

BRIEF OVERVIEW OF UKRAINE'S EXPORT CONTROL SYSTEM

The legal basis for state export control is formed by the Constitution of Ukraine, Law of Ukraine "On State Control of International Transfers of Goods Designated for Military Purposes and Dual-Use Goods" and other Laws of Ukraine, acts by the President of Ukraine and the Cabinet of Ministers of Ukraine, other regulatory acts, as well as, international treaties and agreements to which Ukraine is a party.

The main principles of forming State policy of Ukraine in the sphere of export controls:

- 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 countering proliferation of weapons of mass destruction and means of their delivery.

Ukraine is a party to:

- Treaty on the Non-Proliferation of Nuclear Weapons (ratified by Ukraine in 1994);
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (ratified by Ukraine in 1998);
- 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);
- 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.

In the state export control system of Ukraine The *Verkhovna Rada of Ukraine* (the Parliament), as the highest legislative body establishes legislative basis of state policy in the area of export control.

The *President of Ukraine* pursuant to the Constitution of Ukraine provides for 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 state bodies in the area of export controls.

The *State Service of Export Control of Ukraine* directly implements export controls measures in contact with other state bodies legislatively empowered to act in the sphere of 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 control are included to the appendixes to the above mentioned regulations. Those lists consist of but not limited to all items included into the control list of the international export control regimes.

The national control lists are regularly reviewed to make amendments according to adopted amendments of control lists of international export control regimes.

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.

Application of the abovementioned procedures is defined by the Law of Ukraine "On State Control of International Transfers of Goods Designated for Military Purposes and Dual-Use Goods" and also by appropriate adopted amendments to Criminal Code of Ukraine and Civil Code of Ukraine about administrative violations.

In Ukraine it constantly realizes the work to study and analyze world practices in the sphere of export control in the part of adopting the legislation of Ukraine to the legislation of the state-members of the European Union also to basic regulations of the EU Code of Conduct.

Ukraine closely cooperates with Federal office of Economics and Export control of Germany in issues to pass on the Single control list of the EU and in 2007 prepared a work project of Control list of dual-use goods which could be used in production nuclear, missile, chemical, bacteriological (biological) weapons, and also in production of conventional armaments, military or special designed facilities made on the base of the EU Control list of

dual-use goods and technology. Now this work project is being reviewed by state bodies of Ukraine to workout appropriate recommendations.

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