

DataDriven | KINSTELLAR

Regulations of the
demining industry
in Ukraine

The demining legal framework in Ukraine is fast evolving to address the widespread mine contamination resulting from Russia's full-scale invasion.

Mine-related actions (mine actions) in Ukraine are chiefly regulated by Law of Ukraine "On Mine Action in Ukraine" No. 2642-VIII, dated 6 December 2018 (the "Law"). The Law establishes the legal and organizational foundations for mine-related actions in Ukraine, defines the specifics of state regulations in this area, and outlines the roles of key players in mine-related actions. The detailed rules and requirements for mine-related activities are regulated by subordinate legislation (Annex 1).

In addition, on 28 June 2024, the Cabinet of Ministers of Ukraine ("CMU") approved a National Mine Action Strategy for a period until 2033, highlighting the importance of joint efforts between national agencies and international partners, as well as ongoing reforms and innovations. The adoption of the Mine Action Strategy is one of the steps the Ukrainian government has taken to fulfil the Plan for the Ukraine Facility, the European Union's financial assistance program for Ukraine.



Photo: DataDriven x UAHD

The Russian invasion has made Ukraine the most mined country in the world. The World Bank estimates the total cost of Ukraine's demining efforts at nearly \$38 billion. Bringing in foreign partners with the necessary expertise, technology and resources is therefore essential to accelerate demining.

Please see the below options for foreign partners to enter the Ukrainian market.

1. Carrying out activities as mine action operators

The Law defines mine action operators ("Operators") as undertakings authorized to conduct various economic activities in the field of mine-related actions (site surveys, demining, mine clearance, risk education, etc.).

Foreign businesses intending to act as Operators in Ukraine should consider the following:

- Operators are subject to certification under statutory established procedures;
- A non-resident can be certified subject to establishing a presence in Ukraine, namely a representative office or a separate subdivision (applicable for foreign non-governmental organisations). Alternatively, a non-resident may establish a Ukrainian subsidiary for this purpose.

In February 2024, the CMU approved a pilot project that introduces a single unified certification procedure for Operators (for details, please see Clause 1, Section III below).

Certified Operators can provide demining services to both state and private customers (for details, please see Clause 4, Section II below).

2. Manufacturing demining equipment in Ukraine

The manufacturing of demining equipment (as well as related goods) in Ukraine can be carried out by legal entities registered in Ukraine. Accordingly, establishing a legal presence in Ukraine is required where foreign players are considering setting up production in Ukraine. This can be carried out by: (i) establishing a Ukrainian subsidiary, (ii) forming a joint venture with a Ukrainian resident, or (iii) joining an existing Ukrainian manufacturing company (e.g. by means of the acquisition of shares).

Demining-related products can be put into circulation in Ukraine subject to compliance with applicable state standards. Certain products are subject to certification under the statutory established procedure. For example, mandatory certification is required for mechanized demining equipment and the related components (for details, please see Clause 2, Section III below).

3. Supply of demining equipment

Demining equipment can be supplied to both state and private customers (for details, please see Clause 4, Section II below).

Non-residents may enter into contracts for the supply of equipment with private customers or participate in state procurements on equal terms with local manufacturers.

4. Customers for demining equipment and Operator services

The provision of goods and services to Ukrainian state customers is performed under competitive procedures established by Ukrainian public procurement laws subject to certain specific features which are applicable during the period of martial law in Ukraine (please see Annex 1).

The provision of goods and services to private customers is subject to contractual terms and conditions agreed by the parties.

5. Technical assistance in the field of demining

Foreign governments, their authorized bodies, and international organizations (“Development Partners”) can support Ukraine through international technical assistance projects. Development Partners often engage foreign companies to implement such projects. Within the framework of this cooperation, Ukraine has already received substantial funding and significant amounts of demining equipment. Also, many Ukrainian demining specialists have received training under international technical assistance projects.

6. Donations

Foreign companies can provide demining equipment as humanitarian aid, which is the easiest and most straightforward way to deliver goods to Ukraine (for details, please see Clause 2, Section IV below).

Additionally, to centralize donations for Ukraine, the President of Ukraine launched the official fundraising platform [United24](#). This platform allows businesses (including foreign) to make charitable donations directly for demining efforts.



Photo: UNDP in Ukraine

In 2024, the Government of Ukraine launched two pilot projects aimed at establishing harmonised procedures for the certification of Operators and mechanised demining equipment. The pilot projects are implemented based on the following resolutions:

- Resolution of the CMU "On the Implementation of a Pilot Project for the Certification of Mine Action Operators and Mine Action Processes" No. 123, dated 2 February 2024 (the "Operator Certification Pilot Project");
- Resolution of the CMU "On the Implementation of a Pilot Project for the Mandatory Certification of Mechanized Demining Assets (Humanitarian Demining), Associated Products, Components, and Equipment " No. 271, dated 8 March 2024 (the "Equipment Certification Pilot Project").

1. Certification of Operators

According to the Operator Certification Pilot Project, the certification of Operators essentially involves certifying the respective mine action activity that potential Operators intend to perform (e.g., non-technical and technical surveys, manual demining, machine demining, battle area clearance, etc.).

Currently, there are four authorized certification bodies in Ukraine, namely:

- The certification body of the Mine Action Centre of the State Special Transport Service;
- The Interregional Centre for Humanitarian Demining and Rapid Response of the State Emergency Service of Ukraine;
- The Demining Centre of Military Unit A2641 of the Armed Forces of Ukraine;
- The State Certification Centre of the State Emergency Service of Ukraine.

