

 **THE CABINET OF MINISTERS OF UKRAINE**

 **RESOLUTION
 No. 920 dated May 27, 1999
 Kyiv**

 **On Approving the Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control**

 { As amended by Resolutions of the Cabinet of Ministers
 No. 93 ( [93-2003-п](https://zakon.rada.gov.ua/laws/show/93-2003-%D0%BF) ) dated January 18, 2003
 No. 1225 ( [1225-2003-п](https://zakon.rada.gov.ua/laws/show/1225-2003-%D0%BF) ) dated August 6, 2003
 No. 1432 ( [1432-2004-п](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF) ) dated October 28, 2004
 No. 726 ( [726-2006-п](https://zakon.rada.gov.ua/laws/show/726-2006-%D0%BF) ) dated May 25, 2006
 No. 602 ( [602-2010-п](https://zakon.rada.gov.ua/laws/show/602-2010-%D0%BF) ) dated July 21, 2010
 No. 24 ( [24-2012-п](https://zakon.rada.gov.ua/laws/show/24-2012-%D0%BF) ) dated January 18, 2012
 No. 99 ( [99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF) ) dated February 21, 2018 }

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

 1. To approve the Procedure for Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control (attached).

 *(Clause 2 has been invalidated by Resolution of the Cabinet of Ministers No. 93 (*[*93-2003-п*](https://zakon.rada.gov.ua/laws/show/93-2003-%D0%BF)*) dated January 18, 2003)*

 Prime Minister of Ukraine V. PUSTOVOITENKO

 Ind. 30

 APPROVED
by Resolution No. 920 of the Cabinet of Ministers of Ukraine
dated May 27, 1999

 **REGULATION
on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control**

 {in the text of the Regulation the words "State Customs Service" was replaced with the words "State Fiscal Service" in all cases pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 General

 1. This Regulation defines the procedure for issuing state guarantees and guarantees of Ukrainian end users regarding the use of goods subject to state export control, which have been imported to Ukraine, for declared purposes, as well as for exercising state control over the use of those guarantees and control over the fulfillment of guarantees by foreign end users regarding the use of goods imported by them from Ukraine for declared purposes.

 2. In this Regulation, the terms "dual-use goods", "international transfers of goods", "export", "re-export", "import", "transit" and others shall have the meaning defined in the Law of Ukraine "On State Control over International Transfers of Military and Dual-Use Goods" ([549-15](https://zakon.rada.gov.ua/laws/show/549-15)). For the purposes of this Regulation, the following term is also used:

 declared purpose shall mean an area of use of the goods according to their intended purpose officially reported to a foreign or Ukrainian exporter by a subject of foreign trade of Ukraine or by a foreign business entity, respectively.

(Clause 2 amended by Resolution of the Cabinet of Ministers No. 1225 ([1225-2003-п](https://zakon.rada.gov.ua/laws/show/1225-2003-%D0%BF)) dated August 6, 2003)

 3. Goods covered by this Regulation are listed in an annex to the Procedure for Exercising State Control over the International Transfers of Military Goods, approved by Resolution of the Cabinet of Ministers of Ukraine dated November 20, 2003 No. 1807 ([1807-2003-п](https://zakon.rada.gov.ua/laws/show/1807-2003-%D0%BF)) (The Official Bulletin of Ukraine, 2003, No. 48, Art. 2506) and in annexes to the Procedure for Exercising State Control over the International Transfers of Dual-Use Goods, approved by Resolution of the Cabinet of Ministers of Ukraine dated January 28, 2004 No. 86 ([86-2004-п](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF)) (The Official Bulletin of Ukraine, 2004, No. 4, Art. 167, No. 21, Art. 1446).

(Clause 3 amended by Resolution of the Cabinet of Ministers No. 1432 ([1432-2004-п](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF)) dated October 28, 2004)

 4. Goods brought to Ukraine with the presentation of guarantees on their use for declared purposes shall be subject to state export control, as established in Ukraine.

 These goods may not be re-exported from Ukraine or transferred to any third countries on other lawful grounds without a permission of the State Service for Export Control for their re-export or transfer to the third countries.

 Such goods shall be transferred to another end user within Ukraine based on a positive conclusion of the State Service for Export Control.

 5. For the purpose of issuing guarantees for the end use of goods imported to Ukraine, an international import certificate, a delivery verification certificate, an end user certificate and other documents containing state guarantees and end user's guarantees for the use of goods for declared purposes are used.

 **Receiving international import certificates and other documents containing state guarantees for the use of goods for declared purposes**

 6. An international import certificate (hereinafter, "import certificate") is a state document of Ukraine attesting obligations of a Ukrainian importer to import goods to Ukraine or, if goods are not imported to Ukraine, not to forward them to another place without a permission of the State Service for Export Control (Annex 1).

