers*[*No. 99 dated February 21, 2018*](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF#n30)*}*

The copies of documents submitted to the State Service for Export Control pursuant to this Procedure shall be certified with a signature of the business entity's responsible person.

*{Paragraph 2 of Clause 9 amended pursuant to Resolution of the Cabinet of Ministers*[*No. 99 dated February 21, 2018*](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF#n30)*}*

10. An application shall be dismissed in the cases stipulated in Article 16 of the [Law](https://zakon.rada.gov.ua/laws/show/549-15).

The State Service for Export Control shall inform the business entity about the dismissal of its application with the reasons of such dismissal within three days from the day of such decision.

**Specific Aspects of Concluding Foreign Trade Agreements (Contracts) for the Export of Goods**

11. When concluding foreign trade agreements (contracts) for the export of goods, irrespective of the place and circumstances of their conclusion, business entities are recommended to include in those agreements (contracts):

1) Information on an end user of goods, description and quantity of goods, and their end use

2) The following obligations of a foreign entity:

not to re-export and not to transfer received goods to anyone but for the end user, or

a reference that the goods received are intended for end user's own needs not associated with their subsequent re-export or transfer to anyone, and in the event of an intention of further re-export or transfer of the received goods to another end user, – to re-export or transfer such goods only upon receipt of a written consent thereto of the exporter of such goods and the State Service for Export Control,

obligations in respect of certain groups of goods, i.e.:

goods that can be used to create missile weapons:

- to use the goods only for declared purposes not related to the creation of missiles intended for the delivery of weapons of mass destruction;

- not to copy, not to modify, and not to alter the goods without a prior written consent thereto of the exporter of such goods and the State Service for Export Control;

- not to re-export and not to transfer to anyone the goods, their copies, or devices or equipment created on the basis thereof, without a prior written consent thereto of the exporter of such goods and the State Service for Export Control;

goods that can be used to create nuclear weapons:

- to use the goods only for declared purpose not related in any way to the activities associated with the creation of nuclear explosive devices, or the activities related to the nuclear fuel cycle, which are not put under the IAEA guarantees;

- not to copy, not to modify, not to re-export the goods or to transfer them to anyone without a prior written consent thereto of the exporter of such goods and the State Service for Export Control, including goods intended for own needs of the end user;

goods that can be used to create chemical weapons:

- to use the goods only for declared purposes, which are not associated with the creation of chemical weapons or any other activities prohibited under the [Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction](https://zakon.rada.gov.ua/laws/show/995_182) dated January 13, 1993;

- not to re-export and not to transfer the goods to anyone without a prior written consent thereto of the exporter of such goods and the State Service for Export Control, including goods intended for own needs of the end user;

goods that can be used to create bacteriological (biological) weapons:

- to use the goods only for declared purposes, which are not associated with the creation of bacteriological (biological) and toxin weapons or any other activities prohibited under the [Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction](https://zakon.rada.gov.ua/laws/show/995_054) dated April 10, 1972;

- not to re-export and not to transfer the goods to anyone without a prior written consent thereto of the exporter of such goods and the State Service for Export Control, including goods intended for own needs of the end user;

to submit an end user certificate;

to submit an international import certificate or other document issued or confirmed by the competent government body of the country of destination of the goods, which contains a confirmation or guarantees of such bodies regarding the import of goods to that country (to be submitted only in case of the export of dual-use goods specified in the "Sensitive" or "Particularly sensitive" categories of goods in the Unified List of Dual-Use Goods given in an annex to the [Procedure for Exercising State Control over the International Transfers of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n10), approved by Resolution of the Cabinet of Ministers of Ukraine dated January 28, 2004 No. 86 (The Official Bulletin of Ukraine, 2004, No. 4, Art. 167; 2018, No. 8, Art. 303), to the country of destination that is not a party state to the international export control regime under the [Wassenaar Arrangement](https://zakon.rada.gov.ua/laws/show/998_177), or when goods specified in other sections of the Unified List of Dual-Use Goods are exported to the states that are not party states to the respective international export control regime, i.e. Missile Technology Control Regime, Nuclear Suppliers Group, Australia Group). The list of party states to the international export control regimes is provided in an [Annex](https://zakon.rada.gov.ua/laws/show/500-2012-%D0%BF#n59);

to submit at the exporter's request a delivery verification certificate or other document issued or confirmed by the competent government body of the country of destination of the goods, which confirms the import of goods or each batch of goods to the territory of that state;

to entitle the exporter or the designated government bodies of Ukraine to check the delivery of goods to the end user and to check the proper use of goods exported from Ukraine;

*{Subclause 2 of Clause 11 as amended by Resolution of the Cabinet of Ministers*[*No. 482 dated May 17, 2021*](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n14)*}*

3) Provisions regarding:

the entry into force of a foreign economic agreement (contract) after the exporter and the importer receives the necessary permits (licenses) of the government bodies;

the protection of intellectual property rights or determining the scope and the procedure for transferring those rights to a foreign participant (to be included only in case of the export of technologies, including as R&D results);

insurance of risks related to the execution of agreements (contracts) and due to force majeure.

12. Foreign economic agreements (contracts) for the export of military goods and goods containing state secrets may be concluded only by the business entities duly authorized by the Cabinet of Ministers of Ukraine to export military goods and goods containing state secrets.

13. If foreign trade agreements (contracts) for the export of goods are concluded by business entities within the frames of interstate or inter-government treaties of Ukraine, which provide for the export of goods, and the procedure for the delivery of goods under such international treaties and lists of enterprises exporting goods are indicated in the acts of the Cabinet of Ministers of Ukraine, individual provisions of Clause 11 hereof do not need to be taken into consideration when concluding such agreements (contracts).

