



# UN Programme of Action

## National Reporting Tool

Ukraine

2016

### SECTION 1: POINTS OF CONTACT

#### Sources National Coordination Agency

- PoA II.4 1. Has your country established a National Coordination Agency or other body responsible for policy guidance, research and monitoring of efforts to prevent, combat and eradicate the illicit trade in SALW in all its aspects? --- Select --- ▼

#### Sources National Point of Contact

- PoA II.5, 24 2. Does your country have a National Point of Contact designated to act as a liaison on matters relating to the implementation of the UN Programme of Action on Small Arms (PoA)? Yes ▼
- 2.1. Details:
- a) Name : Департамент международной безопасности
- b) Organization or agency :
- c) Address : Михайловская пл. 1, Киев, 01018
- d) Telephone number(s) : +38 044 2381722
- f) Email : uko@mfa.gov.ua
- ITI 25 2.2 Is the National Point of Contact identified above also responsible for exchanging information and liaising on matters relating to the International Tracing Instrument (ITI)? Yes ▼

### SECTION 2: MANUFACTURE

#### Sources Laws, regulations and administrative procedures

- PoA II.2 3. Are there any SALW manufactured in your country? Yes ▼
- 3.1. Does your country have laws, regulations and/or administrative procedures to exercise effective control over the manufacture of SALW? Yes ▼
- 3.1.1 List laws, regulations and/or administrative procedures regulating the manufacture of SALW in your country
- 3.1.2. Does your country license the manufacture of SALW? Yes ▼
- PoA II.3 3.1.3. Is illegal manufacture of SALW considered a criminal offence in your country? Yes ▼

#### Sources Marking at manufacture

- PoA II.7; ITI 8a 3.2. Does your country require that SALW be marked at the time of manufacture? --- Select --- ▼

#### Sources Record-keeping by manufactures

- PoA II.9; ITI 11 3.3. Does your country require that manufacturers keep records of their activities? --- Select --- ▼

### Sources Actions taken during the reporting period

PoA II.6 3.4. During the reporting period, was action taken against groups or individuals engaged in illegal manufacturing of SALW (e.g. prosecution)? --- Select --- ▾

### Sources International assistance

PoA III.6 4. Does your country wish to request assistance in developing laws, regulations and/or administrative procedures regarding SALW manufacture? --- Select --- ▾

### SECTION 3: INTERNATIONAL TRANSFERS

### Sources Laws, regulations and administrative procedures

PoA II.2, 12 5. Does your country have laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW? Yes ▾

PoA II.11 5.1. List laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW.

Существующая в Украине система выдачи разрешительных документов на право осуществления международных передач товаров военного назначения, в том числе стрелкового оружия и легких вооружений (СОЛВ) на законодательном уровне регулируется: - Законом Украины «О государственном контроле за международными передачами товаров военного назначения и двойного использования»; - Законом Украины «О внешнеэкономической деятельности»; - Законом Украины «О государственном регулировании деятельности в сфере трансфера технологий»; - постановлением Кабинета Министров Украины от 20.11.2003 №1807 «Об утверждении Порядка осуществления государственного контроля над международными передачами товаров военного назначения»; - постановлением Кабинета Министров Украины от 06.06.2012 № 500 «Об утверждении Положения о порядке государственного контроля над проведением переговоров, связанных с заключением внешнеэкономических договоров (контрактов) об осуществлении экспорта товаров»; - постановлением Кабинета Министров Украины от 15.07.1997 №767 «Об утверждении Положения о порядке проведения экспертизы в сфере государственного экспортного контроля»; - постановлением Кабинета Министров Украины от 08.06.199 №838 «Об утверждении Положения о порядке предоставления субъектам внешнеэкономической деятельности полномочий на право осуществления экспорта, импорта товаров военного назначения и товаров, содержащих данные, которые являются государственной тайной»; - постановлением Кабинета Министров Украины от 12.07.1999 №1228 «О предоставлении субъектам внешнеэкономической деятельности полномочий на право осуществления экспорта, импорта товаров военного назначения и товаров, содержащих данные, которые являются государственной тайной»; - постановлением Кабинета Министров Украины от 27.05.1999 №920 «Об утверждении Положения о порядке предоставления гарантий и осуществления государственного контроля за исполнением обязательств по использованию в заявленных целях товаров, которые подлежат экспортному контролю».