 If goods are to be delivered to Ukraine against issuance of other state guarantees or obligations to use imported goods for declared purposes by the Ukrainian party, such guarantees or obligations may be documented in an annex to the import certificate or may be executed as an individual document (hereinafter, "other document").

 The aforesaid documents shall be executed and issued by the State Service for Export Control on the basis of an application of a Ukrainian importer in case such documents are requested by a foreign exporter or a designated government body of the exporter's country.

 Goods not included in the list of goods imported to Ukraine with the presentation of an international import certificate or other document shall be imported subject to a permission of the State Service for Export Control. (Clause 6 supplemented with a paragraph pursuant to Resolution of the Cabinet of Ministers No. 1432 ([1432-2004-п](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF)) dated October 28, 2004)

 7. In order to receive an import certificate or other document, a Ukrainian importer shall send the State Service for Export Control a letter with a brief description of the purpose of the letter, with the following documents attached thereto:

 an application of a standard form; (Paragraph 2 of Clause 7 amended pursuant to Resolution of the Cabinet of Ministers No. 1432 ([1432-2004-п](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF)) dated October 28, 2004)

 a duly certified copy of a foreign trade agreement (contract) for the import of goods, and a copy of the importer's contract with an end user, in case an importer is an enterprise or an intermediary company;

 a copy of an end user certificate;

 *{Paragraph 5 of Clause 7 deleted pursuant to Resolution of the Cabinet of Ministers No. 24 (*[*24-2012-n*](https://zakon.rada.gov.ua/laws/show/24-2012-%D0%BF)*) dated January 18, 2012}*

 a duly certified copy of a license for conducting activities with the imported goods, in case the activity with such goods is subject to licensing. {Paragraph 6 of Clause 7 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 If applications for an import certificate or other document and for issuance of an import permit are submitted concurrently, the application for an import certificate or other document may refer to the documents attached to the application for issuance of an import permit instead of submitting the second copies of the same documents.

 If the State Service for Export Control did not carry out a preliminary export review in the sphere of export control for the goods planned for import, and a business entity is not registered with the State Service for Export Control as an importer of such goods, a certificate with the list of goods to be imported, brief description of the purpose and key technical characteristics of each item of goods, shall be attached to the aforesaid documents. If a business entity intends to import technologies or services, a summary of such technologies or services, including their volume, purpose, and scope of application, shall be attached instead of the certificate. The certificate shall be attested with a signature of the director or authorized person of the enterprise or the organization, and with a signature of the head of the military office (if there is such office at the enterprise or organization). {Paragraph 8 of Clause 7 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 The State Service for Export Control may request other necessary documents from the applicant to take a grounded decision.

 Documents made in a foreign language shall have their duly certified translations attached thereto. {Paragraph 10 of Clause 7 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 An import certificate or other document shall be issued for one type of products under the Customs Commodity Code (Commodity Nomenclature of foreign trade, TN VED), irrespective of the number of product items under the foreign trade agreement (contract).

 8. Applications submitted to receive import certificates or other documents shall be studied by the State Service for Export Control involving, if necessary, specialists of other central executive bodies, enterprises, institutions, and organizations (by agreement with their heads).

 These applications shall be studied within 30 days upon receipt of a full document package from the importer. Upon occurrence of circumstances that prevent from taking an unambiguous decision on the possibility to issue an import certificate, this period may be extended by no more than 30 days upon decision of the head of the State Service for Export Control.

 The time required to receive additional information or other documents from the importer shall not be included in the period of studying applications.

 If the State Service for Export Control decides to refuse to issue an import certificate or other document, a letter with the substantiation of this decision shall be sent to the importer.

 An import certificate or other document shall be issued in two copies and signed by head of the State Service for Export Control or his/her deputy.

 The first copy of the import certificate or other document shall be issued to the importer for further submission to a foreign exporter.

 The second copy of the import certificate or other document shall be left in the State Service for Export Control.

 9. In certain cases, when a foreign exporter is required to receive state guarantees in the form of an import certificate or other document in order to export goods not included in the lists specified in Clause 3 hereof, such import certificate or other document shall be issued by the State Service for Export Control.

 The State Service for Export Control shall notify the State Fiscal Service about the issue of an import certificate for the goods not included in the aforesaid lists within three days, and shall send a duly certified copy of such certificate. {Paragraph 2 of Clause 9 amended by Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 Upon receipt of a notice from the State Service for Export Control, the State Fiscal Service shall take measures within three days to prevent bringing out of goods specified in the copy of the import certificate from the customs territory of Ukraine without a permit or a conclusion of the State Service for Export Control.

