

**DECREE of the President of Ukraine**  
**On Measures to Perfect Military and Technical Cooperation Between Ukraine**  
**and Foreign Countries**

In order to perfect military and technical cooperation between Ukraine and foreign countries, protect national interests, fulfill international obligations, determine procedures of regulating international transfers of military related goods, according to paragraph 1 of Article 106 of the Constitution of Ukraine, I decree:

1. Determine that the goals of the military and technical cooperation between Ukraine and foreign countries are to protect national interests and security of the country, provide Armed Forces and other military formations with modern arms, hardware and other military-related goods, develop export potential of the military-industrial complex, increase science and technology potential of the defense industry of Ukraine.
2. Conditions for military and technical cooperation with foreign countries are:
  - priority of national interests;
  - state's monopoly in regulating activities in the area of military and technical cooperation;
  - being in line with the legislation on state secrets;
  - being in line with Ukraine's international obligations regarding military and technical cooperation;
  - central bodies of the executive power and other bodies legally determined as participants in and subjects of military and technical cooperation are subject to control and responsibility;
  - state defends rights and legitimate interests of participants in and subjects of the military and technical cooperation;
  - coordination of activities of participants in military and technical cooperation.
3. The military and technical cooperation includes the following activities:
  - information exchange;
  - signing international treaties and treaties on foreign economic activities (contracts);
  - export and import of military-related goods, including providing to and receiving from foreign subjects of military and technical cooperation consulting, marketing, mediation, brokerage, agency, cosigning and legal services;
  - cooperation with foreign subjects of economic activity in the areas of science, science and technology, science and production, training and others;
  - cooperation with international organizations in military and technical spheres;
  - organization and carrying out exhibitions, tenders, auctions, conferences, symposia, seminars and other activities of the kind which involve military-related goods;
  - other activities in this area which do not run counter to Ukraine's legislation and international legal norms.
4. State regulation of activities in the area of military and technical cooperation is carried out through:

- a. determination of directions of military and technical cooperation with respect to political and economic interests of Ukraine;
- b. establishing bans and limitation on export and import transactions with respect to military-related goods with the goal to ensure security and defence, economic stability, protection of the domestic market, strengthening political and economic stance of Ukraine, fulfilling international obligations regarding arms reduction and destruction and nonproliferation of weapons of mass destruction.
- c. not allowing to participate in military and technical cooperation those enterprises, agencies and organizations which do not have required authorities or permissions and are not registered at authorized state organs;
- d. in some cases providing insurance for export transactions with respect to military-related goods, as well as providing loans through Ukrainian and/or international banks, foreign banks, specialized insurance stock companies where Ukraine holds 50%+1 share.

5. The state control ensures that participants and subjects in military and technical cooperation respect the legislation.

Subject to the state control are:

- a. compatibility of activities of participants and subjects of military and technical cooperation and goals and conditions of such cooperation and Ukraine's legislation;
- b. effectiveness of the state regulation of activities in the area of military and technical cooperation;
- c. being in line with Ukraine's international obligations in the area of military and technical cooperation;
- d. prices for exports of military-related goods with respect to the economic interests of Ukraine;
- e. receiving, traffic and using of money resulting from the export of military-related goods;
- f. preserving state secrets, intellectual property copyrights, and encryption while carrying out military and technical cooperation;
- g. negotiations and signing foreign economic agreements (contracts) regarding international transfers of military related goods.

6. Coordination of and control over activities of participants in military and technical cooperation is carried out by the Council on National Security and Defense of Ukraine, the Commission on Export Control Policy and Military and Technical Cooperation With Foreign Countries, and the Cabinet of Ministers of Ukraine within the framework of their powers; coordination of and control over activities of subjects of such cooperation is carried out by respective participants in military and technical cooperation.

6. Executive power bodies in the area of military and technical cooperation carry out their responsibilities based on the Constitution and legislation of Ukraine.

The Cabinet of Ministers of Ukraine:

- a. ensures the implementation of the state policy in the area of military and technical cooperation;

- b. signs, according to established procedures, international treaties on military and technical cooperation;
- c. creates Ukrainian parts of bilateral or multilateral intergovernmental commissions on the issues of military and technical cooperation;
- d. designates participants in military and technical cooperation from the Ukrainian side;
- e. resolves liability issues with subjects in military and technical cooperation resulting from termination or suspension of export or import of military-related goods, if Ukraine decides, according to established procedure, to terminate or suspend military and technical cooperation with foreign countries;
- f. designates and approves state customers for imports of military-related goods;
- g. ensures price policy with respect for domestic and foreign market prices for military-related goods;
- h. on request from the Commission on Export Control Policy and Military and Technical Cooperation With Foreign Countries, provides subjects in military and technical cooperation with authorities to carry out exports and imports of military-related goods;
- i. coordinates activities of participants in military and technical cooperation regarding their role in organizing exhibitions and demonstrations of military-related goods.

Within the framework of their authorities, ministries and other central organs of executive power:

- a. ensure implementation of decisions of the President of Ukraine, the Council on National security and Defense of Ukraine, and the Cabinet of Ministers of Ukraine regarding the issues of military and technical cooperation, implementation of international treaties of Ukraine in this area, control subjects in military and technical cooperation staying in line with the legislation on military and technical cooperation;
- b. participate in drafting laws and other legal acts regarding military and technical cooperation;
- c. promote military and technical cooperation through analyzing political, legal and economic aspects of such cooperation and individual drafts of foreign economic treaties (contracts) on export and import transactions.

7. The basis for establishing, limitations, termination, suspension and resumption of military and technical cooperation between Ukraine and foreign countries are decrees of the President of Ukraine, Cabinet of Ministers of Ukraine, international treaties of Ukraine and foreign economic treaties (contracts).

Suggestions regarding the establishment, limitations, termination, suspension and resumption of military and technical cooperation can be made by the Council on National Security and Defense, the Commission on Export Control Policy and Military and Technical Cooperation with Foreign Countries, the Cabinet of Ministers of Ukraine, the Ministry of Foreign Affairs of Ukraine and other participants and subjects in military and technical cooperation.

President of Ukraine  
Leonid Kuchma

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