

Law Enforcement and Preventing of Violations in the Field of the State Export Control

Serhiy Riabov

Deputy Head of the Law Enforcement Unit, State
Service for Export Control of Ukraine

Main tasks of the System

- Prevention of violations
- Exposition and cease of violations
- Bringing to responsibility for law violations
- Analysis of reasons and conditions promoting violations, generalization of law enforcement practice and its improvement

Prevention of violations

- Promoting and rendering assistance to industry in creation of company-internal export control (ICP) systems
- Examination (review) of documentary materials submitted to receipt permits
- Control over delivery and end-use (post-licensing activities)
- Gathering and analysis of summary information

Prevention of violations

- Acquisition of the information necessary to make a decision
- Analysis of the information on parties to international transfer (importer, brokers, end-user)
- Analysis of the information concerning the purpose and place of the end-use of goods

Exposition and cease of violations

- Refusal to issue a permit, conclusion or International Import Certificate
- Suspension of an authorization document
- Annulment of an authorization document
- Annulment of the registration of an economic operator
- Furnishing of information to law enforcement bodies

Bringing to responsibility for law violations

- Regulatory legal grounds for responsibility in the area of state export control
- Kinds of responsibility for law violations
- State bodies which perform bringing to responsibility

Regulatory legal grounds for responsibility in the area of the state export control

- Law of Ukraine “On State Control of International Transfers of Goods Designated for Military Purposes and Dual-Use Goods”) (Chapter IV)
- Criminal Code of Ukraine (Article 333)
- Code of Ukraine on Administrative Offences (Articles 177-18 and 212-4)
- Law of Ukraine “On Foreign Economic Activities”

Kinds of responsibility for law violations

- According to responsibility kind
 - criminal;
 - administrative;
 - financial;
- According to person
 - natural persons (individuals and officers)
 - legal persons

Main stages of bringing to responsibility for law violation

- Fixing violation by means of drawing-up protocol
- Collection and analysis of evidences, information and documents
- Consideration of case and rendering of decision on the basis of collected case papers
- Control over execution of the judgment

Law enforcement system – complicated multicomponent mechanism

Complexity of the law enforcement system in the area of the state export control is determined by appreciable quantity of components interacting within this system, also by variety of tasks faced by structural elements of the system, and by lack of unambiguous division of powers among the state bodies creating the system

Promising trends of the law enforcement system development

- Strengthening analytical component of the system, increasing its predictability
- Deepening international cooperation, information exchange and sharing of best practices
- Development and implementation of a training course for export control experts