 After brining such goods to Ukraine and performing the customs procedures required by law, the importer shall submit documents to the State Fiscal Service, within 10 days after the customs clearance of goods, to receive a delivery verification certificate in accordance with the procedure established herein.

(Clause 9 amended by Resolution of the Cabinet of Ministers No. 1225 ([1225-2003-п](https://zakon.rada.gov.ua/laws/show/1225-2003-%D0%BF)) dated August 6, 2003)

 10. Conclusion of foreign trade agreements (contracts) by participants of foreign trade of Ukraine, which provide for the verification by a foreign partner of the end use of goods for declared purposes, shall be possible only on the basis of a positive conclusion of the State Service for Export Control, subject to preliminary negotiation of this matter by the participant of foreign trade with the ministry of other central executive authority to the jurisdiction of which this participant belongs.

 11. An import certificate or other document shall be deemed valid if it has been transferred to the competent government bodies of the exporter's state within six months from the date of its issuance by the State Service for Export Control.

 If an international import certificate or other document has not been transferred to the competent government bodies of the exporter's state within six months from the date of its issuance by the State Service for Export Control, or has not been used by those bodies and has been returned to the Ukrainian importer, the latter shall return this document to the State Service for Export Control along with the cover letter stating the reasons why the document has not been used.

 Should the terms of the foreign trade agreement (contract) be changed, an import certificate or other document shall be re-issued in accordance with the established procedure. An original of the previous import certificate or other document shall be attached to a new application for an import certificate or other document. If it is impossible to submit an original certificate or other document for objective reasons, the importer shall specify these reasons in writing.

 An import certificate or other document shall be assigned a sequence number according to the register of import certificates and other documents maintained by the State Service for Export Control.

 **Receiving a Delivery Verification Certificate**

 12. A delivery verification certificate is a state document attesting that the goods specified therein have been imported to Ukraine and placed under export control of Ukraine (Annex 2).

 A delivery verification certificate shall be submitted only for the goods imported to Ukraine for which the State Service for Export Control has issued an import certificate or other document.

 A delivery verification certificate shall be executed and issued by the State Fiscal Service on the basis of the importer's application.

 To receive a delivery verification certificate, the importer shall send the State Fiscal Service a letter with a brief description of the reason thereof within 10 days after the customs clearance of goods, with the following documents attached thereto:

 a duly certified copy of the cargo customs declaration issued by the designated customs body during brining of goods to Ukraine; {Paragraph 5 of Clause 12 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 a duly certified copy of the import certificate or other document issued by the State Service for Export Control; {Paragraph 6 of Clause 12 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 a copy of the payment order attesting payment of a fee for the issuance of a delivery verification certificate.

 The request must contain a reference to the number and date of the cargo customs declaration, the import certificate, or other documents on the basis of which a delivery verification certificate will be issued, as well as information to be entered into that delivery verification certificate.

 A delivery verification certificate shall be assigned a sequence number according to the register of delivery verification certificates maintained by the State Fiscal Service.

 13. The State Fiscal Service shall issue a delivery verification certificate within 10 days upon receipt of the documents specified in Clause 12 hereof.

 A delivery verification certificate shall be issued in three copies and signed by Head of the State Fiscal Service or his/her deputy.

 The first copy of the delivery verification certificate shall be issued to the importer for submission to the foreign exporter, the second copy shall be sent to the State Service for Export Control, and the third copy shall be left in the State Fiscal Service.

 14. Within five days after the delivery verification certificate is issued, the State Fiscal Service shall notify the customs bodies of Ukraine that the goods specified in that certificate have been brought to Ukraine and cannot be brought outside Ukraine without a permit of the State Service for Export Control.
A copy of the notice shall be sent by the State Fiscal Service to the State Service for Export Control.

 If a delivery verification certificate has not been used for any reasons, the importer shall return it to the State Fiscal Service.

 If a delivery verification certificate is lost or destroyed, a Ukrainian importer may receive a duplicate certificate subject to the submission of the documents listed in Clause 12 hereof to the State Fiscal Service.

 **Issuance of an End User Certificate**

 15. An end user certificate is a document by which an end user indicates the place of installation (use) and the purpose of the end use of the goods and guarantees that these goods will not been used for any other purposes but for those indicated in the certificate, will not be transferred to other business entity in the territory of Ukraine or re-exported without a permit of the State Service for Export Control, and assumes other guarantees in respect of goods imported to Ukraine in case it is provided for by the foreign trade agreement (contract) pursuant to the requirements of the states exporting goods (Annex 3).

 An end user certificate shall be requested and obtained by an end user. An end user certificate shall be attested with a seal of the head of a respective enterprise, organization, or of an authorized person. {Paragraph 2 of Clause 15 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}

 16. An end user certificate shall be issued in three copies. The first and second copies shall be sent by an end user to the importer of goods, who shall submit the first copy to a foreign exporter and the second copy – to the State Service for Export Control along with an application for import certificate or another document. The third copy shall be kept by the end user of goods.

