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| ***LAW OF UKRAINE*** |

**On State Control over International Transfers of Military and Dual-Use Goods**

**(Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, No. 23, Art. 148)**

{As amended by Laws
[No. 2561-VI dated September 23, 2010](https://zakon.rada.gov.ua/laws/show/2561-17), BVR, 2011, No. 6, Art. 46
[No. 4652-VI dated April 13, 2012](https://zakon.rada.gov.ua/laws/show/4652-17), BVR, 2013, No. 21, Art. 208
[No. 5463-VI dated October 16, 2012](https://zakon.rada.gov.ua/laws/show/5463-17), BVR, 2014, No. 4, Art. 61
[No. 406-VII dated July 4, 2013](https://zakon.rada.gov.ua/laws/show/406-18), BVR, 2014, No. 20-21, Art. 712
[No. 1560-VII dated July 1, 2014](https://zakon.rada.gov.ua/laws/show/1560-18), BVR, 2014, No. 34, Art. 1174
[No. 901-VIII dated December 23, 2015](https://zakon.rada.gov.ua/laws/show/901-19), BVR, 2016, No. 4, Art. 44
[No. 2530-VIII dated September 6, 2018](https://zakon.rada.gov.ua/laws/show/2530-19), BVR, 2018, No. 41, Art. 320
[No. 2672-VIII dated January 17, 2019](https://zakon.rada.gov.ua/laws/show/2672-19), BVR, 2019, No. 7, Art. 43
[No. 440-IX dated January 14, 2020](https://zakon.rada.gov.ua/laws/show/440-20#n315), BVR, 2020, No. 28, Art. 188
[No. 808-IX dated July 17, 2020](https://zakon.rada.gov.ua/laws/show/808-20#n579)
[No. 912-IX dated September 17, 2020](https://zakon.rada.gov.ua/laws/show/912-20#n569)}

*{In the text of the Law, the words "participants of economic activity" and "participant of foreign trade" in all cases and numbers were replaced with the words "business entity" in the relevant case and number pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

*{In the text of the Law, the words "designated executive body for state export control" in all cases were replaced with the words "central executive authority implementing the government policy in the field of state export control" in the relevant case pursuant to Law* [*No. 5463-VI dated October 16, 2012*](https://zakon.rada.gov.ua/laws/show/5463-17#n662)*}*

This Law governs the activity associated with the state control over international transfers of military and dual-use goods for the purpose of protection of the national interests of Ukraine, its observance of international commitments related to the non-proliferation of weapons of mass destruction, their delivery systems, restrictions on the transfers of conventional weapons, as well as for the implementation of measures to prevent the use of those goods for terroristic and other unlawful purposes.

**Section I**
**GENERAL PROVISIONS**

**Article 1.**Terms and Definitions

Within the context of this Law, the following terms shall have the following meanings:

International transfers of goods shall mean export, import, re-export of goods, their temporary export outside or temporary import to Ukraine, transit of goods across the territory of Ukraine, as well as any other transfers of goods outside Ukraine;

*{Paragraph 2 of Article 1 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Export shall mean sale or transfer of goods on other lawful grounds to foreign subjects of economic and other activity, with or without carrying those goods outside the customs border of Ukraine, including re-export of goods, including:

sale or transfer of goods in Ukraine to an embassy or a representative of any legal entity of a foreign state, to a foreigner or a stateless person;

sale or transfer of the right of management (control) over the goods in or outside Ukraine to a legal entity of a foreign state or its representative, to a foreigner or a stateless person, including via communication means;

disclosure of a technology to a foreigner or a stateless person;

actual shipment of goods for the purpose of their subsequent transfer or movement outside Ukraine;

Embargo (full or partial) shall mean a prohibition or restriction on the export of goods to the states determined by the international organizations Ukraine is a member of, or to the states in respect of which a corresponding national policy is implemented;

Import shall mean purchase or receipt of goods on other lawful grounds from foreign subjects of economic and other activity, with or without importing those goods to Ukraine, including their purchase for own use by branches and representative offices of institutions and organizations of Ukraine located outside Ukraine, as well as by diplomatic missions and consular posts of Ukraine abroad;

Re-export shall mean sale or transfer of goods imported to Ukraine earlier on other lawful grounds to foreign subjects of economic and other activity, with or without carrying those goods outside Ukraine;

Transit shall mean transportation of goods from one foreign state to another foreign state across the territory of Ukraine between two border posts or within one border post at the state border of Ukraine, except when the ownership right or the possession or use of goods in case of such transportation within the territory of Ukraine passes from one person to another in accordance with the established procedure;

Temporary brining of goods out shall mean brining of goods out of Ukraine to a foreign state with their subsequent return to Ukraine;

Temporary brining of goods in shall mean brining goods from a foreign state to Ukraine with their subsequent brining out of Ukraine;

Goods shall mean military and dual-use goods;

Military goods, collectively or individually, shall mean:

military products – armament, ammunition, military and special-purpose vehicles, special components for production thereof, explosives, as well as materials and equipment specifically designed for the development, production, or use of the aforesaid products;

military services – provision of services to foreign legal entities or individuals, in and outside Ukraine, including intermediary (brokerage) services, services in the field of development, production, construction, compilation, testing, repairing, maintenance, modification, upgrading, operation, management, demilitarization, destruction, sale, storage, detection, identification, purchasing, or use of military products or technologies, as well as provision of services in financing these works to the said legal entities of a foreign state or their representatives or to foreign individuals;

military technologies – special information in any form (except public information), required for the development, production, or use of military products and provision of military services. This information may be provided in the form of technical data or technical support:

technical data – projects, plans, drawings, charts, diagrams, models, formulas, specifications, software, manuals and guidelines in hard copy or on other, including electronic, data storage media;

technical support – holding trainings, providing consultations, holding activities for advanced training, training, and practical mastering of work methods;

Basic technologies shall mean technologies defining the mode of operation and use of machinery, as well as elements of technologies without which military equipment cannot be created and used;

Dual-use goods shall mean individual kinds of products, equipment, materials, software and technologies that are not specifically designed for military use, as well as related services (technical support), which, apart from civil use, can be used for military or terroristic purposes or for the development, production, use of military goods, weapons of mass destruction, means of delivery, or nuclear explosive devices, including specific kinds of nuclear materials, chemicals, bacteriological, biological, and toxic substances according to the list established by the Cabinet of Ministers of Ukraine;

*{Paragraph 22 of Article 1 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Dual-use services (technical support) shall mean provision of technical support to foreign legal entities or foreign individuals in or outside Ukraine in connection with repair, development, production, use, compilation, testing, modification, upgrading, maintenance, including designer and warranty supervision, or any other maintenance of systems, equipment, and their components, software, and technologies being subject to state export control. A service (technical support) may take the form of briefing, professional development, training, practical mastering of work methods, consultations, and may include technical data transfer;

*{Article 1 supplemented with a new paragraph pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

End users shall mean business entities of Ukraine, government bodies of Ukraine, the Armed Forces of Ukraine and other military units, law enforcement agencies, foreign subjects of economic and other activities, who are actual users of goods imported to or exported from Ukraine;

Military end use shall mean the use of any goods for the purpose of development, production, compilation, testing, repairing, maintenance, modification, upgrading, operation, storage, detection, identification, purchasing of military products, including:

use of production, testing, or process equipment and its components;

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

inclusion of such goods in the scope of military products;

Participant of international transfers of goods shall mean a public procurement authority in the field of defense and a business entity of Ukraine, duly registered by the central executive authority implementing the government policy in the field of state export control, who intend to conduct or conducts international transfers of goods, including intermediary (brokerage) activities;

