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| **THE CABINET OF MINISTERS OF UKRAINERESOLUTION** |
| **No. 86 dated January 28, 2004Kyiv** |

**On Approving the Procedure for State Control over the International Transfers of Dual-Use Goods**

{As amended by Resolutions of the Cabinet of Ministers
[No. 699 dated May 26, 2004](https://zakon.rada.gov.ua/laws/show/699-2004-%D0%BF)
[No. 1432 dated October 28, 2004](https://zakon.rada.gov.ua/laws/show/1432-2004-%D0%BF)
[No. 274 dated April 13, 2005](https://zakon.rada.gov.ua/laws/show/274-2005-%D0%BF)
[No. 622 dated July 21, 2005](https://zakon.rada.gov.ua/laws/show/622-2005-%D0%BF)
[No. 1209 dated December 15, 2005](https://zakon.rada.gov.ua/laws/show/1209-2005-%D0%BF)
[No. 227 dated March 1, 2006](https://zakon.rada.gov.ua/laws/show/227-2006-%D0%BF)
[No. 726 dated May 25, 2006](https://zakon.rada.gov.ua/laws/show/726-2006-%D0%BF)
[No. 809 dated June 7, 2006](https://zakon.rada.gov.ua/laws/show/809-2006-%D0%BF)
[No. 1700 dated December 8, 2006](https://zakon.rada.gov.ua/laws/show/1700-2006-%D0%BF)
[No. 692 dated May 3, 2007](https://zakon.rada.gov.ua/laws/show/692-2007-%D0%BF)
[No. 1012 dated August 8, 2007](https://zakon.rada.gov.ua/laws/show/1012-2007-%D0%BF)
[No. 1240 dated October 17, 2007](https://zakon.rada.gov.ua/laws/show/1240-2007-%D0%BF)
[No. 464 dated May 14, 2008](https://zakon.rada.gov.ua/laws/show/464-2008-%D0%BF)
[No. 755 dated August 27, 2008](https://zakon.rada.gov.ua/laws/show/755-2008-%D0%BF)
[No. 886 dated October 1, 2008](https://zakon.rada.gov.ua/laws/show/886-2008-%D0%BF)
[No. 338 dated April 15, 2009](https://zakon.rada.gov.ua/laws/show/338-2009-%D0%BF)
[No. 442 dated May 6, 2009](https://zakon.rada.gov.ua/laws/show/442-2009-%D0%BF)
[No. 740 dated July 17, 2009](https://zakon.rada.gov.ua/laws/show/740-2009-%D0%BF)
[No. 876 dated August 19, 2009](https://zakon.rada.gov.ua/laws/show/876-2009-%D0%BF)
[No. 3 dated January 6, 2010](https://zakon.rada.gov.ua/laws/show/3-2010-%D0%BF)
[No. 887 dated September 29, 2010](https://zakon.rada.gov.ua/laws/show/887-2010-%D0%BF)
[No. 1143 dated December 15, 2010](https://zakon.rada.gov.ua/laws/show/1143-2010-%D0%BF)
[No. 24 dated January 18, 2012](https://zakon.rada.gov.ua/laws/show/24-2012-%D0%BF)
[No. 282 dated April 5, 2012](https://zakon.rada.gov.ua/laws/show/282-2012-%D0%BF)
[No. 453 dated May 21, 2012](https://zakon.rada.gov.ua/laws/show/453-2012-%D0%BF)
[No. 696 dated August 1, 2012](https://zakon.rada.gov.ua/laws/show/696-2012-%D0%BF)
[No. 698 dated August 1, 2012](https://zakon.rada.gov.ua/laws/show/698-2012-%D0%BF)
[No. 1027 dated October 24, 2012](https://zakon.rada.gov.ua/laws/show/1027-2012-%D0%BF)
[No. 779 dated October 23, 2013](https://zakon.rada.gov.ua/laws/show/779-2013-%D0%BF)
[No. 423 dated September 10, 2014](https://zakon.rada.gov.ua/laws/show/423-2014-%D0%BF)
[No. 184 dated March 10, 2017](https://zakon.rada.gov.ua/laws/show/184-2017-%D0%BF#n2)
[No. 418 dated June 14, 2017](https://zakon.rada.gov.ua/laws/show/418-2017-%D0%BF#n2)
[No. 868 dated November 15, 2017](https://zakon.rada.gov.ua/laws/show/868-2017-%D0%BF#n2)
[No. 1 dated January 11, 2018](https://zakon.rada.gov.ua/laws/show/1-2018-%D0%BF#n2)
[No. 974 dated October 24, 2018](https://zakon.rada.gov.ua/laws/show/974-2018-%D0%BF#n2)
[No. 916 dated November 6, 2019](https://zakon.rada.gov.ua/laws/show/916-2019-%D0%BF#n116)}