 **Transfer of Goods Imported to Ukraine with the Submission of State Guarantees of Their Use for Declared Purposes to Other End Consumers in Ukraine**

 17. The transfer of goods imported to Ukraine with the submission of state guarantees of their use for declared purposes to other end users in Ukraine shall be carried out subject to a positive authorization for such transfer issued by the State Service for Export Control.

 To receive this authorization, a user who intends to transfer imported goods to another end user shall send the State Service for Export Control a letter with a brief description of the reason thereof, with the following documents attached thereto:

 an application of a standard form in three copies;

 a document attesting a foreign exporter's consent to the subsequent transfer of goods;

 an end user certificate issued by an end user to whom goods are transferred for use;

 a certificate with the details of the end user certificate and the import certificate or other document issued for these goods earlier.

 Apart from the documents specified in this clause, the State Service for Export Control may request other necessary documents from the applicant to take a grounded decision.

 18. Applications submitted to receive conclusions specified in Clause 17 hereof shall be studied by the State Service for Export Control involving, if necessary, representatives of other central executive bodies, enterprises, institutions, and organizations (by agreement with their heads), in accordance with the established procedure.

 An application for such authorization shall be studied within 15 days after the applicant submits a full document package. Upon occurrence of circumstances that prevent from taking an unambiguous decision on the possibility to issue a conclusion, the period for studying the application may be extended by no more than 30 days upon decision of the head of the State Service for Export Control.

 The time required to receive additional information or other documents from the applicant shall not be included in the period of studying the application.

 If the State Service for Export Control decides to refuse to issue a conclusion for the transfer of goods to other end users in Ukraine, a letter substantiating this decision shall be sent to the applicant.

 19. A new end user shall confirm the receipt of goods with an official letter to the State Service for Export Control within one week after their receipt.

 **Re-export of Goods Imported to Ukraine with the Presentation of State Guarantees of Their Use for Declared Purposes**

 20. Re-export of goods imported to Ukraine with the presentation of state guarantees of their use for declared purposes shall be carried out pursuant to the established procedure for exporting goods subject to state export control.

 A decision on the possibility of re-export of these goods shall be taken only against submission of an official written consent of a foreign exporter for their re-export to the State Service for Export Control by a Ukrainian exporter.

 **State Control over the Fulfillment of Obligations by End Consumers in Ukraine under Guarantees of Use of Imported Goods for Declared Purposes**

 21. State control over the fulfillment of obligations by end users in Ukraine under guarantees of use of imported goods for declared purposes shall be exercised on the basis of analysis of reports on the actual use of goods prepared by business entities (end users), as well as by way of scheduled selective checks of the actual use of goods as intended by their end users, which may be conducted by authorized officers of the State Service for Export Control or by designated monitoring committees.

 22. The State Service for Export Control, by agreement with other central executive authorities, the Security Service of Ukraine, and the Foreign Intelligence Service, shall determine the time frames and approve the plan for checking the actual use by the end user of goods imported with the presentation of state guarantees of their use for declared purposes, and shall set up a monitoring committee, if necessary, which may consist of the representatives of the State Service for Export Control, the Security Service of Ukraine, the Foreign Intelligence Service, the State Fiscal Service, and other central executive authorities. {Paragraph 1 of Clause 22 amended pursuant to Resolution of the Cabinet of Ministers No. 726 ([726-2006-п](https://zakon.rada.gov.ua/laws/show/726-2006-%D0%BF)) dated May 25, 2006}

 The powers and the composition of the monitoring committee shall be agreed upon with the central executive authorities whose representatives are engaged in the check. Members of the monitoring committee shall receive a conclusion document to conduct such check from the State Service for Export Control.

 The State Service for Export Control shall submit information on its competent officers or on the composition of the monitoring committee and the period of the check in writing to the head of the enterprise, institution, organization consuming goods subject to the check.

 23. The check shall be performed at the place of installation (use) of imported goods.

 The head of the enterprise, institution, organization as an end user shall submit all necessary documents to the competent officers of the State Service for Export Control or to the designated monitoring committee and assist them in their work.

 The end-user enterprise, institution, organization shall be informed of such possible check when receiving an import certificate.

 The monitoring committee shall execute a report on the results of check of the actual use of goods as intended by end user, which shall be approved by the head of the State Service for Export Control.

 24. The costs for the check shall be reimbursed in accordance with the established procedure at the expense of and within the state budget item for financing the State Service for Export Control, or at the expense of the enterprise, institution, organization when it is provided for by the foreign trade agreement (contract).