*{Paragraph 29 of Article 1 as amended by Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n18)*}*

PermitPermit shall mean a document issued by the central executive authority implementing the government policy in the field of state export control, which gives the right to export or import goods. A permit may be one-time, general, or open;

*{Paragraph 13 of Article 1 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Conclusion shall mean a document issued by the central executive authority implementing the government policy in the field of state export control, which gives the right for the temporary import or export of goods or for the transit of goods, as well as the right to carry on negotiations associated with the conclusion of foreign trade agreements (contracts) on the international transfers of military goods or on the export of dual-use goods and other goods to the states under partial embargo on the supplies of such goods. An authorization may be one-time, general, or open;

*{Paragraph 31 of Article 1 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

One-time permit or conclusion shall mean a permitpermit or a conclusion issued to a participant of international transfers of goods or to the subjects specified in Part 3 of [Article 15](https://zakon.rada.gov.ua/laws/show/549-15#n184) hereof to carry on respective negotiations or to carry out a specific international transfer of goods to a designated end user, specifying the name, quantity, cost of the goods, special delivery terms, name of a foreign participant of economic or other activities, country of destination or origin of the goods, and their end user;

*{Paragraph 32 of Article 1 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

General permitpermit or conclusion shall mean a permit or a conclusion permitissued to a participant of international transfers of goods to carry on respective negotiations on a regular basis or to carry out international transfer of goods to a designated end user, specifying the name of the goods, special delivery terms, name of a foreign participant of economic or other activities, country of destination or origin of the goods, and their end user;

Open permit or conclusion permitshall mean a permit or a conclusion permitissued to a participant of international transfers of goods to carry on respective negotiations on a regular basis or to carry out international transfer of goods, specifying only the name of the goods, special delivery terms, and the country of destination or origin of the goods;

State export control shall mean a complex of measures to control international transfers of goods, their use by a legal entity or an individual, which are implemented by the central executive authority implementing the government policy in the field of state export control and other government bodies to protect national security interests and in pursuance of the international commitments of Ukraine;

Internal compliance program shall mean a complex of organizational, legal, information, and other measures implemented by a participant of international transfers of goods to ensure that the participant and its subordinated structural divisions comply with the legislative requirements in the sphere of export control;

Intermediary (brokerage) activity shall mean any actions of a business entity of Ukraine, which bolster international transfers of military goods, including financing, freight transportation or forwarding, irrespective of the origin of such goods and the territory of this activity;

Guarantee document shall mean a document containing a written undertaking (confirmation) of the competent government body of Ukraine or a foreign state to use goods for declared purposes, which is issued in the form of an international import certificate, a delivery confirmation certificate, or other document containing such undertaking (confirmation), as well as a document containing a written undertaking of an end user, which is issued in the form of an end user certificate;

International import certificate shall mean a document issued by the competent government body of the importing state, which confirms the importer's obligations to import goods to its state or, upon failure to do so, not to ship them to any other place without a permit of that government body;

Delivery confirmation certificate shall mean a document issued by the competent government body of the importing state, which confirms that the goods specified therein have been delivered to that state;

End user certificate shall mean a document where the end user indicates the place and purpose of the end use (installation) of goods and guarantees that those goods will not be used for any other purposes but for those indicated in the certificate, will not be transferred to another user in the territory of the country of destination or re-exported without a permit of the designated government body, and also assumes other guarantees (obligations) in respect of imported goods, as provided for by the foreign trade agreement (contract) or requirements of the exporting country.

*{Paragraph 41 of Article 1 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

*{Article 1 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Article 2.**Scope of Application of the Law

This Law shall cover activities associated with the international transfers of goods, including intermediary (brokerage) services, production, scientific and technical, and other cooperation, demonstration of goods as showpieces at the international exhibitions and fairs for the purpose of their promotion, testing, sale, and exchange.

*{Part 1 of Article 2 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

This Law shall not apply to:

the movement of goods in connection with the events held by military formations, law enforcement agencies, Ukrainian civil defense bodies and divisions outside Ukraine or units of the armed forces of other states in the territory of Ukraine pursuant to the international treaties of Ukraine, in case they provide for special mechanisms of control over the movement of such goods;

international transfers of gas-operated, sports, or hunting weapons, weapons charged with rubber or other non-lethal projectiles with similar properties, or other weapons requiring a permit for their circulation, as well as components, cartridges, and ammunition thereto;

international transfers of special equipment used during protection of public order, according to the list approved by the Cabinet of Ministers of Ukraine;

export and import under international treaties of standard-issue and service weapon during the performance of official duties by policemen, servicemen, and other persons authorized to carry such weapons pursuant to the legislation of Ukraine;

*{Paragraph 5 of Part 2 of Article 2 amended pursuant to Law* [*No. 901-VIII dated December 23, 2015*](https://zakon.rada.gov.ua/laws/show/901-19#n515)*}*

import, for the period of the anti-terrorist operation and/or introduction of martial law pursuant to the laws, of special personal protective equipment (helmets made according to the military standards or specifications, or their equivalents, and components designed thereto (i.e., liners, dampers), product code according to [UKT ZED (Ukrainian Classifier of Goods in Foreign Economic Activities) 6506 10 80 00](https://zakon.rada.gov.ua/laws/show/584%D0%B0-18#n1707); armored vests, product code according to [UKT ZED (Ukrainian Classifier of Goods in Foreign Economic Activities) 6211 43 90 00](https://zakon.rada.gov.ua/laws/show/584%D0%B0-18#n1619), made according to the military standards or military specifications for the need of the law enforcement agencies, the Armed Forces of Ukraine and other military formations created pursuant to the laws of Ukraine, as well as other subjects combating terrorism pursuant to the law;

*{Part 2 of Article 2 supplemented with Paragraph 6 pursuant to Law* [*No. 1560-VII dated July 1, 2014*](https://zakon.rada.gov.ua/laws/show/1560-18#n11)*}*

international transfers of technical means of intelligence, armament, ammunition, military and special-purpose machinery, which are used, directly or indirectly, by intelligence agencies to conduct intelligence activities or to organize and support their implementation;

*{Part 2 of Article 2 supplemented with Paragraph 7 pursuant to Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n570)*}*

*{Part 2 of Article 2 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

**Article 3.**Legal Framework of State Export Control

The legal framework of state export control includes the [Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80), this law and other laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, other regulatory legal acts, as well as international treaties of Ukraine the Verkhovna Rada of Ukraine has given its consent to be bound by.

**Article 4.**Principles of the Government Policy in the Sphere of State Export Control

The government policy in the sphere of state export control shall be prepared on the basis of the following principles:

the priority of the national interests of Ukraine, including political, economic, and military, which need to be protected to ensure the national security;

mandatory fulfillment of the international commitments of Ukraine in the field of the non-proliferation of weapons of mass destruction, their delivery systems, and establishment of state control over the international transfers of military and dual-use goods, as well as implementation of measures to prevent the use of the aforesaid goods for terroristic and other illegal purposes;

legality;

implementation of export control only to the extent required to achieve its goals;

coordination of the state export control procedures and regulations with the international legal norms and practice;

interaction with international organizations and foreign states in the sphere of state export control for the purpose of strengthening international security and stability, including to prevent the proliferation of weapons of mass destruction and their delivery systems.