### Sources Licensing and authorisation

PoA II.11 5.2. Does a person or an entity who transfers SALW require a licence or other form of authorisation to transfer SALW from/into your country? Yes ▾

PoA II.3 5.3. Is it a criminal offence to trade SALW without a licence or authorisation, or to do so in a manner that is in contradiction to the terms of a licence or authorisation, in your country? Yes ▾

PoA II.11 5.4. What kind of documentation does your country require prior to authorising an export of SALW to another country?

PoA II.12 a) An end-user certificate (EUC) from the importing country Yes ▾

i) What elements does an end-user certificate in your country contain (check relevant boxes)?

- 1) Detailed description (type, quantity, characteristics) of the SALW or technology
- 2) Contract number or order reference and date
- 3) Final destination country
- 4) Description of the end-use of the SALW
- 5) Exporter's details (name, address and business name)
- 6) End-user information (name, position, full address and original signature)
- 7) Information on other parties involved in the transaction
- 8) Certification by the relevant government authorities of the authenticity of the end-user
- 9) Date of issue
- 10) Other

PoA II.12 b) Other types of end-user documentation  
5.5. Does your country verify or seek to authenticate EUCs or other types of end-user documentation provided? Yes ▾

5.5.1 Details:

Верификация документов осуществляется через Министерство иностранных дел Украины

5.6. Does your country have measures in place aimed at preventing the forgery and misuse of EUCs or other types of end-user documentation? Yes ▾

5.6.1 Details:

Законодательством Украины предусмотрен контроль за конечным использованием экспортированного товара. С этой целью, согласно статье 19 Закона Украины «О государственном контроле за международными передачами товаров военного назначения и двойного использования», субъект осуществления международных передач товаров обязан предоставить Государственной службе экспортного контроля Украины (Госэкспортконтролю) полную и достоверную информацию об известном ему конечном использовании товаров, международную передачу

которых планируется осуществить, а также оригиналы документов о гарантиях, которые подтверждают использование товаров исключительно в заявленных им или другим конечным пользователем целях. Субъект осуществления международных передач товаров должен применять меры для проведения проверки доставки и конечного использования товаров в случае их экспорта и предоставить об этом информацию Госэкспортконтролю. С этой целью в законодательстве Украины в сфере экспортного контроля предусмотрено предоставление субъектом международных передач товаров Госэкспортконтролю сертификата конечного пользователя. Статьей 1 Закона Украины «О государственном контроле за международными передачами товаров военного назначения и двойного использования» определяется, что сертификат конечного пользователя - это документ, которым конечный пользователь определяет место и цель конечного использования (установки) товаров и гарантирует, что эти товары не будут использованы в других целях, кроме указанных в сертификате, не будут переданы другому субъекту предпринимательской деятельности на территории страны назначения или реэкспортированы без разрешения соответствующего органа, а также берет на себя другие гарантии (обязательства) относительно импортированных товаров, предусмотренные условиями внешнеэкономического договора (контракта) или требованиями экспортера товара.

## Sources Post-delivery controls

- 5.7. **When exporting, does your country require a Delivery Verification Certificate (DVC) to confirm that SALW have reached their intended end-user or intended importer in the importing State?** Yes ▾
- 5.8. **After exporting, does your country verify or seek to authenticate DVCs provided?** Yes ▾
- 5.8.1 **Details**  
Согласно ст. 22 Закона Украины «О государственном контроле над международными передачами товаров военного назначения и двойного использования», субъект осуществления международных передач товаров, которому дано разрешение, заключение или международный импортный сертификат, предоставляет специально уполномоченному органу исполнительной власти по вопросам государственного экспортного контроля письменные отчеты об итогах проведения переговоров а также о фактическом осуществлении экспорта и импорта товаров и об использовании указанных товаров у заявленных целях. Согласно ст. 28 постановления Кабинета Министров Украины от 20.11.2003 №1807 «Об утверждении Порядка осуществления государственного контроля за международными передачами товаров военного назначения», отчеты об использовании полученных разрешений или заключений на право осуществления международных передач товаров субъект предоставляет Госэкспортконтролю по установленной им форме. Срок подачи отчетов определяется во время регистрации этого субъекта в Госэкспортконтроле или оформления разрешений или заключений. Неподача или несвоевременная подача субъектом указанных отчетов влечет за собой ответственность в соответствии с законодательством.
- 5.9. **When importing, does your country grant the right to the exporting State to conduct a physical check at the point of delivery?** Yes ▾