Pursuant to [Article 8](https://zakon.rada.gov.ua/laws/show/549-15) of the Law of Ukraine *On State Control over the International Transfers of Military Goods and Dual-Use Goods*, the Cabinet of Ministers of Ukraine hereby **resolves as follows:**

1. To approve [the Procedure for State Control over the International Transfers of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n10) (attached).

2. To invalidate the Resolutions of the Cabinet of Ministers of Ukraine according to the  [List](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n177) attached hereto.

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| **Prime Minister of Ukraine** | **V. YANUKOVICH** |
| **Ind. 29** |  |
|  | **APPROVED****by Resolution No. 86 of the Cabinet of Ministers of Ukrainedated January 28, 2004****(as amended by Resolution No. 974 of the Cabinet of Ministers of Ukraine**[**dated October 24, 2018**](https://zakon.rada.gov.ua/laws/show/974-2018-%D0%BF#n11)**)** |

**PROCEDURE
for State Control over the International Transfers of Dual-Use Goods**

*{Throughout the text of the Procedure the words "Ministry of Economic Development" were replaced with the words "Ministry of Economy" pursuant to Resolution of the Cabinet of Ministers* [*No. 916 dated November 6, 2019*](https://zakon.rada.gov.ua/laws/show/916-2019-%D0%BF#n116)*}*

**General**

1. This Procedure defines the procedures for state control over the international transfers of:

dual-use goods entered into the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) as per annex;

goods not entered into the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234), in the cases stipulated by [Article 10](https://zakon.rada.gov.ua/laws/show/549-15) of Law of Ukraine *On State Control over International Transfers of Military and Dual-Use Goods* (the "Law").

2. The terms used in this Procedure shall have the meaning defined in the [Law](https://zakon.rada.gov.ua/laws/show/549-15).

3. An international transfer of goods specified in [Clause 1](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n240) hereof (the "goods") may be carried out by a participant of international transfers of goods, the central executive authority, a military unit, a law enforcement agency, a civil defense body or division of Ukraine (hereinafter, "participants"), a foreign participant of economic or other activity (hereinafter, "foreign participant") subject to a respective permit or authorization issued by the State Service for Export Control, as specified in [Article 15](https://zakon.rada.gov.ua/laws/show/549-15) of the Law.

4. A permit or a conclusion issued by the State Service for Export Control for the international transfer of any device, equipment or material, shall give the right to transfer a minimum necessary technology for the installation and operation of the goods as intended, including their maintenance and repair, in the amount and volumes stipulated by such permit or authorization. The quantity and volumes of such technology shall be limited to the information set out in the documents (certificate, data sheet) specially designed for certain goods by its developer or manufacturer and supplied along with those goods.

5. International transfers of goods that are physical storage media for information classified as the state secret shall be carried out in compliance with the requirements of the state secret protection law.

**Requirements for Customs Control and Customs Clearance of Goods**

6. Upon moving goods across the customs border of Ukraine, their customs control and customs clearance shall be carried out in accordance with the procedure established by the customs law.

During the customs clearance of goods, a participant or a foreign participant, along with other documents required for the customs control and customs clearance of goods, shall submit an original permit or authorization issued by the State Service for Export Control of Ukraine, pursuant to [Part 2](https://zakon.rada.gov.ua/laws/show/4495-17#n2200) of Article 264 of the Customs Code of Ukraine.

The customs clearance of goods shall be carried out upon receipt of electronic permits and conclusions by the State Fiscal Service from the State Service for Export Control via the electronic system of state export control.

These permits and conclusions shall contain reference information on the product codes according to the [Ukrainian Classifier of Goods for Foreign Trade (UKTZED)](https://zakon.rada.gov.ua/laws/show/584%D0%B0-18#n3). The conformity of physical features of the goods declared for customs clearance to their name and description provided in the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) shall be the only ground for making a decision on the customs clearance of goods.