**Article 5.**Methods of State Export Control

The methods of state export control include:

identification of goods, which includes matching specific goods being objects of international transfers to the names and description of goods included in the lists of goods being subject to state export control;

granting permits or conclusions for international transfers of goods or for carrying on negotiations on such transfers;

carrying out customs control and customs clearance of goods pursuant to the laws;

imposing sanctions on the business entities which violated the procedure of such transfers established by this Law and other legislative acts in the sphere of export control.

**Article 6.**Powers of the Government Bodies in the Sphere of State Export Control

The legislative basis of the government policy in the field of state export control shall be determined by the Verkhovna Rada of Ukraine.

The general management of the government policy in the sphere of state export control pursuant to the [Constitution of Ukraine](https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80) shall be carried out by the President of Ukraine.

The National Security and Defense Council of Ukraine shall coordinate activities and monitor actions of the executive authorities in the sphere of state export control.

The Cabinet of Ministers of Ukraine shall implement the government policy in the sphere of state export control.

Implementation of the government policy in the sphere of state export control shall be ensured by the central executive authority implementing the government policy in the field of state export control, as well as the ministries, other central executive authorities, intelligence agencies of Ukraine duly authorized under the laws of Ukraine to take measures in the sphere of state export control. The aforesaid executive authorities may also engage in the state export control activities in accordance with the established procedure other central executive authorities, missions of Ukraine abroad, and legal entities whose activities are not directly associated with state export control, subject to the consent of their heads.

*{Part 5 of Article 6 amended pursuant to Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n573)*}*

The central executive authority implementing the government policy in the field of state export control, directly or in cooperation with other central executive authorities and intelligence agencies of Ukraine, shall support activities associated with the international transfer of goods when it meets the national interests, primarily due to the creation of new and retention of the existing jobs in the sphere of high technologies, or when it limits or prohibits such activities in case when they are in conflict with the national interests of Ukraine, its international commitments, goals of combating terrorism, as well as when there are grounds to believe that the said goods are weapons of mass destruction or are intended for the creation of such weapons, their delivery systems, or in the absence of proper guarantees (obligations) regarding the end use of goods.

*{Part 6 of Article 6 amended pursuant to Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n574)*}*

**Article 7.**Information Exchange during State Export Control

The central executive authority implementing the government policy in the sphere of state export control shall have the right to receive from other executive authorities, subjects of international transfers of goods free of charge the information required to exercise powers in the field of state export control, to use such information and to carry out the international exchange of such information.

The information on the international transfers of goods, which is received by the bodies conducting state export control from the executive authorities, subjects of international transfers of goods, and within the frames of international exchange of such information, shall be used solely for the purposes of export control and protection of national interests.

The exchange of information associated with the international transfers of goods with the designated bodies of other states and international organizations shall not be in conflict with the legislation of Ukraine and its national interests.

**Section II**
**BASIC PRINCIPLES OF ORGANIZATION AND IMPLEMENTATION OF STATE EXPORT CONTROL**

**Article 8.**State Control over International Transfers of Goods

The [State Control over International Transfers of Goods](https://zakon.rada.gov.ua/laws/show/549-15#https://zakon.rada.gov.ua/laws/show/549-15) shall be established by the Cabinet of Ministers of Ukraine pursuant to this law and other laws of Ukraine, acts of the President of Ukraine, depending on the specific groups of goods and types of their international transfers.

*{Resolutions of the Cabinet of Ministers* [*No. 1807*](https://zakon.rada.gov.ua/laws/show/1807-2003-%D0%BF)*,*[*No. 86*](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF)*}*

*{Article 8 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

**Article 9.**Lists of Goods Subject to State Export Control

The name and description of goods international transfers of which are subject to state export control shall be included in the lists of goods that are subject to state export control ("lists").

The lists shall be compiled for the corresponding groups of goods by the central executive authority implementing the government policy in the field of state export control, involving the designated central executive authorities. Representatives of enterprises, research institutions, organizations, or their associations may be also engaged in compilation of the lists.

The lists shall be approved by the Cabinet of Ministers of Ukraine.

**Article 10.**Application of State Export Control Procedures to Prevent the Proliferation of Weapons of Mass Destruction, Their Delivery Systems, and Conventional Weapons When the central executive authorities conducting state export control and the intelligence bodies of Ukraine which take part in the export control activities, receive information on the intended or possible use of any goods not included in the lists, in the countries being the end users of those goods, for the development, production, compilation, testing, repairing, maintenance, modification, upgrading, operation, management, storage, detection, identification, or for the proliferation of weapons of mass destruction or their delivery systems, the aforesaid bodies shall inform the central executive authority implementing the government policy in the field of state export control about that, and the latter shall have the right to apply the state export control procedures to such goods in this regard.

*{Part 1 of Article 10 amended pursuant to Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n575)*}*

state export control shall be also carried out in respect of the export, import, or temporary brining out of unlisted goods , in case when:

*{Paragraph 1 of Part 2 of Article 10 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

such goods are brought in Ukraine with the presentation of an international import certificate at the request of the exporting country;

export or temporary brining out of such goods outside Ukraine shall be made to the states in respect of which resolutions of the UN Security Council and other international organizations where Ukraine holds membership, or the national laws establish full or partial embargo on the delivery of such goods.

If any business entity is informed by the central executive authority implementing the government policy in the field of state export control or becomes otherwise aware of the possibility of full or partial use of any goods intended for export or temporary export to other states, for the development, production, compilation, testing, repairing, maintenance, modification, upgrading, operation, management, storage, detection, identification, or for the proliferation of weapons of mass destruction or their delivery systems, or for the end military use in the states in respect of which resolutions of the UN Security Council and other international organizations where Ukraine holds membership, or the national laws establish full or partial embargo on the delivery of military goods, such business entity shall contact the central executive authority implementing the government policy in the field of state export control to obtain a permit for the export of those goods, regardless of whether they are listed or not.

**Article 11.**Expert Review in the Sphere of State Export Control

An expert review in the sphere of state export control shall be conducted by the central executive authority implementing the government policy in the field of state export control to decide on the possibility of issuance of respective permits, conclusions, or international import certificates, as well as on the possibility of registration of business entities, and public procurement authorities in the field of defense with the central executive authority implementing the government policy in the field of state export control as subjects of international transfers of goods, or to authorize such subjects and public procurement authorities to export, import military goods and goods containing state secrets.

*{Part 1 of Article 11 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*; as worded by Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n21)*}*

The central executive authority implementing the government policy in the field of state export control shall have the right to receive information from the central executive authorities and other government bodies, institutions, and organizations on the issues falling within their competence, and to engage such bodies, institutions and organizations in the expert review. In the cases stipulated by law, the central executive authority implementing the government policy in the field of state export control may engage intelligence agencies of Ukraine in the expert review.