## Sources Marking at import

- ITI 8b 5.10. **Does your country require that SALW imported into your country be marked at the time of import?** --- Select --- ▾

## Sources Record-keeping

- PoA II.9; ITI 12 5.11. **Does your country require that exporters and importers of SALW keep records of their activities?** --- Select --- ▾

## Sources Actions taken during the reporting period

- PoA II.6 5.12. **During the reporting period, was action taken against groups or individuals engaged in transferring SALW illegally (e.g. prosecution)?** --- Select --- ▾

## Sources International assistance

- PoA III.6 6. **Does your country wish to request assistance in developing laws, regulations or administrative procedures to exercise effective control over the export, import, transit or retransfer of SALW?** No ▾

## SECTION 4: BROKERING

## Sources Laws, regulations and administrative procedures

PoA II.14

7. Does your country have laws, regulations and/or administrative procedures governing brokering of SALW?

Yes ▾

## 7.1. List laws and/or administrative procedures regulating SALW brokering in your country.

Вопрос законодательного регулирования осуществления посреднической (брокерской) деятельности относительно товаров военного назначения (в т.ч. СОЛВ) в Украине находится в правовом поле законодательного регулирования экспортного контроля. Нормативно правовую базу Украины в сфере экспортного контроля по товарам военного назначения (в т.ч. СОЛВ), составляют: - Закон Украины «О государственном контроле за международными передачами товаров военного назначения и двойного использования»; - Закон Украины «О внешнеэкономической деятельности»; - Закон Украины «О государственном регулировании деятельности в сфере трансфера технологий»; - постановление Кабинета Министров Украины от 20.11.2003 №1807 «Об утверждении Порядка осуществления государственного контроля над международными передачами товаров военного назначения»; - постановлением Кабинета Министров Украины от 06.06.2012 № 500 «Об утверждении Положения о порядке государственного контроля за проведением переговоров, связанных с заключением внешнеэкономических договоров (контрактов) об осуществлении экспорта товаров»; - постановлением Кабинета Министров Украины от 15.07.1997 №767 «Об утверждении Положения о порядке проведения экспертизы в сфере государственного экспортного контроля»; - постановлением Кабинета Министров Украины от 08.06.199 №838 «Об утверждении Положения о порядке предоставления субъектам внешнеэкономической деятельности полномочий на право осуществления экспорта, импорта товаров военного назначения и товаров, содержащих данные, которые являются государственной тайной»; - постановлением Кабинета Министров Украины от 12.07.1999 №1228 «О предоставлении субъектам внешнеэкономической деятельности полномочий на право осуществления экспорта, импорта товаров военного назначения и товаров, содержащих данные, которые являются государственной тайной»; - постановлением Кабинета Министров Украины от 27.05.1999 №920 «Об утверждении Положения о порядке предоставления гарантий и осуществление государственного контроля над исполнением обязательств относительно использования в заявленных целях товаров, которые подлежат экспортному контролю».

## 8.1.1 Are those laws and procedures part of the national arms export control system?

--- Select --- ▾

7.2. Does your country require registration of SALW brokers?

Yes ▾

7.3 Does your country require a licence, permit or other authorisation for each brokering transaction?

Yes ▾

8.4 Does your country have measures to validate the authenticity of documentation submitted by the broker?

--- Select --- ▾

7.4 Does your country regulate activities that are closely associated with the brokering of SALW?

Yes ▾

7.4.1. If so which of the following activities are regulated when undertaken in connection with the brokering of SALW (check relevant boxes)?