 **Organization of Checks, with the Participation of Foreign Partners,** **of the Use of Goods by End Consumers in Ukraine, Imported with the Presentation of State Guarantees of Their Use for Declared Purposes**

 25. The actual use of goods by end users in Ukraine, which have been imported with the state guarantees of their use for declared purpose, may be checked involving representatives of foreign exporters and/or competent government bodies of the exporting state only in the cases stipulated by foreign trade agreements (contracts) or by international treaties the foreign exporter's state and Ukraine are parties to.

 Where necessary, checks shall be performed pursuant to the legislation of Ukraine on state secret.

 26. The notice of intention to perform checks specified in Clause 25 hereof shall be given by a foreign partner in accordance with the established procedure via diplomatic communication channels.

 The Ministry of Foreign Affairs shall give this notice to the State Service for Export Control and other central executive body with the jurisdiction over the importing enterprise, institution, or organization.

 Such check shall be performed in accordance with the procedure stipulated by Clauses 22 and 23 hereof, with the participation of representatives of foreign experts and/or competent government bodies of the exporter's state.

 **Liability for the Breach of Obligations by Ukrainian Importers and End Consumers of Goods Imported to Ukraine with the Presentation of State Guarantees of Their Use for Declared Purposes**

 27. Upon revealing any breach by a Ukrainian importer or an end user of the established procedure of the international transfers of goods for which state guarantees of their used for declared purposes have been submitted, in particular, in case such goods:

 were not imported to Ukraine and were sent to a different destination instead of the one indicated in the international import certificate by order of the Ukrainian importer without a permit of the State Service for Export Control;

 were used for purposes other than declared ones;

 were transferred to another end user in Ukraine or re-exported without a positive authorization or permit of the State Service for Export Control;

 or upon violation of other export control requirements, such importer or end user shall be entered into the list of violators of export control regulations by the State Service for Export Control. Moreover, they shall also bear civil liability under a foreign trade agreement (contract).

**Organization of Checks of the Use of Goods by Foreign End** **Consumers, Imported from Ukraine with the Presentation of State Guarantees of Their Use for Declared Purposes**

 28. The government bodies of Ukraine may check the use of goods by foreign end users, which have been imported from Ukraine by foreign business entities with the presentation of state guarantees of their use for declared purposes, to the states of foreign importers, only when such checks are provided for by foreign trade agreements (contracts) under which goods have been imported from Ukraine, or when it is stipulated by international treaties the foreign importer's state and Ukraine are parties to. Such checks shall be performed on the basis of written guarantees of the competent government bodies of the foreign importer's state submitted in connection with the import of goods from Ukraine.

 29. Checks specified in Clause 28 hereof shall be performed at the place of installation (use) of goods imported by foreign business entities from Ukraine, by the competent officers of the State Service for Export Control or the embassy of Ukraine in the respective state, or by the committee that may include representatives of the enterprise or the organization exporting these goods, the Ministry of Foreign Affairs or the embassy of Ukraine in the respective state, the Security Service of Ukraine, the Foreign Intelligence Service of Ukraine, the Administration of the State Service of Special Communication and Information Protection, the State Fiscal Service, and the State Service for Export Control. {Paragraph 1 of Clause 29 amended pursuant to Resolutions of the Cabinet of Ministers No. 726 ([726-2006-п](https://zakon.rada.gov.ua/laws/show/726-2006-%D0%BF)) dated May 25, 2006, No. 602 ([602-2010-п](https://zakon.rada.gov.ua/laws/show/602-2010-%D0%BF)) dated July 21, 2010}

 The State Service for Export Control shall notify designated government bodies of the foreign importer's state of its intention to perform the check via the Ministry of Foreign Affairs. The issues associated with the check (coordination of timing of the check with a foreign importer, visa issuance etc.) shall be agreed upon via the diplomatic channels.

 30. The costs for the check shall be reimbursed in accordance with the established procedure at the expense of and within the state budget items for financing the Ministry of Foreign Affairs, the State Security Service, the Foreign Intelligence Service, the State Fiscal Service, and the State Service for Export Control, or at the expense of the enterprise or the organization - a Ukrainian exporter, when it is provided for by the foreign trade agreement (contract).
A Ukrainian exporter shall be notified of the probability of such check upon obtaining an export permit or a conclusion to carry on negotiations for the conclusion of foreign trade agreements (contracts) for international transfers of goods.

{Clause 30 amended pursuant to Resolution of the Cabinet of Ministers No. 726 ([726-2006-п](https://zakon.rada.gov.ua/laws/show/726-2006-%D0%BF)) dated May 25, 2006}

 31. Following the check of the use of goods by a foreign end user, which have been imported from Ukraine by a foreign business entity with the presentation of state guarantees of their use for declared purposes, officers of the State Service for Export Control and the embassy of Ukraine in the respective state or the committee shall draw up a report and submit it to the State Service for Export Control.