*{Article 11 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*; as amended by Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n576)*}*

The main objectives of the expert review in the sphere of state export control are:

evaluate the state of protection of the national security interests, adherence to the international commitments of Ukraine related to the non-proliferation of weapons of mass destruction, their delivery systems, and the restriction on the transfers of conventional weapons, as well as measures taken to avoid the use of the said goods for terroristic or other illegal purposes;

evaluate the importance of the export of goods in terms of the possible creation of weapons of mass destruction or their delivery systems, conventional weapons and military equipment in the end user state , or the possible purchase of any goods that may be used in creation of weapons of mass destruction of their means of delivery;

determine whether the names and descriptions of goods submitted for expert review match the descriptions of goods included in the relevant lists of goods subject to state export control.

determine the origin of goods;

verify guarantees of delivery of goods to the declared end user and their use for declared purposes;

evaluate the status of compliance with the state export control legislation by the participants of international transfers of goods, check whether they have relevant ICPs and organizational documents governing the operation of these systems;

decide on the possibility to issue permits for the export, import of goods, or conclusions for the transit of goods or holding negotiations about conclusion of foreign trade agreements (contracts) for the international transfers of goods, as well as the expediency of cancellation or termination of these permits (conclusions) upon revealing of any breach of the state export control legislation;

*{Paragraph 8 of Part 3 of Article 11 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

decide on the possibility to submit import certificates to the participants of international transfers of goods, as well as the expediency of cancellation or termination of these documents upon revealing of any breach of the state export control legislation;

*{Paragraph 9 of Part 3 of Article 11 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

decide on the possibility to register business entities, public procurement authorities in the field of defense which intend to perform international transfers of goods, including registration of legal entities or individuals of Ukraine who intend to conduct intermediary (brokerage) activities associated with the international transfers of military goods, with the central executive authority implementing the government policy in the field of state export control;

*{Paragraph 10 of Part 3 of Article 11 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n24)*}*

decide on the possibility to propose to the Cabinet of Ministers of Ukraine to authorize business entities and public procurement authorities in the field of defense to conduct export, import of military goods and goods containing state secrets;

*{Paragraph 11 of Part 3 of Article 11 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n25)*}*

determine whether the goods belong to tangible media with secret information and the level of their security classification;

*{Paragraph 12 of Part 3 of Article 11 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

to determine other factors that may contribute to the grounded decision-making in the field of state export control.

Representatives of the companies or organizations with vested interest in the expert review findings cannot be appointed as experts. The expert review shall not exceed 30 days after all necessary documents have been submitted to the central executive authority implementing the government policy in the field of state export control, and when any additional interagency coordination is required – upon completion of such coordination.

The [Procedure of Expert Review in the Sphere of Export Control](https://zakon.rada.gov.ua/laws/show/767-97-%D0%BF) shall be determined by the Cabinet of Ministers of Ukraine.

*{Article 11 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Article 12.**Registration of Participants of International Transfers of Goods

Business entities of Ukraine, public procurement authorities in the field of defense who intend to perform international transfers of goods, including intermediary (brokerage) activities associated with international transfers of military goods, shall be registered as participants of international transfers of goods by the central executive authority implementing the government policy in the field of state export control. For this purpose, aforesaid entities shall submit information and documents for the preliminary expert review of goods to the central executive authority implementing the government policy in the field of state export control. Based on the expert review findings the central executive authority implementing the government policy in the field of state export control shall identify goods, determine the conditions of their international transfers to the specific states depending on the category of goods, types of international transfers of such goods etc., and shall issue those entities certificates of their registration as subjects of international transfers of goods along with the relevant clarifications of the specific aspects of those transfers.

*{Part 1 of Article 12 amended pursuant to Laws* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*,* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n27)*}*

Applications shall be studied and a decision to issue or to refuse issuance of a registration certification (if no additional inter-agency coordination is required) shall be taken within 30 business days upon receipt of all necessary documents.

*{Article 12 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Should additional inter-agency coordination be needed, the total period for considering applications and making decisions to issue or to refuse issuance of the registration certificate shall not exceed 60 business days upon receipt of all necessary documents.

*{Article 12 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Issuance of the registration certificate shall be denied, or the registration certificate shall be canceled or terminated by the central executive authority implementing the government policy in the field of state export control in the following cases:

if the business entity or the public procurement authority in the field of defense terminates its activity in accordance with the procedure established by law;

*{Paragraph 2 of Part 4 of Article 12 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n28)*}*

certificates or clarifications thereto are found to be submitted on the basis of wrong data.

*{Article 12 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Preliminary identification of goods, and other necessary measures associated with the obtaining of authorization documents for international transfers of such goods shall be an obligation of the business entity, the public procurement authority in the field of defense, and subjects specified in [Part 3](https://zakon.rada.gov.ua/laws/show/549-15#n187) of Article 15 hereof.

*{Part 5 of Article 12 as worded by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*; as amended by Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n29)*}*

A business entity, a public procurement authority in the field of defense, and subjects specified in [Part 3](https://zakon.rada.gov.ua/laws/show/549-15#n187) of Article 15 hereof shall have the right to assign preliminary identification of goods to a legal entity that was duly authorized to carry out preliminary identification of goods.

*{Part 6 of Article 12 as worded by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*; as amended by Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n30)*}*

The central executive authority implementing the government policy in the field of state export control shall grant powers to the legal entities to carry out preliminary identification of goods in the field of state export control, and shall issue such legal entities respective certificates with annexes indicating full-time and external experts and relevant items of goods (or groups of goods) in respect of which experts carry out preliminary identification of goods.

*{Article 12 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

The procedure for granting such powers shall be determined by the Cabinet of Ministers of Ukraine.

Applications shall be studied and a decision to issue or to refuse issuance of a certificate of authorization of the legal entity to carry out preliminary identification of goods subject to state export control (if no additional inter-agency coordination is required) shall be taken within 45 business days upon receipt of all necessary documents.

*{Article 12 supplemented with Part 9 pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Should additional inter-agency coordination be needed, the ministries and other government bodies shall submit a relevant conclusion within 15 days upon receipt of a request from the central executive authority implementing the government policy in the field of state export control.

*{Article 12 supplemented with Part 10 pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Issuance of a certificate of authorization to carry out preliminary identification of goods in the field of state export control or its prolongation shall be denied in the following cases:

if the documents submitted by a legal entity feature false information;

if a legal entity fails to submit all necessary documents;

if a legal entity violates state export control legislation.

*{Article 12 supplemented with Part 11 pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

A certificate of authorization shall be canceled in the following cases:

if a competent legal entity violates state export control legislation;

if a competent legal entity knowingly submits a false conclusion on the preliminary identification of goods;

if the certificate of authorization of a legal entity to carry out preliminary identification of goods in the field of state export control is found to be issued to the legal entity on the basis of false information submitted by the latter;

if a competent legal entity submits a conclusion on the preliminary identification issued in breach of the conformity established in annexes to the certificate for experts and goods (groups of goods) which undergo expert review by those experts;

upon termination of the legal entity, or on the basis of its request.

*{Article 12 supplemented with Part 12 pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

*{Article 12 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Article 13.**Powers to Conduct International Transfers of Goods

In order to export or import military goods and goods containing state secrets, business entities shall receive the necessary authority from the Cabinet of Ministers of Ukraine.

[The procedure for receiving and canceling powers to export and import military goods and goods containing state secrets](https://zakon.rada.gov.ua/laws/show/838-98-%D0%BF%22%20%5Ct%20%22_blank) shall be established by the Cabinet of Ministers of Ukraine.

public procurement authorities in the field of defense shall receive powers to import military goods and goods containing state secrets upon decision of the Cabinet of Ministers of Ukraine.

*{Article 13 supplemented with Part 3 pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n31)*}*

*{Article 13 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Article 14.**Internal Compliance Program

In order to comply with the legislative requirements in the field of state export control at all stages of international transfers of goods, a subject of international transfers of goods shall create an ICP pursuant to the recommendations of the central executive authority implementing the government policy in the field of state export control, which facilitates the creation of such system and provides information support.

Creation of an ICP shall be mandatory for a participant of international transfers of goods who intends to receive from the Cabinet of Ministers of Ukraine the powers to export or import military goods and goods containing state secret, or who intends to receive a general or an open permit or conclusion.

The central executive authority implementing the government policy in the field of state export control shall assess ICPs created by the participants of international transfers of goods, and shall issue certificates of assessment to such participants.