- |                                   |                                     |
|-----------------------------------|-------------------------------------|
| a) Acting as dealers or agents    | <input checked="" type="checkbox"/> |
| b) Providing technical assistance | <input checked="" type="checkbox"/> |
| c) Training                       | <input checked="" type="checkbox"/> |
| d) Transport                      | <input checked="" type="checkbox"/> |
| e) Freight forwarding             | <input checked="" type="checkbox"/> |
| f) Storage                        | <input checked="" type="checkbox"/> |
| g) Finance                        | <input checked="" type="checkbox"/> |
| h) Insurance                      | <input checked="" type="checkbox"/> |
| i) Maintenance                    | <input checked="" type="checkbox"/> |
| j) Security                       | <input checked="" type="checkbox"/> |
| k) Other services                 | <input type="checkbox"/>            |

## Sources Actions taken during the reporting period

7.5 During the reporting period, was action taken against groups or individuals engaged in illegal brokering (e.g. prosecution)?

--- Select --- ▾

## Sources International assistance

PoA III.6

8. Does your country wish to request assistance in developing laws, regulations or administrative procedures to regulate SALW brokering?

No ▾

## SECTION 5: STOCKPILE MANAGEMENT

## Sources Laws, regulations and administrative procedures

PoA II.17 9. Does your country have standards and procedures relating to the management and security of SALW held by the armed forces, police or any other entity authorised to hold SALW? Yes ▾

PoA II.17 9.1. If so, which of the following provisions are included in these standards and procedures (check relevant boxes)?

- a) Appropriate locations for stockpiles
- b) Physical security measures
- c) Control of access to stocks
- d) Inventory management and accounting control
- e) Staff training
- f) Security, accounting and control of SALW held or transported by operational units or authorised personnel
- g) Procedures and sanctions in the event of theft or loss
- h) Other

### Sources Surplus

PoA II.18 9.2. When stocks are identified as surplus, what actions does your country take with regard to the surplus (check relevant boxes)?

- a) Officially declare as surplus
- b) Take out of service
- c) Record by type, lot, batch, and serial number
- d) Store separately
- e) Other

9.3. In disposing of the surplus stocks, which of the following methods may be used (check relevant boxes)?

- a) Destruction
- b) Sale to another State
- c) Donation to another State
- d) Transfer to another state agency
- e) Sale to civilians
- f) Sale or transfer to legal entities (e.g. museums, private security companies, etc.)
- g) Other

### Sources Actions taken during the reporting period

PoA II.19 9.4. During the reporting period, has your country destroyed surplus stocks? No ▾

### Sources International assistance

PoA II.29; III.6 10. Does your country wish to request assistance in developing standards and procedures on stockpile management? No ▾

PoA III.6; 14 11. Does your country wish to request assistance in developing capacity for the destruction of weapons? No ▾

## SECTION 6: COLLECTION

## Sources Collection

12. During the reporting period, did your country collect any SALW?

--- Select --- ▼

## Sources International assistance

PoA III.6

13 Does your country wish to request assistance in building capacity for confiscation and seizure of the illicit SALW?

No ▼

## SECTION 7: MARKING AND RECORD KEEPING

## Sources Marking

ITI 8d

14. Does your country take measures to ensure that all SALW in the possession of government armed and security forces for their own use are duly marked?

--- Select --- ▼

ITI 8e

15. Does your country encourage manufacturers of SALW to develop measures against the removal or alteration of markings?

--- Select --- ▼

## Record-keeping

PoA II.9

16. Does your country have standards and procedures related to keeping of records for all marked SALW in its territory?

--- Select --- ▼

## Sources International assistance

PoA III.6, ITI 27

17. Does your country wish to request assistance in building capacity for record-keeping?

--- Select --- ▼

## SECTION 8: INTERNATIONAL TRACING

## Sources Laws, regulations and administrative procedures

PoA II.10;  
ITI 14, 24

18. Does your country have procedures in place to trace SALW?

--- Select --- ▼

## Sources Cooperation with INTERPOL

PoA II.37; ITI 33 19. During the reporting period, has your country cooperated on the issue of tracing SALW with the International Criminal Police Organization (INTERPOL) ?