**Restrictions on the International Transfers of Certain Categories of Goods**

7. It is not allowed to export goods to the states in respect of which the UN Security Council has imposed an export embargo , as well as in the case when the findings of an expert review in the field of state export control gives the grounds to believe that those goods are intended for:

1) creating weapons of mass destruction or facilities for their delivery;

2) use for terroristic or other illegal purposes;

3) use in the activities associated with the creation of nuclear explosive devices, or in the activities associated with the nuclear fuel cycle, which are not covered by the IAEA guarantees;

4) use in the activities associated with the purchase, creation, stockpiling, or application of chemical weapons, except when such goods are intended for the purposes not prohibited by the [Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction](https://zakon.rada.gov.ua/laws/show/995_182) (the "Convention");

5) use in the activities associated with the acquisition, creation, accumulation, or application of causative (pathogenic) agents and toxins as bacteriological (biological) weapons and toxin weapons or their components.

8. The export and temporary bringing out from Ukraine, import and temporary bringing in to Ukraine of the goods specified under the categories 1C350.1, 1C350.3, 1C350.5, 1C350.10-1C350.13, 1C350.17, 1C350.18, 1C350.21-1C350.22, 1C350.25-1C350.28, 1C350.31-1C350.37, 1C350.39, 1C350.54-1C350.56, 1C350.60, 1C350.61, 1C350.63, 1C351.d.4, 1C351.d.5, 1C450.а.1-1C450.а.2, 1C450.b.1-1C450.b.6 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) is allowed only to or from the party states to the [Convention](https://zakon.rada.gov.ua/laws/show/995_182).

The export and temporary bringing out from Ukraine, import and temporary bringing in to Ukraine of goods specified under the categories 1C351.d.4 and 1C351.d.5 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) is allowed only to or from the party states to the [Convention](https://zakon.rada.gov.ua/laws/show/995_182) in case those goods are used for research, medical, pharmaceutical, or protection purposes directly associated with the protection against toxic chemicals and chemical weapons.

The export and temporary bringing out from Ukraine, import and temporary bringing in to Ukraine of the goods specified under the categories 1C350.1, 1C350.3, 1C350.5, 1C350.10-1C350.13, 1C350.17, 1C350.18, 1C350.21-1C350.22, 1C350.25-1C350.28, 1C350.31-1C350.37, 1C350.39, 1C350.54-1C350.56, 1C350.60, 1C350.61, 1C350.63, 1C450.а.1-1C450.а.2, 1C450.b.1-1C450.b.6 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) is allowed to or from the states that are not parties to the [Convention](https://zakon.rada.gov.ua/laws/show/995_182) when those goods:

contain 1% or less of chemicals specified under the categories 1C450.а.1-1C450.а.2 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234);

contain 10% or less of chemicals specified under the categories 1C350.1, 1C350.3, 1C350.5, 1C350.10-1C350.13, 1C350.17, 1C350.18, 1C350.21-1C350.22, 1C350.25-1C350.28, 1C350.31-1C350.37, 1C350.39, 1C350.54-1C350.56, 1C350.60, 1C350.61, 1C350.63, 1C450.b.1-1C450.b.6 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234);

are defined as products packed for retail trade or for individual use.

9. The export and temporary bringing out from Ukraine, import and temporary bringing in to Ukraine of the goods specified under the categories 1С351-1С354 of Section 1 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) is allowed only when those goods are intended for prevention, protection, and other peaceful purposes, and are not associated with the purchase, creation, stockpiling, or use of causative (pathogenic) agents and toxins as bacteriological (biological) weapons and toxic weapons or their components.

10. The export of goods specified in the section "Category I of Goods that May Be Used in Creating Missiles" of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) is not allowed, except as otherwise provided for by the guiding principles of the Missile Technology Control Regime.

11. Information on the export and import of certain categories of goods, pursuant to the international commitments of Ukraine, shall be submitted by the State Service for Export Control to the Ministry of Foreign Affairs to inform designated international organizations Ukraine is a member of.