**Reporting and Liability of Business Entities**

14. A business entity that received a conclusion shall submit to the State Service for Export Control a written report on the results of negotiations according to the form and within the time frames established by the Ministry of Economic Development.

The time frames for submitting the report shall be indicated by the State Service for Export Control in the conclusion.

Business entities shall be held liable according to the legislation for a failure to submit or late submission of the aforesaid report.

15. Business entities violating requirements of this Procedure shall be held liable according to the legislation.

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|  | Annexto the Procedure(as worded by Resolution No. 482 of the Cabinet of Ministers of Ukraine[dated May 17, 2021](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n38)) |

**THE LIST**
**of States - Parties to the International Export Control Regimes**

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| State | International export control regimes |
| [Wassenaar Arrangement](https://zakon.rada.gov.ua/laws/show/998_177) | Missile Technology Control Regime | Nuclear Suppliers Group | Zangger Committee | Australia Group |
| 1. | Australia | \* | \* | \* | \* | \* |
| 2. | Austria | \* | \* | \* | \* | \* |
| 3. | Argentina | \* | \* | \* | \* | \* |
| 4. | Belgium | \* | \* | \* | \* | \* |
| 5. | Belarus |  |  | \* | \* |  |
| 6. | Bulgaria | \* | \* | \* | \* | \* |
| 7. | Brazil |  | \* | \* |  |  |
| 8. | Great Britain | \* | \* | \* | \* | \* |
| 9. | Greece | \* | \* | \* | \* | \* |
| 10. | Denmark | \* | \* | \* | \* | \* |
| 11. | Estonia | \* |  | \* |  | \* |
| 12. | India | \* | \* |  |  | \* |
| 13. | Iceland |  | \* | \* |  | \* |
| 14. | Spain | \* | \* | \* | \* | \* |
| 15. | Ireland | \* | \* | \* | \* | \* |
| 16. | Italy | \* | \* | \* | \* | \* |
| 17. | Kazakhstan |  |  | \* | \* |  |
| 18. | Canada | \* | \* | \* | \* | \* |
| 19. | China |  |  | \* | \* |  |
| 20. | Cyprus |  |  | \* |  | \* |
| 21. | Latvia | \* |  | \* |  | \* |
| 22. | Lithuania | \* |  | \* |  | \* |
| 23. | Luxembourg | \* | \* | \* | \* | \* |
| 24. | Malta | \* |  | \* |  | \* |
| 25. | Mexico | \* |  | \* |  | \* |
| 26. | Netherlands | \* | \* | \* | \* | \* |
| 27. | Germany | \* | \* | \* | \* | \* |
| 28. | New Zealand | \* | \* | \* | \* | \* |
| 29. | Norway | \* | \* | \* | \* | \* |
| 30. | RSA | \* | \* | \* | \* |  |
| 31. | Poland | \* | \* | \* | \* | \* |
| 32. | Portugal | \* | \* | \* | \* | \* |
| 33. | Republic of Korea | \* | \* | \* | \* | \* |
| 34. | Russia | \* | \* | \* | \* |  |
| 35. | Romania | \* |  | \* | \* | \* |
| 36. | Serbia |  |  | \* |  |  |
| 37. | Slovakia | \* |  | \* | \* | \* |
| 38. | Slovenia | \* |  | \* | \* | \* |
| 39. | USA | \* | \* | \* | \* | \* |
| 40. | Turkey | \* | \* | \* | \* | \* |
| 41. | Hungary | \* | \* | \* | \* | \* |
| 42. | Ukraine | \* | \* | \* | \* | \* |
| 43. | Finland | \* | \* | \* | \* | \* |
| 44. | France | \* | \* | \* | \* | \* |
| 45. | Croatia | \* |  | \* | \* | \* |
| 46. | Czech Republic | \* | \* | \* | \* | \* |
| 47. | Switzerland | \* | \* | \* | \* | \* |
| 48. | Sweden | \* | \* | \* | \* | \* |
| 49. | Japan | \* | \* | \* | \* | \* |
| \_\_\_\_\_\_\_\_\_\_Notes: | 1. The list of military goods international transfers of which are subject to state control, as set out in an annex to the [Procedure for Exercising State Control over the International Transfers of Military Goods](https://zakon.rada.gov.ua/laws/show/1807-2003-%D0%BF#n10), approved by Resolution No. 1807 of the Cabinet of Ministers of Ukraine dated November 20, 2003 (The Official Bulletin of Ukraine, 2003, No. 48, Art. 2506), corresponds to the list in the [Wassenaar Arrangement](https://zakon.rada.gov.ua/laws/show/998_177).2. The unified list of dual-use goods, as set out in an annex to the [Procedure for Exercising State Control over the International Transfers of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n10), approved by Resolution No. 86 of the Cabinet of Ministers of Ukraine dated January 28, 2004 (The Official Bulletin of Ukraine, 2004, No. 4, Art. 167; 2018, No. 8, Art. 303), corresponds to the lists in the [Wassenaar Arrangement](https://zakon.rada.gov.ua/laws/show/998_177), the Missile Technology Control Regime, the Nuclear Suppliers Group and the Zangger Committee, and the Australia Group. |
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*{The annex amended by Resolution of the Cabinet of Ministers* [*No. 859 dated October 21, 2015*](https://zakon.rada.gov.ua/laws/show/859-2015-%D0%BF#n8)*; as worded by Resolution of the Cabinet of Ministers* [*No. 482 dated May 17, 2021*](https://zakon.rada.gov.ua/laws/show/482-2021-%D0%BF#n36)*}*