--- Select --- ▼

### Sources International assistance

PoA II.36;  
III.6; ITI 27

2420. Does your country wish to request assistance in developing procedures to trace SALW? <td>

--- Select --- ▼

&n

PoA III.10; ITI 28

2521. Has your country considered providing assistance to examine technologies to improve the tracing and detection of illicit SALW? <td>

--- Select --- ▼

&n

### SECTION 9: INTERNATIONAL COOPERATION & ASSISTANCE <span>

### Sources Assistance requested / received / provided

PoA III.3, 6

2622. During the reporting period, in addition to the assistance requested/received mentioned in the Sections 2-8 above, has your country requested / received / provided assistance to implement the PoA and ITI? <td>

No ▼

&n

Any further comments on PoA and ITI, including implementation challenges and opportunities? <td>

Additional information may be uploaded/attached, if necessary:

### SECTION 10: INFORMATION TO BE SUBMITTED

### Information on national marking practice

2823. Pursuant to paragraph 31 of the International Tracing Instrument, States will provide the Secretary-General with the following information, updating it when necessary: <td>

- a) National marking practices related to marking used to indicate country of manufacture and/or country of import as applicable.

Additional information such as images and illustrations may be uploaded/attached, if necessary:

Note: Relevant information might have been provided in questions 4.2.1, 4.2.2 and 18.1 in this report.

**Information on measures undertaken in Ukraine  
to implement the "Program of Action to Prevent, Combat and Eradicate the Illicit  
Trade in Small Arms and Light Weapons in All Its Aspects"**

Ukraine has enacted adequate legislation and has put in place appropriate structures and procedures to exercise effective control over the small arms and light weapons (SALW).

The production, marking, possession and destruction of this category of weapons is licensed and supervised in accordance with a number of regulations issued by the Ministry of Defense, Ministry of Industrial Policy and Ministry of Interior. These regulations are in keeping with all the recommendations of the Program of Action and provide, inter alia, for a strict marking system that enables the competent national authorities to identify and trace the relevant weapons at any time and in a reliable way.

Measures for the destruction of surplus small arms and light weapons, as well as of those which are unserviceable or have been seized in connection with illicit traffic, are carried out on a planned and regular basis. The main method used for the destruction of weapons is to turn them into scrap metal, which is a reliable means of ensuring that they will not be used. Information concerning the quantity of small arms and light weapons destroyed is transmitted to the Organization for Security and Cooperation in Europe (OSCE) on a regular basis.

In pursuance of the special Decree by the President of Ukraine the "Plan of Action to implement the UN Program of Action and the OSCE Document on SALW" was elaborated and met the approval by the Cabinet of Ministers of Ukraine in November 2001. The Plan contains the list of obligations and measures to be taken in accordance with mentioned international documents and defines relevant ministries and other central state authorities (11 in total) responsible for their fulfillment. The Plan is also aimed at developing and improving the existing national legal base and regulations in this field.

Effective export control system

Ukraine attaches particular importance to ensuring effective export control procedures that meet all standing international requirements.

In this sphere Ukraine strictly adheres to the decisions taken by the UN Security Council, Organization for Security and Cooperation in Europe and Wassenaar Arrangement. The UNSC resolutions which impose sanctions regimes are guidelines for the adoption of the relevant legislation and regulations in Ukraine and are strictly implemented by the national authorities. In decision-making process we also take into account the provisions of a Moratorium by the Economic Community of West African States on import, export and manufacture of light weapons as well as the political principles of the European Union Code of Conduct on Conventional Arms Exports.

Ukraine recognizes important role of both the UN Program of Action and the OSCE SALW Document for their comprehensive approach to the issue of international arms transfers. Particular importance is attached to the OSCE Document, where the State-Parties, having agreed on common export criteria such as respect for human rights, avoidance of armed conflict, and compliance with international agreements, established a



detailed set of principles governing the procedures and documentation for the import, export and transit of small arms and light weapons.