**General Requirements for International Transfers of Goods**

12. A permit or a conclusion of the State Service for Export Control is issued for:

1) Export, temporary bringing out, re-export of goods, where the latter is carried out through the export procedure

2) Import and temporary bringing in of the goods specified under the categories 0С001, 0С002, 1А007, 1А008, 1А906, 1В904, 1С012, 1C350.1-1C350.3, 1C350.5-1C350.28, 1C350.30-1C350.56, 1C350.58-1C350.63, 1С351-1С354, 1C450.а.1-1C450.а.7, 1C450.b.1-1C450.b.6, 1C450.b.8, 1С913, and Part 3 of Section 5, as well as import of a technology pursuant to a special note to the category 1Е001 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234)

3) Temporary bringing in of goods for the purpose of rendering services of their repair, maintenance, upgrading etc. to a foreign participant

4) Import of the goods not included in the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234), in case such goods are imported to Ukraine with the presentation of an international import certificate or an individual document containing state guarantees and attesting importer's obligations to import goods to Ukraine

5) Transit across Ukraine of the goods specified under the categories 0С001, 0С002, 1С351-1С354 and in the section "Category I of Goods that Can Be Used in Creating Missiles" of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234).

13. To receive a permit or a conclusion for export, import, re-export, or temporary bringing out, temporary bringing in of goods, the following documents shall be submitted to the State Service for Export Control:

1) An application for a permit or a conclusion to carry out the international transfer. An application form and the procedure for filling out and submitting it shall be determined by the Ministry of Economy

2) An original document with which an end user confirms the intermediary's right to deliver goods to the end user (to be submitted if a participant or a foreign participant importing goods acts as an intermediary). Upon receiving an open or a general permit, an original permit shall be submitted along with a report on the actual (partial) export or import of goods, as specified in [Clause 31](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n345) hereof. If participation of the intermediary in performing a foreign trade agreement (contract) for the delivery of goods to an end user is indicated in an end user certificate or an import certificate, such document does not need to be submitted.

3) Original documents containing obligations of each intermediary to transfer goods to another intermediary or to an end user indicated in an end user certificate or an import certificate (to be submitted if goods are delivered to an end user via intermediaries). To receive a respective open or general permit, original documents shall be submitted not with the application, but with a report on the actual (partial) export or import of goods, as specified in [Clause 31](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n345) hereof.

14. To receive a conclusion for the transit of goods across the territory of Ukraine, the following documents shall be submitted to the State Service for Export Control:

1) An application for a conclusion for the transit of goods across the territory of Ukraine. An application form and the procedure for filling out and submitting it shall be determined by the Ministry of Economy

2) A certified copy of an export license of the exporting state or another official document containing information on the authorization for the international transfer of goods.

15. Original and certified copies of documents specified herein shall be submitted by the applicant to the State Service for Export Control along with a cover letter.

Documents submitted to the State Service for Export Control shall be issued in the state language. Documents made in a foreign language must include their translation into Ukrainian duly certified with a signature of the applicant's authorized person.

An application and documents submitted to the State Service for Export Control to obtain a permit or a conclusion for the international transfer of goods shall contain full and accurate information on all parties to the international transfer of goods specified in the application, on the goods and the procedure of their international transfer, on the end use of those goods, and on the guarantees of their use for declared purposes only.

An officer authorized to act on behalf of the participant shall bear personal liability for the accuracy and integrity of information and data provided in the documents submitted to obtain permits or conclusions for the international transfers of goods.

16. Applications for a permit to export the goods specified in the section "Category I of Goods that Can Be Used in Creating of Missiles” of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) shall be considered involving the State Space Agency within its competence.

17. The period for considering an application for a permit or a conclusion to carry out the international transfer of goods and cases of its dismissal are established in [Articles 15](https://zakon.rada.gov.ua/laws/show/549-15) and [16](https://zakon.rada.gov.ua/laws/show/549-15) hereof.

An administrative fee for the issuance of permits and conclusions for international transfers of goods by the State Service for Export Control shall be charged pursuant to [Article 30](https://zakon.rada.gov.ua/laws/show/549-15) of the Law.

18. Applications for permits to export goods to the states under partial embargo or restrictions on the export of such goods proceeding from the international commitments of Ukraine, subject to the need to ensure the national security, shall be reviewed involving the Ministry of Foreign Affairs, the Ministry of Defense, the Security Service of Ukraine, intelligence agencies of Ukraine, and the Interagency Committee for the Military Technical Cooperation Policy and Export Control.

