

INSIGHTS

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Ukraine introduces new export control procedures

Cabinet of Ministers Resolution No. 875 (the "**Resolution**") introduces a new procedure governing the export of certain military and dual-use goods during martial law (the "**Procedure**") and also expands the list of exemptions regarding Cabinet of Ministers authorization for the export of military goods.

Entry into force – 8 July 2026.

Current status – several implementing acts required for the Procedure to operate have not yet been adopted, and a number of practical issues remain to be resolved.

Term of validity – during martial law and for six months following its termination or cancellation.

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I. Scope of the Procedure

Eligible goods:
- military items accepted for armament or codified as items of supply;
- dual-use items used for the development, production or use of such military items; and
- military and dual-use technologies.

List of critical goods – to be approved periodically. Inclusion in the list constitutes grounds for refusing an export permit.

Value threshold – exports valued at UAH 15 million or more. The threshold does not apply to components and spare parts.

Eligible destinations – countries that have concluded a "Drone Deal" with Ukraine or are included in a periodically approved list of eligible countries.

Foreign parties – importers, end-users and intermediaries must satisfy applicable criteria related to sanctions, ownership, and ultimate control.

! *Practical uncertainty: application of the standard export control framework to transactions falling outside the scope of the Procedure.*

II. Export approval process

The Procedure establishes a special process for obtaining export permits.

NB: *The applicant must be registered with the State Service of Export Control of Ukraine (the "**SSECU**") as an entity engaged in international transfers.*

Application package – must include, inter alia, importing-state guarantees regarding technology transfers and evidence of the value of the goods (state defence procurement contract or expert opinion).

Authorities involved in the review – the SSECU, Ministry of Defence, Security Service of Ukraine, Foreign Intelligence Service and Defence Intelligence. The Interagency Commission is additionally involved in certain higher-risk cases.

Review period – 30 calendar days.

Grounds for refusal – include, inter alia, the planned procurement of the respective goods for Ukraine's own defence needs and a failure to perform state defence contracts.

! *Practical uncertainty: certain application requirements (e.g., whether importing-state guarantees are required for the export of finished products).*

III. Special rules for technology transfers

- **Form of transfer** – generally limited to a right of use, without assignment of the IP rights.
- **Production limits** – products may be manufactured only in the agreed-upon quantities and on the agreed terms.
- **Improvements** – information on improvements to products manufactured using the transferred technology must be provided to Ukraine.
- **Further transfers** – re-export, sale and other subsequent transfers of technology and manufactured products require prior SSECU approval.
- **Third-country transfers** – subject to an additional fee of 20% of the value of the relevant products.

! *Practical uncertainty: the procedure for obtaining SSECU approval for subsequent transfers of technology and products manufactured using the given technology.*

IV. Export permit fee

Finished products	20% of the respective value.
Components and spare parts	30% of the respective value.
Technology	20% of the value of those goods that may be manufactured under the relevant technology license.
Third-country transfers	an additional 20% of the value of those goods manufactured using the transferred technologies.

! *Practical uncertainty: detailed calculation rules are provided only for technology exports.*

V. Government authorization exemption

In addition to introducing the Procedure, the Resolution expands the exemptions from the requirement for Cabinet of Ministers authorization for the export of military goods.

- **Eligible exporters** – manufacturers of the relevant military items and holders of rights to the relevant technologies.
- **Additional requirement** – the exporter must perform state defence contracts and/or be included in the register of defence suppliers.

VI. Key takeaways

Opportunities	Constraints
An additional step towards liberalising the export of military and dual-use goods	**Procedure is not yet fully operational:** the implementing acts, including the lists of critical items and eligible countries, are pending, and several practical aspects of its application remain unclear.
Dedicated export approval procedure with a 30-day permit review period	**Subject to significant limitations:** ▪ limited to eligible goods, destinations and foreign parties, with a general **UAH 15 million threshold**; ▪ broad grounds for refusal, including where the goods are required for Ukraine's defence needs; and ▪ significant export permit fees.
Possibility to transfer Ukrainian defence technologies abroad	**Strict technology transfer conditions:** restrictions on IP transfers, production and re-export, together with disclosure obligations.
Expanded exemption from Cabinet of Ministers authorization for qualifying exporters	**Limited eligibility:** available only to manufacturers or technology rights holders that perform state defence contracts and/or are included in the register of defence suppliers.

For more information on new export control procedures in Ukraine and its implications for defence industry companies, please contact:



Daniel Bilak

Managing Partner, Defence & Security, Kyiv

+380 44 490 9575

daniel.bilak@kinstellar.com



Natalia Kirichenko

Partner, Head of the local IP&T and Data & Cybersecurity, Kyiv

Head of the firm-wide IP&T

+380 44 490 9575

natalia.kirichenko@kinstellar.com



Maiia Savelieva

Senior Associate, Defence & Security, Kyiv

+380 44 490 9575

maiia.savelieva@kinstellar.com



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