Yearly Ukraine conducts a number of meetings and consultations on export control and non-proliferation issues, including SALW, with NATO, EU, the United States of America, Germany, United Kingdom and Russian Federation.

Standing Ukrainian legislation regulating export of conventional weapons, including SALW, and related technologies is in full conformity and compliance with the guidelines and principles described in the above mentioned documents.

The number of national legal acts, adopted by the Parliament, the President and the Cabinet of Ministries, are currently regulating all forms of activity related to the export control, including SALW.

Among those are the Presidential Decrees:

- On the Statute on State export control in Ukraine (# 117 of 13.02.1998);
- On military and technical cooperation with foreign states, export control and military-industrial policy (# 121 of 04.02.1999);
- On measures to improve military and technical cooperation of Ukraine with foreign States (# 422 of 21.04.1999);
- On the procedure for establishing (withdrawing) restrictions on the export of goods in accordance with Ukraine's international obligations (# 861 of 15.07.1999);
- On measures to enhance the effectiveness of military and technical cooperation between Ukraine and foreign States (# 868 of 08.07.2000);
- On State Export Control Service of Ukraine (#1265 of 27.12.2002);
- On separation of powers of central state authorities in the sphere of military and technical cooperation with foreign states (#276 of 20.03.2002);
- On the issues of State Export Control Service of Ukraine (#342 of 17.04.2002);
- On additional measures to improve control in the sphere of international military and technical cooperation (#1207 of 24.12.2002).

And the Decisions by the Cabinet of Ministers of Ukraine:

- On the Statute on the procedure for State monitoring of international transfer of military goods (# 1358 of 08.12.1997);
- On the Statute on the procedure for granting foreign economic agents the right to export and import military goods and goods containing information constituting a State secret (# 838 of 08.06.1998);
- On the Statute on the procedure for State monitoring of negotiations involving the conclusion of foreign economic agreements (contracts) on international transfers of military goods and dual-use goods (# 125 of 08.02.1998);
- On the Statute on the procedure for issuing guarantees and for state monitoring of international transfers of military goods and dual-use goods (# 920 of 27.05.1999).

On February 2003 the "Law of Ukraine On State Control of International Transfers of Goods Designated for Military Purposes and Dual-Use Goods" entered into force. This Law is aimed to govern activities related to state control over international transfers of goods designated for Military Purposes, including small arms and light weapons as well as their parts, materials and equipment specially designed for development and production of SALW, with the purpose of securing Ukraine's national

interests and observance of its international obligations and also to apply measures aimed at avoidance of use of the above mentioned goods for terrorist and other illegal purposes.

This Law covers activities related to international transfers of goods, including intermediary (brokerage) services, production, scientific, technical and other co-operation, their demonstration as exhibits at international fairs and exhibitions with the purpose of advertising, testing, marketing and barter operations with them, performed in accordance with the established procedures by entities involved in international transfers of goods.

Article 4 of the Law outlines principles of State policy in the export control sphere, among which are:

- obligatory observance of international commitments of Ukraine and assuring state control over implementation of international transfers of goods designed for military purpose as well as countering use of the those goods for terrorist and other illegal purposes;
- harmonization of procedures and rules of state export control with international legal norms and practice;
- insuring interaction with international organisations and foreign countries in the sphere of state export controls aimed at strengthening international security and stability.

One of the methods of state control implementation, as outlined in Article 5 of the Law, is application of sanctions to foreign economic activities entities that violated the procedures of international transfers of goods covered by the Law and other legislative acts in the sphere of export control.

Summarized below are national procedures and guidelines governing certain outstanding export control issues.

#### *Granting export permits*

The decision to grant or refuse a permit to export goods is taken by the State Export Control Service following its consideration and based on conclusions of an interdepartmental examination. Issues related to the granting of permits are referred to the Committee on Export Control Policy and Military and Technical Cooperation of the Office of the President of Ukraine.

The State Export Control Service invites different ministries and other state authorities to participate in the examination of exporters' applications for the export of conventional weapons and dual-use goods and technologies.