 Upon revealing any breach of obligations assumed by foreign importers or end users, the Ministry of Foreign Affairs, upon recommendation of the State Service for Export Control, shall notify competent government bodies of the foreign importer's state via the diplomatic channels about violations discovered. A foreign importer and/or an end user of goods who violated their obligations shall be entered by the State Service for Export Control into the list of foreign business entities with which business relations regarding goods subject to state export control are prohibited or restricted.

**Checking the Delivery and End Use of Goods Exported from Ukraine** **by participants of foreign trade**

 32. A participant of foreign trade an exporter of goods subject to state export control (hereinafter, "exporter") shall take measures to check the delivery and the end use of exported goods and report the results of such check to the State Service for Export Control.

 The exporter shall assist the competent government bodies of Ukraine in performing the aforesaid check, and shall engage these bodies, if necessary, in checking the delivery of goods to end users and/or the use of exported goods by those users for declared purposes.

 Upon receiving any information on the breach of conditions of goods delivery to an end user or of the use of these goods in breach of declared purposes or by a different user, the exporter shall report it to the State Service for Export Control and the Security Service of Ukraine without delay.

 33. The exporter shall control the delivery of goods to an end user by receiving from a foreign business entity and submitting to the State Service for Export Control a delivery verification certificate or other document issued or confirmed by the competent body of the country of destination, which shall contain a confirmation of the delivery of goods to the territory of the country of destination and their receipt by an end user ("delivery verification document").

 In certain cases, depending on the category of goods, country of destination, end user etc., control over the delivery of goods to an end user, upon decision of the State Service for Export Control, may be performed by escorting goods by the exporter's representative(s) during their transportation.

 The State Service for Export Control shall communicate its decision on the need to control the delivery of goods by escorting them during transportation to the participant of foreign trade when making a decision to issue a conclusion to carry on negotiations for the conclusion of foreign trade agreements (contracts) for the export of goods, or to grant a permit to export goods.

 The list of persons authorized by the exporter to escort goods and their powers shall be determined by the exporter and certified with the relevant documents. Persons authorized by the exporter to escort goods shall be exporter's permanent employees.

 34. The guarantees of a foreign business entity (end user) regarding the submission of a delivery verification document to the exporter and/or a document regarding the exporter's possibility to check the use of goods imported by this user for declared purposes, and/or regarding the possibility to control the delivery of goods to an end user by escorting them by the exporter during transportation, as recommended by the State Service for Export Control, shall be stipulated by a foreign trade agreement (contract) or other document containing a reference to such agreement (contract).

 If an intermediary foreign business entity is engaged in the export of goods, the foreign trade agreement (contract) concluded with such intermediary, upon recommendation of the State Service for Export Control, shall indicate its obligations to receive from the end user and to submit to the exporter a delivery verification document, and/or a document regarding the exporter's possibility to check the use of goods imported by this user for declared purposes, and/or regarding the possibility to control the delivery of goods to an end user by escorting them by the exporter during transportation, as well as obligations of this intermediary to submit to the exporter a document in which an end user would guarantee the presentation of a delivery verification document and/or a document regarding the possibility to conduct checks or exercise control over the delivery of goods.

 35. The exporter shall submit delivery verification documents for military goods to the State Service for Export Control. Exporter's guarantees to submit delivery verification documents for military goods and the period of their submission shall be indicated in the submission letter which the exporter shall submit to the State Service for Export Control along with an application for a permit to export goods.

 In certain cases, such guarantees shall be submitted by the exporter for the delivery of dual-use goods upon decision of the State Service for Export Control. The need to submit such guarantees shall be determined by the State Service for Export Control upon making a decision to issue a conclusion to carry on negotiations for the conclusion of foreign trade agreements (contracts) for the export of dual-use goods, or to issue a respective permit to export such goods.

 The delivery verification documents specified in this clause shall not be submitted to the State Service for Export Control in case of international transfers made for the participants of foreign trade to perform works related to the execution of international treaties on military technical cooperation, production, or research engineering cooperation. (Clause 35 supplemented with a paragraph pursuant to Resolution of the Cabinet of Ministers No. 1432 ([1432-2004-п](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF)) dated October 28, 2004)

 If an exporter has to arrange for the escort of goods during their transportation upon decision of the State Service for Export Control, a permit to export goods may be issued by the State Service for Export Control only upon receipt of a document from the exporter in which the exporter undertakes to arrange for the escort of goods.