The [assessment procedure](https://zakon.rada.gov.ua/laws/show/1080-2003-%D0%BF) shall be determined by the Cabinet of Ministers of Ukraine.

**Article 15.** Permit and an Conclusion

A permit or a conclusion shall be issued by the central executive authority implementing the government policy in the field of state export control as a one-time, general, or open document.

A one-time permit or conclusion shall be issued to a participant of international transfers of goods to carry on negotiations associated with the conclusion of specific foreign trade agreements (contracts) for international transfers of goods or for specific transfers of goods according to those agreements (contracts), and shall be valid during the established period, which shall not exceed one year. This period may be extended by the central executive authority implementing the government policy in the field of state export control on the basis of a grounded request of the subject of international transfers of goods for no more than the term of the foreign trade agreement (contract).

A one-time permit or conclusion may be issued to (i) a foreign participant of economic or other activity who performs international transfers of dual-use goods under the international treaties concluded on behalf of Ukraine or the Government of Ukraine, or the transit of goods across the territory of Ukraine, temporary brining of goods to the territory of Ukraine for display as exhibits at the international exhibitions and fairs, or for testing, (ii) to military formations, law enforcement agencies, civil defense bodies and units of Ukraine who perform temporary brining in/out of goods for training or to support activities of such formations outside Ukraine, or import or temporary brining of goods to the territory of Ukraine under the international treaties concluded on behalf of Ukraine or the Government of Ukraine, except those specified in [Part 2](https://zakon.rada.gov.ua/laws/show/549-15#n63) of Article 2 hereof.

*{Article 15 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

A general permit or conclusion may be issued to a participant of international transfers of goods in case of repeated negotiations associated with the conclusion of foreign trade agreements (contracts) or repeated transfers to specific end users under foreign trade agreements (contracts) concluded during the effective period of the permit or the conclusion and valid during the prescribed period (not exceeding three years).

An open permit or conclusion may be issued to a participant of international transfers of goods in case of repeated negotiations associated with the conclusion of foreign trade agreements (contracts) or repeated transfers to different end users of a specific country of destination under such agreements (contracts) concluded during the effective period of the permit or the conclusion under the relevant international treaties, or in case such transfers are made with the states involved in the international export control regimes or subject to the appropriate government policy, and valid during the prescribed period (not exceeding three years).

A general or an open permit or conclusion shall be issued to a participant of international transfers of goods only if the latter creates a corporate export control system ensuring the fulfillment of state export control requirements in the course of specific international transfers of goods, proper safekeeping of documents associated with such transfers, and submission of reports on the actual use of such permit or conclusion to the central executive authority implementing the government policy in the field of state export control.

The period for reviewing applications and making a decision to issue or to refuse issuance of permits or conclusions (if no additional inter-agency coordination is required) shall depend on the category of goods, and shall not exceed the following periods from the day of receipt of all necessary documents:

*{Paragraph 1 of Part 7 of Article 15 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

45 days, for the export (re-export) of military goods;

30 days, for the export (re-export) of dual-use goods and temporary export (import) of any goods;

15 days, for the import and transit of goods, and for the temporary export or import of goods for display at the exhibitions and fairs for the purpose of advertising, testing, or for other similar purpose, which does not imply the transfer of ownership of the goods.

Should inter-agency coordination be needed, the total period for considering applications and making decisions to issue or to refuse issuance of permits or conclusions shall not exceed 90 days upon receipt of all necessary documents.

*{Part 8 of Article 15 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

The time required to receive all necessary documents from the subjects specified in this article shall not be included in the time for considering applications and making relevant decisions.

*{Part 9 of Article 15 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

If all necessary documents are not received within two months, the application shall be deemed denied and not subject to review.

*{Part of Article 15 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Should there be the need to extend the period for considering applications, the procedure for its extension shall be established by the Cabinet of Ministers of Ukraine.

**Article 16.**Obtaining a Permit, Conclusion, or an International Import Certificate

A decision to issue a permit, conclusion, or an international import certificate shall be made by the central executive authority implementing the government policy in the field of state export control based on the results of an expert review in the sphere of export control.

In order to receive a permit, conclusion, or an international import certificate a subject of international transfers of goods or subjects specified in [Part 3](https://zakon.rada.gov.ua/laws/show/549-15#n187)of Article 15 hereof shall submit a written application to the central executive authority implementing the government policy in the field of state export control. The application shall indicate the necessary data for the expert review and for making a decision under the application, in particular, accurate data on the subjects who take part in the international transfers of goods, on the goods and the procedure of their international transfer. In the cases determined by the Cabinet of Ministers of Ukraine, original warranty documents and other documents required to conduct the expert review shall be submitted along with the application.

*{Part 16 of Article 2 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Applications for issuance of permits, conclusions, or international import certificates shall be reviewed by the central executive authority implementing the government policy in the field of state export control involving other government bodies in the cases determined by law, as well as enterprises, institutions, and organizations of any form of ownership, with the consent of their directors during the consideration of the matters falling within their competence.

*{Part 3 of Article 16 amended pursuant to Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n577)*}*

An application for issuance of a permit, conclusion, or an international import certificate shall be dismissed in the following cases:

the application is submitted (signed) by an unauthorized person or is issued in breach of the requirements of this article;

*{Paragraph 2 of Part 4 of Article 16 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

the documents have been submitted not in full or have been issued in breach of requirements of this article.

The central executive authority implementing the government policy in the field of state export control shall notify the applicant about dismissing the application for issuance of a permit, conclusion, or an international import certificate within three days after taking this decision, and shall substantiate its decision.

*{Part 5 of Article 16 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Upon making a decision to refuse issuance of a permit, conclusion, or an international import certificate, the central executive authority implementing the government policy in the field of state export control shall notify the applicant and the central executive authority (if the applicant falls within the sphere of its management) within three days after taking this decision, and shall substantiate its decision.

*{Part of Article 16 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Issuance of a permit, conclusion, or an international import certificate shall be denied, or a permit, conclusion, or an international import certificate shall be canceled or terminated by the central executive authority implementing the government policy in the field of state export control in the following cases:

*{Paragraph 1 of Part 7 of Article 16 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

in the event of the need to secure the national interests or to adhere to the international commitments of Ukraine;

upon winding up the subject of international transfers of goods in accordance with the procedure established by law;

*{Paragraph 3 of Part 7 of Article 16 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n33)*}*

upon declaring the subject of international transfers of goods bankrupt in accordance with the procedure established by law;

if the central executive authority implementing the government policy in the field of state export control needs to conduct an additional expert review of the documents submitted for obtaining a permit, conclusion, or an international import certificate;

*{Paragraph 5 of Part 7 of Article 16 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

if the subject of international transfers of goods violates the legislation, including violations stipulated by [Article 24](https://zakon.rada.gov.ua/laws/show/549-15#n272) hereof;

if registration of the business entity as a subject of international transfers of goods is canceled.

*{Part 7 of Article 16 supplemented with Paragraph 7 pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

The central executive authority implementing the government policy in the field of state export control shall keep applications of the subjects of international transfers of goods or subjects specified in [Part 3](https://zakon.rada.gov.ua/laws/show/549-15#n187) of Article 15 hereof, as well as related documents, for five years from the issue date of a permit, conclusion, or an international import certificate, or from the day of a decision to refuse issuance of such document.