When additional interagency approval by the ministry is required (upon receipt of information on the conformity of the international transfer to the national interests of Ukraine, on a possible deviation from the declared end use of goods, upon checking an end user or an intermediary, or upon holding consultations with the relevant bodies of the party states to the international export control regimes), other central executive authorities and the government bodies shall submit their conclusion on the possibility of an international transfer upon receipt of a respective request.

**Additional requirements for the export, temporary bringing out, and re-export of goods**

19. To receive a permit for the export of goods, it is necessary to submit documents specified in [Clause 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) hereof and original documents on the obligations and guarantees of a foreign participant (end user) regarding imported goods (end user certificate or other document of guarantees), which shall contain the following:

1) Information on the end user of goods, their export, description and quantity of goods, intended purpose, as well as the specific goal and place of use

2) Obligations of a foreign participant (end user) not to re-export and to transfer the goods to anyone without a prior written consent of the exporter of such goods and the State Service for Export Control, as well as its obligations in respect of certain groups of goods, i.e.:

goods that can be used to create missiles:

- to use the goods only for declared purposes not related to the creation of missiles intended for the delivery of weapons of mass destruction;

- not to copy, modify, or alter the goods without a prior written consent thereto of the exporter of such goods and the State Service for Export Control;

- not to re-export or transfer to anyone the goods, their copies, or devices or equipment created on the basis thereof, without a prior written consent thereto of the exporter of such goods and the State Service for Export Control;

goods that can be used to create nuclear weapons:

- to use the goods only for declared purpose not related in any way to the activities associated with the creation of nuclear explosive devices, or the activities related to the nuclear fuel cycle, which are not put under the IAEA guarantees;

- not to copy, not to modify, not to re-export the goods or to transfer them to anyone without a prior written consent thereto of the exporter of such goods and the State Service for Export Control, including goods intended for own needs of the end user;

goods that can be used to create chemical weapons:

- to use the goods for declared purposes only, which are not associated with the creation of chemical weapons or with any other activities prohibited by the [Convention](https://zakon.rada.gov.ua/laws/show/995_182);

- not to re-export or transfer the goods to anyone without a prior written consent thereto of the exporter of such goods and the State Service for Export Control, including goods intended for own needs of the end user.

The document containing obligations of a foreign participant shall indicate the name of the chemical, structural formula, and registration number of the goods under the international guide "Chemical abstracts service", in case such number has been assigned to the goods (in case of the export of chemicals);

goods that can be used to create bacteriological (biological) weapons:

- to use the goods only for declared purposes, which are not associated with the creation of bacteriological (biological) and toxin weapons or any other activities prohibited under the [Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction](https://zakon.rada.gov.ua/laws/show/995_054);

- not to re-export or transfer the goods to anyone without a prior written consent thereto of the exporter of such goods and the State Service for Export Control, including goods intended for own needs of the end user.

The document containing obligations and guarantees of a foreign participant shall indicate the name of the causative (pathogenic) agent or toxin strain with a reference to the respective certificate (in case of the export of causative (pathogenic) agents or toxins).

If a foreign entity (end user) intends to re-export or transfer goods received to another end user in future, the aforesaid document shall indicate its commitment to perform such operations only subject to a written consent thereto of an exporter and the State Service for Export Control.

If goods specified in the "Sensitive" or "Particularly sensitive" categories of goods in the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234) are exported to the states that are not party states to the international export control regime under the Wassenaar Arrangement, or when goods specified in other sections of the Unified List of Dual-Use Goods are exported to the states that are not party states to the respective international export control regime, i.e. Missile Technology Control Regime, Nuclear Suppliers Group, Australia Group, an original import certificate or other document issued or confirmed by the competent government body of the country of destination of the goods and containing a confirmation or guarantees of the government body regarding the import of the said goods to the designated state shall be submitted along with the documents listed in this clause.

To obtain a permit for the export of services in warranty maintenance of the goods, information on the details of the documents specified in this clause, which have been issued earlier for such goods, and on the obligations and guarantees of a foreign participant (end user) shall be submitted to the State Service for Export Control along with the application.

Upon receipt of an open or a general permit for the export of goods, documents on the obligations and guarantees of a foreign participant (end user) specified in this clause shall be submitted to the State Service for Export Control along with a report on the actual (partial) export of goods, as specified in [Clause 31](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n345) hereof.