#### *Guidelines followed to assess export license applications*

In granting permits for the export of conventional weapons, including SALW, Ukraine pursues appropriate national policy and, in particular, imposes a full (or partial) embargo with respect to countries indicated in Security Council resolutions, recommendations of the General Assembly and decisions of OSCE. In addition, Ukraine fulfils its commitments as a party to the international regulations with respect to export controls.

In examining exporters' applications, Ukraine's export control bodies make use of lists of firms (companies) known throughout the world as violators of the international principles governing the transfer of conventional weapons and dual-use goods.

#### Effective implementation of export controls

The procedure for obtaining guarantees relating to the end-user of the goods and the place where the goods are to be used provides that the exporter must obtain from the importer:

- reliable information on the end-user, intended use and place of use of the goods specified in the agreement (contract);
- an undertaking to import the goods only into the country specified;
- an undertaking not to re-export the goods to third countries without the prior consent of the exporter and the export-control authorities of Ukraine and the user country.

The requisite undertakings and guarantees by the importer to the exporter may be submitted in the form of an import certificate, an end-user certificate and/or other documents that contain them.

The procedure for drawing up such documents is established by the legislation of the user country.

The authenticity of the documents is verified by the State Export Control Service, the Ministry of Foreign Affairs, the Security Service of Ukraine and other authorized bodies both during the stage at which the exporters' application is examined and when the goods are transferred. An end-user certificate and an import certificate need not be submitted in cases where special bought-in weapons components and military and special technology for the development, production, utilization and repair of military hardware are exported by Ukrainian industrial enterprises in compliance with international treaties (or agreements) relating to industrial and technological cooperation by industrial defense enterprises with enterprises of the Commonwealth of Independent States.

#### Control over the arms export negotiations

The set of measures concerning State monitoring of negotiations between export companies and foreign companies in relation to the conclusion of foreign economic contracts on international transfers of military goods and also on the export of dual-use goods to countries against which a partial embargo on deliveries of such goods has been imposed was adopted by decision No. 125 of 4 February 1998 of the Cabinet of Ministers of Ukraine, entitled "Statute on the procedure for State monitoring of negotiations involving the conclusion of foreign economic agreements (contracts) on international transfers of military goods and dual-use goods".

The State Export Control Service prepares quarterly and half-yearly reports addressed to the President and the Prime Minister on the results of the granting of permits, which include quantitative and qualitative analysis of shipments of goods, including those for which permits were granted and those for which permits were refused.

*Judicial and administrative sanctions in case of the national control regime violations*

Ukrainian legislation provides for combating violations in the area of international transfers of controlled goods and imposes criminal, administrative, civil or financial penalties on the guilty parties. The Ukrainian acts on the Security Service of Ukraine (art. 2) and on operational investigatory activity (art. 1), of 5 April 1992 and 18 February 1992, respectively, assign law-enforcement agencies the basic tasks of preventing, identifying, halting and exposing crimes through the investigation and establishment of the facts relating to the illegal activities of individuals or groups. The Civil Code of Ukraine (arts. 48, 49 and 50) establishes rules for determining whether or not an agreement meets the requirements of legislation and sets out the material responsibility for parties to an illegal agreement. The provisions of the Customs Code of Ukraine (arts. 103, 111, 113 and 114) set out responsibility for violation of customs rules. Such violations are punishable by monetary penalties (fines), confiscation of property, administrative detention of property and confiscation of documents.

A considerable number of infractions in the field of exports of weapons and dual-use goods are covered by the Criminal Code of Ukraine (arts. 221, 221 (1), 222, 228 (2), 228 (4), 228 (5), 228 (6), 229 and 70).

Section IV of the "Law of Ukraine On State Control of International Transfers of Goods Designated for Military Purposes and Dual-Use Goods" provides for the measures aimed at preventing violations in the export control sphere and outlines responsibilities for legal entities, persons and executive power officials for violations of the standing export control legislation.

State Export Control Service has established instructions for conducting investigations of violations by foreign companies of export-control rules and procedures, as well as the procedure for verifying Ukrainian companies' compliance with their commitments to use military goods and dual-use goods imported with the provision of State guarantees for their declared purposes.