*{Part 8 of Article 16 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

The central executive authority implementing the government policy in the field of state export control shall enter into the unified state information web portal "One Stop Shop for International Commerce" the authorization documents for the international transfers of goods (except documents containing secret information) in the form of electronic documents certified with an electronic digital signature, as well as information on their cancellation or termination, on the issue date of such documents or on the date of the decisions on their cancellation or termination.

*{Article 16 supplemented with Part 9 pursuant to Law* [*No. 2530-VIII dated September 6, 2018*](https://zakon.rada.gov.ua/laws/show/2530-19#n372)*}*

Instead of the documents containing secret information, open data on the following documents shall be transferred to the unified state information web portal "One Stop Shop for International Commerce" in the form of electronic documents certified with an electronic digital signature on the issue day of those documents: document title (type), issuing authority (body, institution, organization), security classification, issue date, registration number.

*{Article 16 supplemented with Part 10 pursuant to Law* [*No. 2530-VIII dated September 6, 2018*](https://zakon.rada.gov.ua/laws/show/2530-19#n372)*}*

**Article 17.**Foreign Trade Agreements (Contract) for International Transfers of Goods

Foreign trade agreements (contracts) for international transfers of goods shall be concluded by business entities or public procurement authorities in the field of defense pursuant to the laws, with due regard for the requirements for such transfers established by the Cabinet of Ministers of Ukraine.

*{Part 1 of Article 17 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n35)*}*

Business entities of Ukraine shall be prohibited from concluding foreign trade agreements (contracts) for international transfers of goods or from participating in their execution in any other manner different from the manner stipulated by this Law, in case they find out that those goods may be used by a foreign state or a foreign subject of economic activity for the creation of weapons of mass destruction or means of delivery.

A business entity, a public procurement authority in the field of defense shall withdraw from the foreign trade agreement (contract) in respect of the international transfer of any goods upon finding out that these goods will be used for the purposes or by an end user different than those stipulated in such agreement (contract) or related documents on the basis whereof a permit, conclusion, or an international import certificate has been obtained.

*{Part 3 of Article 17 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n36)*}*

*{Article 17 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Section III**
**STATE EXPORT CONTROL OVER THE ACTIVITIES ASSOCIATED WITH INTERNATIONAL TRANSFERS OF GOODS**

**Article 18.**State Export Control over the Negotiations Associated with the Conclusion of Foreign Trade Agreements (Contracts)

A business entity may carry on negotiations with a foreign subject of economic or other activity in connection with the conclusion of foreign trade agreements (contract) for the export of goods supplies of which to a corresponding foreign state, pursuant to the international commitments of Ukraine, are under partial embargo, only upon receipt of a positive conclusion on the possibility of such negotiations from the central executive authority implementing the government policy in the field of state export control.

*{Part 1 of Article 18 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

[The procedure for the state export control over the negotiations](https://zakon.rada.gov.ua/laws/show/500-2012-%D0%BF%22%20%5Cl%20%22https%3A//zakon.rada.gov.ua/laws/show/500-2012-%D0%BF%22%20%5Ct%20%22_blank) specified in Part 1 of this Article shall be established by the Cabinet of Ministers of Ukraine.

**Article 19.**State Export Control over the End Use of Goods

A participant of international transfers of goods shall submit to the central executive authority implementing the government policy in the field of state export control full and accurate information on the end use of goods subject to international transfer, which is known to the participant, as well as original guarantee documents attesting the use of goods solely for the purposes declared by the subject or other end user.

A participant of international transfers of goods shall take measures to check the delivery and the end use of goods in the event of their export, and shall provide information about that to the central executive authority implementing the government policy in the field of state export control and facilitate such checks by the designated government bodies of Ukraine.

The central executive authority implementing the government policy in the field of state export control and other designated government bodies of Ukraine shall have the right to verify the delivery and the end use of goods in the manner prescribed by Parts 4–6 of this Article, at any stage of their international transfer and after the goods are actually delivered to the end user. The central executive authority implementing the government policy in the field of state export control may engage intelligence agencies of Ukraine to conduct such verification.

*{Part 3 of Article 19 amended pursuant to Law* [*No. 912-IX dated September 17, 2020*](https://zakon.rada.gov.ua/laws/show/912-20#n578)*}*

State export control over compliance with the obligations to use imported goods for declared purposes by end users in Ukraine shall be exercised on the basis of the analysis of reports of business entities - end users on the actual use of goods, as well as by way of scheduled random checks of the actual use of goods as intended by their end users. Such checks may be conducted by the competent officers of the central executive authority implementing the government policy in the field of state export control or by inter-agency monitoring committees established by the latter for this purpose.

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 exporting state and Ukraine are parties to.

The actual use of goods by foreign end users, which have been imported from Ukraine with the written state guarantees of their use for declared purposes issued by the government bodies of the foreign state, may be checked by the government bodies of Ukraine when it is provided for by foreign trade agreements (contracts) under which those goods have been imported from Ukraine or by international treaties the relevant state and Ukraine are parties to.

[The procedure for issuing guarantees and exercising state control over the fulfillment of obligations on the proper use of goods being subject to state export control](https://zakon.rada.gov.ua/laws/show/920-99-%D0%BF%22%20%5Ct%20%22_blank), including issuance of international import certificates and delivery confirmation certificates, shall be established by the Cabinet of Ministers of Ukraine.

**Article 20.**State Export Control during the International Transfers of Goods under International Treaties of Ukraine

If international transfer of goods (including services for development or creation of technology ) is performed under inter-state or inter-government treaties of Ukraine which provide for such transfer, the central executive authority implementing the government policy in the field of state export control shall apply a simplified procedure for studying documents for the issuance of a relevant permit or conclusion.

This procedure shall apply on the basis of the definition of specific items of goods, their exporters and end users in an inter-state or an inter-government treaty.

A decision to issue a permit or conclusion for an international transfer shall be made by the central executive authority implementing the government policy in the field of state export control within 15 days upon receipt of the necessary documents from the participant of international transfers.

**Article 21.**Customs Formalities

The customs bodies shall carry out the necessary customs formalities to let military goods and dual-use goods pass across the customs border of Ukraine and release into the relevant customs regime on the basis of a relevant authorization document for international transfers of goods received from the central executive authority implementing the government policy in the field of state export control, using the single-window procedure pursuant to the [Customs Code of Ukraine](https://zakon.rada.gov.ua/laws/show/4495-17).

If only unclassified details of documents containing secret information are received using the single-window procedure under the [Customs Code of Ukraine](https://zakon.rada.gov.ua/laws/show/4495-17) in the form of an electronic document certified with an electronic digital signature, hard copies of the documents containing classified information shall be submitted at the request of the customs body to carry out customs formalities in the cases and according to the procedure established by the Customs Code of Ukraine.

The customs bodies shall issue a delivery confirmation certificate attesting the arrival of goods specified therein in Ukraine at the request of the importer of goods, which may be submitted, among other things, using the one-stop-shop procedure. A delivery confirmation certificate shall be issued, at the applicant's choice, in hard copy or as a soft (scanned) copy of a paper document attested with an electronic digital signature using the one-stop-shop procedure.

*{Article 21 amended by Law* [*No. 406-VII dated July 4, 2013*](https://zakon.rada.gov.ua/laws/show/406-18#n241)*; as worded by Law* [*No. 2530-VIII dated September 6, 2018*](https://zakon.rada.gov.ua/laws/show/2530-19#n375)*; as amended by Law* [*No. 440-IX dated January 14, 2020*](https://zakon.rada.gov.ua/laws/show/440-20#n315)*}*

**Article 22.**State Control over the Use of Permits, Conclusions, or International Import Certificates

A participant of international transfers of goods whom a permit, conclusion, or an international import certificate has been issued to shall submit to the central executive authority implementing the government policy in the field of state export control written reports on the results of the negotiations specified in [Article 18](https://zakon.rada.gov.ua/laws/show/549-15#n241) hereof, as well as on the actual export and import of goods specified in such goods and on the use of those goods for declared purposes. A format of the report and the period for its presentation shall be determined by the central executive authority in charge of government policy making in the field of state export control.