20. An open or a general permit for the export of goods to the states that are not parties to the respective international export control regime Ukraine where Ukraine holds membership, provided that there is no international treaty underlying such export with the end user's state, shall be submitted in accordance with the established procedure by agreement with the Ministry of Foreign Affairs, the Security Service of Ukraine, and the intelligence agencies of Ukraine within their competence.

The actual shipment of goods intended for export under an open or a general permit shall be carried out by the participant only upon receipt of the documents on the obligations and guarantees of a foreign participant (end user) specified in [Clause 19](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n292) hereof.

21. To receive a permit for the re-export of goods, documents listed in [Clauses 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) and [19](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n292) hereof and documents confirming absence of any restrictions on re-export of goods by the exporter of such goods to Ukraine shall be submitted to the State Service for Export Control.

22. The goods previously exported from Ukraine shall be transferred to another end user subject to a written consent of the State Service for Export Control to the possibility of such transfer.

To obtain such written consent, a Ukrainian exporter of goods shall send the State Service for Export Control a letter with a brief description of its purpose and duly certified copies of obligations and guarantees of a foreign participant (end user) goods are transferred to regarding the imported goods pursuant to [Clause 19](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n292) hereof;

If goods are delivered to an end user via intermediaries, the documents listed in [Subclauses 2](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n277) and [3](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n278) of Clause 13 hereof shall be also attached to the letter.

23. To obtain a conclusion for temporary bringing out of goods for display at the exhibitions and fairs, for promotional, testing, training, or other purposes, which does not imply the transfer of the ownership right for the goods, a Ukrainian participant shall send to the State Service for Export Control a letter with a brief description of its purpose and the obligations (guarantees) of the object to re-export goods to Ukraine without changing their quantitative and qualitative characteristics, as well as the documents listed [Subclause 1](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n276) of Clause 13 hereof.

24. To obtain a permit or a conclusion for the export, re-export, or temporary bringing out of goods specified in Section 0 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234), the documents listed in [Clause 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) hereof shall be submitted to the State Service for Export Control along with the following documents:

1) An original document issued or confirmed by the competent government body of the country of destination of goods, which shall contain a confirmation or guarantees of this government body that the goods received and nuclear and special non-nuclear materials, installations, and equipment produced on the basis of or as a result of use of those goods:

will not be used to produce nuclear weapons or other nuclear explosives, or to achieve any military goal;

will stay under IAEA control (guarantees) throughout the entire period of their actual use under the treaty on the guarantees between the state receiving the goods and IAEA, which covers the whole peaceful nuclear activities of that state;

will be supplied with the means of physical protection at the level recommended by IAEA or higher;

will be re-exported or transferred from under the jurisdiction of the importing state to any other state only subject to the conditions specified in this clause and only subject to a written consent thereto of the exporter of those goods and the State Service for Export Control.

Confirmations or guarantees specified in this subclause will be accepted for consideration in case they are issued by the competent government body of the state receiving the goods, by confirming obligations by the latter in connection with the deliveries from Ukraine, or by referring to the obligations under multi-lateral or bilateral treaties between Ukraine and the state receiving the goods

2) An original authorization issued by the State Inspectorate for Nuclear Control regarding compliance with the nuclear and radiation safety requirements (to be submitted in case of the export, re-export, or temporary bringing out of the goods specified under the categories 0С001 and 0С002 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234)).

**Additional requirements for the import and temporary bringing in of goods**

25. To receive a permit for the import of goods, it is necessary to submit to the State Service for Export Control the documents listed in [Clause 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) hereof and:

1) An original end user certificate according to the form established by the [Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control](https://zakon.rada.gov.ua/laws/show/920-99-%D0%BF), approved by Resolution of the Cabinet of Ministers of Ukraine No. 920 dated May 27, 1999 (The Official Bulletin of Ukraine, 1999, No. 22, Art. 1005)

2) An original document on the obligations of the importer and the end user to use goods imported to Ukraine solely for the purposes specified in [Clauses 8](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n259) or [9](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n265) hereof (to be submitted in case of the import of the goods specified under the categories 1C350.1-1C350.3, 1C350.5-1C350.28, 1C350.30-1C350.56, 1C350.58-1C350.63, 1C351.d.4, 1C351.d.5, 1C450.а.1-1C450.а.7, 1C450.b.1-1C450.b.6, 1C450.b.8, or under the categories 1С351-1С354 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234)).

