

## **BRIEF OVERVIEW OF UKRAINE'S EXPORT CONTROL SYSTEM**

### Definition of export control in the Ukrainian legislation:

*State export control is a set of measures performed by the specially authorized state export control body of executive branch and other state bodies aimed at exercising state control over international transfers of goods and their use by legal entities or individuals with the purpose of protection of national security interests and compliance of Ukraine with its international commitments.*

### **State policy in the area of export controls is based on the following main principles:**

- lawfulness;
- full compliance with Ukraine's international commitments of non-proliferation of weapons of mass destruction and means of their delivery, state control over international transfers of military and dual-use goods, and prevention of the acquisition of the mentioned goods by terrorist groups as well as by individual terrorists or otherwise with illegal purposes;
- priority of national interests of the state — political, economic and military, whose protection is necessary for providing national security;
- application of export controls only to the extent needed to ensure achievement of its goals;
- harmonization of procedures and rules of state export control with international legal norms and practice;
- interaction with international organizations and foreign countries in the area of export control for the purpose of strengthening international security and stability, in particular, by means of preventing the proliferation of weapons of mass destruction and means of their delivery.

### **Ukraine is a party to:**

- The Treaty on the Non-Proliferation of Nuclear Weapons (ratified by Ukraine in 1994);
- The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (ratified by Ukraine in 1998);
- The Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (ratified by Ukraine in 1994);
- The Comprehensive Nuclear Test-Ban Treaty (ratified by Ukraine in 2000).

### **Ukraine is a participant of the following multilateral export control regimes:**

- Wassenaar Arrangement;
- Nuclear Suppliers Group;
- Zangger Committee;
- Missile Technology Control Regime;
- Australia Group.

In April, 2005 Ukraine joined the Australia Group multilateral international export control regime. Thus, among countries of the former Soviet Union, Ukraine became the first state participating in all multilateral international export control regimes.

## Structure of the System

The *Verkhovna Rada* (the Parliament) of Ukraine establishes the legislative basis of the state policy in the area of export control.

The *President of Ukraine* pursuant to the Constitution of Ukraine provides for the general guidance of the export control policy.

The *Cabinet of Ministers of Ukraine* provides for the implementation of the export control policy.

The *National Security and Defense Council of Ukraine* coordinates and controls the activities of the state bodies in the area of export control.

The *State Service of Export Control of Ukraine* directly implements export control measures in contact with other state bodies legislatively empowered to act in the sphere of export control.

## Lists of goods subject to export control

State export control over international transfers of certain categories of goods is exercised according to appropriate regulations approved by decrees of the Cabinet of Ministers of Ukraine:

- Decree of the Cabinet of Ministers of Ukraine No. 1807 of November 20, 2003 "On the Approval of the Regulations of the Procedures for the State Monitoring of International Transfers of Military Goods";
- Decree of the Cabinet of Ministers of Ukraine No. 86 of January 28, 2004 "On the Approval of the Regulations of the Procedures for the State Monitoring of International Transfers of Dual-Use Goods ".

Lists of goods international transfers of which are subject to export control are included in the appendixes to the above mentioned regulations. Those lists consist of but not limited to all items included into the control list of the following export control regimes:

- Wassenaar Arrangement;
- Nuclear Suppliers Group;
- Australia Group;
- Missiles Technology Control Regime.

## Violations prevention and responsibility

To prevent violations of export control legislation the State Service of Export Control and other authorized state bodies within the limits of their powers are entitled to perform investigations of such violations, including checks of the delivery of goods to end-users and their actual use for declared purposes.

In order to ensure adherence to export control legislation on all stages of international transfers of goods entities involved in such transfers should establish internal systems of export control. The State Service of Export Control provides recommendations and information support for entities establishing their own internal export control systems.

**Contact information**

State Service of Export Control of Ukraine

19/21 Frunze St.

04080 Kyiv, UKRAINE

phone (38-044) 417-14-31

fax (38-044) 462-49-70

e-mail: [general@dsecu.gov.ua](mailto:general@dsecu.gov.ua)

[www.dsecu.gov.ua](http://www.dsecu.gov.ua)