*{Part 1 of Article 22 as worded by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*; as amended by Law* [*No. 5463-VI dated October 16, 2012*](https://zakon.rada.gov.ua/laws/show/5463-17#n659)*}*

A participant of international transfers of goods shall submit at the request of the central executive authority implementing the government policy in the field of state export control the necessary documents and information for the latter to take export control measures, including warranty documents, technical certificates, and other documents related to the conclusion and execution of foreign trade agreements (contracts) for international transfers of goods; the subject shall also keep documents related to the conclusion and execution of the said agreements (contracts) on the basis whereof permits, conclusions, or international import certificates have been received for five years upon completion of the international transfer of goods.

**Section IV**
**PREVENTION OF OFFENSES AND LIABILITY IN THE SPHERE OF STATE EXPORT CONTROL**

**Article 23.**Prevention of Offenses in the Sphere of State Export Control

In order to prevent offenses in the sphere of state export control, the central executive authority implementing the government policy in the field of state export control, as well as central executive authorities within the frames of their powers shall be entitled to investigate violations of laws in the sphere of state export control, to check the delivery of goods to end users, conformity of the actual use of goods to the declared purposes, and conformity of documents on the basis whereof the international transfer of goods has been performed to the laws.

Upon revealing any breach of state export control legislation, as provided for by [Article 24](https://zakon.rada.gov.ua/laws/show/549-15#n272) hereof, the aforesaid central executive authorities shall inform the central executive authority implementing the government policy in the field of state export control about that.

Subject to the sufficient information about an intention to commit or commitment of criminal offenses by identified or unidentified persons with the goods being subject to state export control, the central executive authority implementing the government policy in the field of state export control shall inform the relevant pre-trial investigation authorities about that.

*{Part 3 of Article 23 as amended by Law* [*No. 4652-VI dated April 13, 2012*](https://zakon.rada.gov.ua/laws/show/4652-17#n706)*}*

**Article 24.**Breach of Legislative Requirements in the Sphere of State Export Control

The breaches of legislative requirements in the sphere of state export control are:

international transfers of goods performed without obtaining permits, conclusions, or warranty documents in accordance with the established procedure, or international transfers of goods performed on the basis of permits, conclusions, or warranty documents received on the basis of fake documents or documents containing wrong data;

*{Paragraphs 2 and 3 of Article 24 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

conclusion of foreign trade agreements (contracts) for international transfers of goods or participation in their execution in any other manner different from the manner stipulated by this Law, in case a business entity finds out that those goods may be used by a foreign state or a foreign subject of economic activity for the creation of weapons of mass destruction or means of delivery;

international transfers of goods performed despite the fact that the business entity has found out that the goods will be used for different purposes or by a different end user than those specified in the foreign trade agreement (contract) or in the related documents on the basis whereof a permit, an conclusion, or an international import certificate has been received;

intentional concealing of information relevant for the issuance of a permit, an conclusion, or an international import certificate;

international transfers of goods performed in breach of the conditions specified in the permits, conclusions, or international import certificates, including after making amendments to the foreign trade agreement (contract) without approval of the central executive authority implementing the government policy in the field of state export control with regard to the names and details of exporters, importers, intermediaries, and end users, as well as names of goods, obligations on their end use and on the submitted of relevant warranty documents;

carrying on negotiations in connection with the conclusion of foreign trade agreements (contract) for the export of goods supplies of which to a corresponding foreign state, pursuant to the international commitments of Ukraine, are under partial embargo, without obtaining a relevant positive conclusion from the central executive authority implementing the government policy in the field of state export control'

*{Paragraph 7 of Article 24 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

failure to submit or late submission of to the central executive authority implementing the government policy in the field of state export control of the reports and relevant documents on the results of the negotiations specified in Paragraph 8 of this Article, on the actual export and import of goods on the basis of the permits, conclusions, or international import certificates received, as well as on the use of those goods for declared purposes;

*{Paragraph 8 of Article 24 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

creating obstacles to the performance of official duties by officials of the central executive authority implementing the government policy in the field of state export control, and other government bodies exercising state export control, during their performance of official duties, or failure to comply with the lawful requirements of those persons;

ungrounded refusal to submit information and documents requested by the central executive authority implementing the government policy in the field of state export control or by other government body exercising state export control within their powers, or intentional distortion or concealing of those information and documents;

intentional destruction of documents related to the conclusion and execution of foreign trade agreements (contracts) for international transfers of goods, on the basis of which permits, conclusions, or international transfers of goods have been received, before the expiry of their retention period stipulated by [Article 22](https://zakon.rada.gov.ua/laws/show/549-15#n262) hereof.

**Article 25.**Liability of Legal Entities - Participants of International Transfers of Goods for the Breach of Legislative Requirements in the Sphere of Export Control

The central executive authority implementing the government policy in the field of state export control shall impose fines on legal entities - participants of international transfers of goods:

for violations stipulated by [Paragraphs 2](https://zakon.rada.gov.ua/laws/show/549-15#n273) and [3](https://zakon.rada.gov.ua/laws/show/549-15#n274) of Article 24 hereof:

*{Paragraph 2 of Part 1 of Article 25 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

in the event that, in the opinion of the central executive bodies and other government bodies, harm has been caused to the national interests of Ukraine (political, economic, military), or international commitments of Ukraine have been violated – in the amount of 150% of the cost of the goods that were the subject of the respective international transfer;

*{Paragraph of Part 1 of Article 25 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

in the event that, in the opinion of the central executive bodies and other government bodies, no harm has been caused to the national interests of Ukraine (political, economic, military), or no international commitments of Ukraine have been violated – in the amount of 100% of the cost of the goods that were the subject of the respective international transfer;

*{Paragraph of Part 1 of Article 25 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

for violations stipulated by [Paragraphs 4](https://zakon.rada.gov.ua/laws/show/549-15#n277), [5](https://zakon.rada.gov.ua/laws/show/549-15#n278), and [6](https://zakon.rada.gov.ua/laws/show/549-15#n279) of Article 24 hereof – in the amount of 100% of the cost of the goods that were the subject of the respective international transfer;

*{Paragraph 5 of Part 1 of Article 25 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

for violations stipulated by [Paragraphs 7](https://zakon.rada.gov.ua/laws/show/549-15#n280) and [11](https://zakon.rada.gov.ua/laws/show/549-15#n286) of Article 24 hereof – in the amount of 1000 tax-free minimum income of individuals;

*{Paragraph 6 of Part 1 of Article 25 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

for violations stipulated by [Paragraph 8](https://zakon.rada.gov.ua/laws/show/549-15#n282) of Article 24 hereof – in the amount of 500 tax-free minimum income of individuals;

*{Paragraph 7 of Part 1 of Article 25 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

for violations stipulated by [Paragraphs 9](https://zakon.rada.gov.ua/laws/show/549-15#n284) and [10](https://zakon.rada.gov.ua/laws/show/549-15#n285) of Article 24 hereof – in the amount of 100 tax-free minimum income of individuals.