To receive an open or a general permit for the import of goods, the documents specified in Subclauses 1 and 2 of this clause shall be submitted to the State Service for Export Control not with the application, but with the report on the actual (partial) import of goods, as specified in [Clause 31](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n345) hereof.

26. If goods are to be imported to Ukraine against issuance of documents by the Ukrainian party on the guarantees associated with the end use of imported goods, such documents shall be issued pursuant to the [Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control](https://zakon.rada.gov.ua/laws/show/920-99-%D0%BF).

27. The transfer of goods to another end user in the territory of Ukraine, if those goods have been imported to Ukraine on the basis of a permit and/or with the presentation of an international import certificate or an individual document containing state guarantees, shall be carried out subject to a written approval of the possibility of such transfer by the State Service for Export Control.

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

a document attesting a foreign exporter's consent to the subsequent transfer of goods to another end user in the territory of Ukraine;

an original end user certificate issued by an end user to whom the goods are transferred for use, according to the form established by [the Regulation on Issuing Guarantees and Exercising State Control over the Fulfillment of Obligations on the Proper Use of Goods Subject to State Export Control](https://zakon.rada.gov.ua/laws/show/920-99-%D0%BF);

information on the details of the end user certificate and the import certificate or other document containing state guarantees, which have been issued for such goods earlier.

If goods are delivered to an end user via intermediaries, the documents listed in [Subclauses 2](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n277) and [3](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n278) of Clause 13 hereof shall be also attached to the letter.

28. Temporary bringing in of goods for the purpose of rendering services of their repair, maintenance, upgrading etc. to a foreign entity shall be carried out on the basis of a relevant authorization of the State Service for Export Control, and the export of such services (along with the return of imported goods), including provision of warranty maintenance services, shall be carried out on the basis of a permit of the State Service for Export Control. These authorization and permit shall be submitted on the basis of the documents listed in [Clauses 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) and [19](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n292) hereof.

29. To receive a conclusion for the temporary bringing out of goods for display at the exhibitions and fairs, for promotional, testing, training, and other purposes, which does not provide for the transfer of the ownership right for those goods, the documents specified in [Clause 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) hereof shall be submitted to the State Service for Export Control.

30. To obtain a conclusion for the temporary bringing out of the goods specified under the categories 1C350.1-1C350.3, 1C350.5-1C350.28, 1C350.30-1C350.56, 1C350.58-1C350.63, 1C351.d.4, 1C351.d.5, 1C450.а.1-1C450.а.7, 1C450.b.1-1C450.b.6, 1C450.b.8 or under the categories 1С351-1С354 of the [Unified List of Dual-Use Goods](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n234), it is necessary to submit to the State Service for Export Control the documents specified in [Clause 13](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n275) hereof and an original document on the obligations to use the goods imported to Ukraine solely for the purposes that are not in conflict with [Clauses 8](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n259) or [9](https://zakon.rada.gov.ua/laws/show/86-2004-%D0%BF#n265) hereof.

**Reporting and Liability**

31. The participants who have received a permit or a conclusion shall submit to the State Service for Export Control reports on the actual (partial, or non-performed) export or import of the goods specified in those documents, and on the use (partial use) of or on the failure to use the goods for declared purposes. The forms of those reports and the period of their submission shall be determined by the Ministry of Economy.

A failure to submit or late submission of the reports specified in this clause by the participant shall entail liability stipulated by the [Law](https://zakon.rada.gov.ua/laws/show/549-15).

32. The participants who violate requirements of this Procedure shall be held liable according to the [Law](https://zakon.rada.gov.ua/laws/show/549-15).

*{The Procedure amended by Resolution of the Cabinet of Ministers*[*No. 974 dated October 24, 2018*](https://zakon.rada.gov.ua/laws/show/974-2018-%D0%BF#n5)*}*

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**[UNIFIED LIST](https://zakon.rada.gov.ua/laws/file/text/59/f139712n237.doc)**
**of Dual-Use Goods**

*{The Procedure supplemented with an annex pursuant to Resolution of the Cabinet of Ministers*[*No. 1 dated January 11, 2018*](https://zakon.rada.gov.ua/laws/show/1-2018-%D0%BF#n9)*}*