 36. If necessary, representatives of the Security Service of Ukraine, the Foreign Intelligence Service, the State Service for Export Control, the State Fiscal Service, and other central executive authorities may be engaged in escorting goods and controlling their delivery to an end user, at the exporter's written request. {Paragraph 1 of Clause 36 amended pursuant to Resolution of the Cabinet of Ministers No. 726 ([726-2006-п](https://zakon.rada.gov.ua/laws/show/726-2006-%D0%BF)) dated May 25, 2006}

 The powers of representatives of the central executive authorities engaged in escorting goods and controlling their delivery to an end user shall be determined by heads of such authorities or their deputies and confirmed with the relevant documents.

 The costs for the engagement of representatives of the central executive authorities in escorting goods and controlling their delivery to an end user, and for the issuance of necessary visas and travel documents shall be compensated by the exporter in accordance with the established procedure.

 37. Representatives of foreign diplomatic establishments of Ukraine in the countries receiving goods (by agreement of heads of such establishments) may be engaged in controlling the delivery of goods to an end user and/or checking their use for declared purposes.

 To engage representatives of diplomatic establishments in controlling the delivery of goods to an end user and/or in checking their use for declared purposes, the exporter shall file a prior application to the Ministry of Foreign Affairs via the State Service for Export Control to engage such representatives in control or checks. Along with the application, the exporter shall also submit the necessary information (in two counterparts) on the export procedure, transportation method, the carrier, delivery place of the goods, and their end user.
Upon receipt of the application, the State Service for Export Control shall send it along with one copy of the aforesaid information to the Ministry of Foreign Affairs to make a decision.

 38. Upon delivery of goods to an end user, the exporter shall submit to the State Service for Export Control a delivery verification document with a reference to the respective foreign trade agreement (contract) under which goods have been exported from Ukraine, which shall be issued or confirmed by the competent government body of the country of destination.
If this document is made in a foreign language, its duly certified translation shall be attached thereto.

 A delivery verification document shall contain the following information:

 delivery place of the goods;

 end user's name and confirmation of goods received based on the end user certificate submitted earlier (and details of such certificate);

 list of items and quantity of goods received;

 full name and job title of the person who issued the document;

 note of the competent government body, including its name and full name and job title of the person who confirmed the document;

 document issue date and number.

 39. If control over the delivery of goods to an end user was performed by escorting the transportation, the export shall submit to the State Service for Export Control, along with the delivery verification document, a report on such control containing the following information:

 initials and last names, job titles of the persons who escorted goods and controlled their delivery;

 the list of items, quantity of goods, and their conformity to the list of items specified in the agreement (contract) and the end user certificate;

 freight delivery method, type and registration number of the vehicle, its owner (country, company, individual), carrier's company, and transportation customer;

 reported and actual delivery route, including interim points of loading/unloading and dates thereof, partial unloading of goods exported from Ukraine, and the issuer of the relevant order (individual, company, country);

 date and point of delivery of goods (city, airport or sea port, country), representatives of the end user and government bodies who received the goods and issued the delivery verification document;

 other information attesting the delivery of goods.

 40. The exporter shall submit a delivery verification document to the State Service for Export Control within 45 days after the goods are exported. This period may be extended by the State Service for Export Control in case the exporter submits a request with the substantiation of the reasons of delay in submitting this document and a proposal to establish a new period for submitting this document.

*(Paragraph 2 of Clause 40 deleted pursuant to Resolution of the Cabinet of Ministers No. 1432 (*[*1432-2004-n*](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF)*) dated October 28, 2004)*

(Regulation supplemented with the section pursuant to Resolution of the Cabinet of Ministers No. 1225 ([1225-2003-п](https://zakon.rada.gov.ua/laws/show/1225-2003-%D0%BF)) dated August 6, 2003)