*{Paragraph 8 of Part 1 of Article 25 amended pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

In order to impose fines for the violations stipulated by [Paragraphs 2](https://zakon.rada.gov.ua/laws/show/549-15#n274) and [3](https://zakon.rada.gov.ua/laws/show/549-15#n276) of Article 24 hereof, the central executive authority implementing the government policy in the field of state export control shall receive a written authorization from the Security Service of Ukraine, which shall be issued with due regard to the proposals of the Ministry of Foreign Affairs of Ukraine, the Ministry of Defense of Ukraine, the Foreign Intelligence Service of Ukraine, and other central executive bodies and government bodies.

*{Article 25 supplemented with a new part pursuant to Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

Apart from fines specified in this article, the central executive authority implementing the government policy in the field of state export control may cancel or suspend the permit, conclusion, or international import certificate issued to the subject of international transfers of goods, or cancel registration of the latter with such central executive authority as a participant of international transfers of goods, as a result of which all authorization documents and guarantee documents issued to such subject and valid as of the registration cancellation day will be terminated.

*{Part 3 of Article 25 amended pursuant to Laws* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*,* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n38)*}*

Should the participant of international transfers of goods duly authorized to export or import military goods or goods containing state secrets commit offenses stipulated by [Paragraphs 2–7](https://zakon.rada.gov.ua/laws/show/549-15#n274) of Article 24 hereof, or should such offenses cause material harm to the political or economic interests of the state, the national security or defense of the state, the Cabinet of Ministers of Ukraine, upon recommendation of the central executive authority implementing the government policy in the field of state export control, can cancel the aforesaid powers previously assigned to such a participant.

*{Part 4 of Article 25 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n39)*}*

A decision of the central executive authority implementing the government policy in the field of state export control to impose fines, cancel or suspend a permit, an conclusion, or an international import certificate, or cancel registration of the business entity or the public procurement authority in the field of defense as a participant of international transfers of goods may be appealed in court.

*{Part 5 of Article 25 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n40)*}*

The state shall not be liable before the participant of international transfers of goods for the loss they may suffer as a result of the cancellation or termination of the permit, conclusion, or international import certificate, or cancellation of powers to export or import military goods or goods containing state secrets, in case such subject has committed violations of the laws specified in [Article 24](https://zakon.rada.gov.ua/laws/show/549-15#n272) hereof, or in case such actions arise out of the need to protect the national interests or to adhere to the international commitments of Ukraine on the non-proliferation of weapons of mass destruction, means of delivery, and on restricting transfers of conventional weapons .

*{Part 6 of Article 25 amended pursuant to Laws* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*,* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n41)*}*

This article shall not apply to public procurement authorities in the field of defense with regard to the imposition of fines and the cancellation of their registration as a subject of international transfers of goods.

*{Article 25 supplemented with Part 7 pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n42)*}*

*{Article 25 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Article 26.**Imposition of Fines for the Breach of Legislative Requirements in the Sphere of State Export Control

Fines specified in [Article 25](https://zakon.rada.gov.ua/laws/show/549-15#n287) hereof shall be imposed on behalf of the central executive authority implementing the government policy in the field of state export control by the head of such central executive authority or his/her deputy.

A competent officer of the central executive authority implementing the government policy in the field of state export control who has revealed the violation specified in [Article 24](https://zakon.rada.gov.ua/laws/show/549-15#n272) hereof shall draw up a violation report, which shall be submitted to the officers specified in Part 1 of this article along with the explanations of the head and other designated officer and documents in the case within three days.

The head or deputy head of the central executive authority implementing the government policy in the field of state export control shall decide to impose a fine within ten days upon receipt of the documents specified in Part 2 of this article.

A decision of the head or deputy head of the central executive authority implementing the government policy in the field of state export control on imposing a fine shall be documented in an order to impose a fine on the participant of international transfers of goods for the violation in the field of state export control pursuant to this Law.

*{Part 4 of Article 26 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n44)*}*

An order to impose a fine shall be issued in three copies. The first copy of the order shall be delivered against signature to the head or the authorized representative of the participant of international transfers of goods or shall be sent by post within three days, with a record thereof made in the case papers. The second and third copies shall be left in the central executive authority implementing the government policy in the field of state export control, which imposed the fine.

*{Part 5 of Article 26 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n44)*}*

Report and order formats shall be approved by the central executive authority in charge of government policy making in the field of state export control.

*{Part 6 of Article 26 as amended by Law* [*No. 5463-VI dated October 16, 2012*](https://zakon.rada.gov.ua/laws/show/5463-17#n660)*}*

The fine shall be paid by the subject of international transfers of goods within fifteen days after it has been imposed. Upon failure to pay the fine within the aforesaid time, it shall be collected by the state enforcement officer in accordance with the procedure established by law.

*{Part 7 of Article 26 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n44)*}*

A decision to impose a fine in the cases in violations stipulated by this Law may be appealed in court. In this case, the fulfillment of the order to impose the fine shall be suspended until the court delivers its judgment.

**Article 27.**Liability of Individual Subjects of International Transfers of Goods for the Breach of Legislative Requirements in the Sphere of State Export Control

Business entities – individuals who violate the legislation in the field of state export control shall bear administrative, criminal and civil liability envisaged by law.

**Article 28.**Liability of Officers of the Executive Bodies for the Breach of Legislative Requirements in the Sphere of State Export Control

Officers of the central executive authority implementing the government policy in the field of state export control and other executive bodies engaged in the decision-making in the field of export control shall bear disciplinary, administrative, criminal, and civil liability envisaged by law for the breach of laws in this area.

**Section V**
**FINANCIAL SUPPORT OF STATE EXPORT CONTROL**

**Article 29.**Financing of State Export Control Activities

State export control activities shall be financed at the cost within the limits of funds allocated by the State Budget of Ukraine for the maintenance of the relevant government bodies.

**Article 30.**Charging a Fee for the Execution and Issuance of State Export Control Documents

A fee shall be charged for the issuance of registration documents of participants of international transfers of goods, the issuance of permits, conclusions, international import certificates, or delivery confirmation certificates. The funds received as payment of this fee shall be transferred to the State Budget of Ukraine. No fee shall be charged for the issuance of aforesaid documents from the public procurement authorities in the field of defense.

*{Part 1 of Article 30 amended pursuant to Law* [*No. 2672-VIII dated January 17, 2019*](https://zakon.rada.gov.ua/laws/show/2672-19#n45)*}*

The amount of a fee specified in Part 1 of this Article shall be determined by the Cabinet of Ministers of Ukraine depending on the document type or the contract price.

*{Part 30 of Article 2 as amended by Law* [*No. 2561-VI dated September 23, 2010*](https://zakon.rada.gov.ua/laws/show/2561-17)*}*

*{Article 30 amended pursuant to Law* [*No. 808-IX dated July 17, 2020*](https://zakon.rada.gov.ua/laws/show/808-20#n579)*}*

**Section VI**
**FINAL PROVISIONS**

1. This Law shall take effect from the day of its publication.

2. Laws adopted before the effective date of this Law shall apply to the extent they are not in conflict with this Law.

3. The Cabinet of Ministers of Ukraine shall have six months from the effective date of this Law to:

submit to the Verkhovna Rada of Ukraine proposals for bringing the laws of Ukraine into conformity with this Law;

bring its regulatory legal acts into conformity with this Law;

ensure that the ministries and other central executive authorities revise and cancel their regulatory legal acts that are in conflict with this Law.

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| **President of Ukraine** | **L. KUCHMA** |
| **Kyiv****February 20, 2003****No. 549-IV** |  |