 Annex 1
 to the Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper

 Use of Goods Subject to State Export Control

------------------------------------------------------------------

| УКРАЇНА | Міжнародний імпортний |

| Ukraine | сертифікат |

| | |

| Державна служба експортного | International Import |

| контролю | Certificate |

| | |

| State Service for Export | N \_\_\_\_\_\_\_\_\_\_\_\_\_ |

| Control | |

|---------------------------------+------------------------------|

| 1. Імпортер, його адреса | 2. Експортер, його адреса |

| | |

| Importer's full name | Exporter's full name |

| and address | and address |

|----------------------------------------------------------------|

| |

| 3. Код ТН ЗЕД, найменування та повний опис товару |

| |

| N. of customs tariff, name and full description of the |

| goods |

| |

|----------------------------------------------------------------|

| 4. Кількість | 5. Одиниця | 6. Вартість | 7. Валюта |

| товару | виміру | товару | платежу |

| | | | |

| Quantity | Unit | Value | Currency of |

| | | | payment |

| | | | |

|----------------+-----------------+--------------+--------------|

| | | | |

|----------------------------------------------------------------|

| 8. Цим підтверджується, що імпортер прийняв зобов'язання |

| імпортувати в Україну товари, зазначені у пункті 3, а у |

| разі, коли товари не будуть імпортовані в Україну, не |

| направляти їх в інше місце, без дозволу Державної служби |

| експортного контролю України |

| |

| It's hereby certified that importer has undertaken to |

| import into Ukraine the goods stated in item 3 or, if |

| they are not imported into Ukraine, not to divert them to |

| another destination without a permit of the State |

| Service for Export Control of Ukraine |

| |

| 9. Цей документ втрачає чинність у разі, коли він не був |

| наданий компетентним державним органам держави експортера |

| протягом шести місяців з дати його оформлення |

| |

| This document ceases to be valid unless presented to the |

| competent national authorities of exporter's state within |

| six months from its date of issue |

| |

| \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ |

| посада підпис прізвище |

| title signature name |

| |

| \_\_\_\_\_\_\_\_\_ |

| дата печатка |

| date stamp |

------------------------------------------------------------------

 Annex 2
 to the Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control

------------------------------------------------------------------

| | |

| УКРАЇНА | Сертифікат підтвердження |

| Ukraine | доставки |

| | |

| Державна митна служба | Delivery Verification |

| | Certificate |

| State Customs Service | |

|---------------------------------+------------------------------|

| | |

| 1. Імпортер, його адреса | 2. Експортер, його адреса |

| | |

| Importer's full name and | Exporter's full name and |

| address | address |

|---------------------------------+------------------------------|

| | |

| 3. Міжнародний імпортний | 4. Номер та дата митної |

| сертифікат | декларації |

| | |

| International Import | Number and issue date |

| Certificate | of the Customs Declaration |

| | |

| N \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |

| від (of) \_\_\_\_\_\_\_\_\_\_\_\_\_ | |

| | |

|----------------------------------------------------------------|

| |

| 5. Код TН ЗЕД, найменування та повний опис товару |

| |

| N. of customs tariff, name and full description |

| of the goods |

| |

|----------------------------------------------------------------|

| 6. Кількість | 7. Одиниця | 8. Вартість | 9. Валюта |

| товару | виміру | товару | платежу |

| | | | |

| Quantity | Unit | Value | Currency of |

| | | | payment |

|----------------+--------------+---------------+----------------|

| | | | |

| | | | |

|----------------------------------------------------------------|

| |

| 10. Цим підтверджується, що товар, зазначений у пункті 5, було |

| імпортовано в Україну і прийнято під режим експортного |

| контролю України |

| |

| This is to certify, that the goods stated in item 5, has |

| been imported to Ukraine and accepted under the export |

| control regime of Ukraine |

| \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ |

| посада підпис прізвище |

| title signature name |

| |

| \_\_\_\_\_\_\_\_\_ |

| дата печатка |

| date stamp |

------------------------------------------------------------------

 Annex 3
 to the Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control

------------------------------------------------------------------

| |

| СЕРТИФІКАТ КІНЦЕВОГО СПОЖИВАЧА |

| |

| End User Certificate |

| N \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

| |

|----------------------------------------------------------------|

| |

| 1. Споживач, його адреса |

| User's full name and address |

| |

| 2. Експортер, його адреса |

| Exporter's full name and address |

| |

| 3. Найменування та повний опис товару |

| Name and full description of the goods |

| |

| 4. Місце встановлення (використання) товару |

| Place of installation (use) of the goods |

| |

| 5. Ціль кінцевого використання товару |

| The purpose of end use of the goods |

| |

| 6. Споживач товару цим гарантує, що товар, зазначений у |

| пункті 3, не буде використаний в інших цілях, ніж |

| зазначені в пункті 5, і не буде переданий іншому суб'єкту |

| підприємницької діяльності на території України або |

| реекспортований без дозволу Державної служби експортного |

| контролю України |

| |

| The user of the goods hereby warrants that the goods |

| stated in item 3 will not be used other than for |

| purposes stated in item 5, and will not be transfered to |

| any other participant of business activity in the territory |

| of Ukraine or reexported without a permit of the |

| State Service for Export Control of Ukraine |

| |

| 7. Інші гарантії і зобов'язання, передбачені умовами |

| зовнішньоекономічного договору |

| |

| Other guaranties and obligations stipulated by conditions |

| of the foreign trade contract |

| |

| \_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_ |

| посада підпис прізвище |

| title signature name |

| |

| \_\_\_\_\_\_\_\_\_ |

| дата |

| date |

------------------------------------------------------------------

 The end user certificate shall be issued on a letterhead form of the user enterprise, institution, or organization.

{Annex 3 amended pursuant to Resolution of the Cabinet of Ministers No. 99 ([99-2018-п](https://zakon.rada.gov.ua/laws/show/99-2018-%D0%BF)) dated February 21, 2018}