The set of documents required to initiate a certification procedure is defined in the Operator Certification Pilot Project and is available at the National Mine Action Platform (in English at the following link: <https://demine.gov.ua/en/operators/how-to-become-a-mine-action-operator>).

The certification procedure consists of three main stages:

1. An organizational stage is conducted to confirm that the applicant's organizational, financial, legal, and managerial capacity is suitable to perform mine-related activities.
2. An operational stage is conducted to assess the practical and technical capabilities of an applicant to carry out mine-related activities.
3. An on-Site Assessment stage includes among other things the inspection of the relevant premises, areas, and equipment, demonstration of the execution of processes, and observation of personnel actions.

After successful completion of all above stages (which in practice may take from 3 to 4 months), the certification body issues a certificate to the applicant. A separate certificate is issued for each type of activity the Operator performs.

2. Certification of demining equipment

According to the Equipment Certification Pilot Project, mechanized demining equipment, the related products, and components (both of Ukrainian and foreign manufacture) to be put into circulation or operation on the territory of Ukraine are subject to mandatory certification.

- Certification is conducted by the State Scientific Research Institute of Armament and Military Equipment Testing and Certification (the "Institute").
- Equipment manufacturers, importers, government contract executors, and Operators can apply for a certification directly or via authorized representatives.

The certification of mechanized demining equipment requires entering into a Certification Agreement by and between the applicant and Institute. Upon execution of the Certification Agreement, the Institute evaluates and tests the mechanized demining equipment. If the results are successful, the Institute approves the conformity of the equipment.

A certificate of conformity is issued subject to entering into an Agreement on the Right to Apply the Certificate of Conformity ("Agreement") by and between the applicant and Institute. Under this Agreement, the applicant undertakes to ensure that the products comply with Ukrainian laws and to notify the Institute of any changes in the design of the products under the certificate of conformity.

The duration of the certification process and its cost are established by the Institute and depend on the specific types of mechanized demining equipment.



Photo: Serhii Neznamov, Shutterstock

1. For sale

The placing of goods into circulation on the territory of Ukraine is subject to conformity assessments that meet the applicable standards. The conformity assessment process varies depending on the given product. In particular, imported foreign-made mechanized demining equipment is subject to mandatory certification according to the respective established procedure before being placed on the Ukrainian market (for details, please see Clause 2, Section III above). For certain goods, such as radio-electronic equipment, certification of compliance with applicable requirements under Ukrainian law is required prior to importation.

2. Humanitarian aid

During martial law the import of humanitarian aid into the territory of Ukraine is carried out under a simplified procedure on a declarative basis, in accordance with the Resolution of the Cabinet of Ministers of Ukraine “Some Issues of Passage and Accounting of Humanitarian Aid under Martial Law” No. 953, dated 5 September 2023.

In order to transfer demining equipment as humanitarian aid, foreign donors need to enter into a humanitarian aid contract with a recipient of humanitarian aid who will import demining equipment into Ukraine and distribute it among the end users (e.g. state Operators).

Only Ukrainian legal entities registered in the Unified Register of Recipients of Humanitarian Aid via the Automated System (which is a web platform) can act as recipients. These can be charitable foundations, NGOs, etc.

The humanitarian aid importation procedure includes the following steps:

- The recipient enters information about the goods to be imported as humanitarian aid into the Automated System.
- The recipient fills in a declaration with the list of goods to be imported.
- The system will automatically assign a unique code to the declaration (QR code, barcode, digital code, etc.). This code will be used by customs authorities to authorise the importation of the cargo.

From the date of the declaration, humanitarian aid may be imported within 30 calendar days.

The assigned unique code expires within 90 calendar days from the date of assignment.

Once the humanitarian aid passes customs control, the recipient must report on the receipt and distribution of all the given humanitarian aid.

During martial law, apart from the above-mentioned formalities, no other conformity assessment documents are required for importing goods into Ukraine as humanitarian aid.

Consequently, this option is much easier from practical perspective.

Anyone wishing to provide humanitarian aid to Ukraine can visit the Humanitarian Aid Website at the following link: <https://help.gov.ua/>, set up by the Presidential Administration and the CMU to coordinate and provide guidance to potential donors.

I. Mine Action

1. Law of Ukraine "On Mine Action in Ukraine" No. 2642-VIII, dated 6 December 2018. Link: <https://zakon.rada.gov.ua/laws/show/2642-19#Text>
2. Resolution of the CMU "On the Establishment of a National Mine Action Authority" No. 1207, dated 10 November 2021. Link: <https://zakon.rada.gov.ua/laws/show/1207-2021-%D0%BF#Text>
3. Resolution of the CMU "On Approval of Procedures for Maintaining Records of Mine Action Operators" No. 1150, dated 3 November 2021. Link: <https://zakon.rada.gov.ua/laws/show/1150-2021-%D0%BF#Text>
4. Resolution of the CMU "On the Implementation of a Pilot Project for the Certification of Mine Action Operators and Mine Action Processes" No. 123, dated 2 February 2024. Link: <https://zakon.rada.gov.ua/laws/show/123-2024-%D0%BF#Text>
5. Resolution of the CMU "On the Implementation of a Pilot Project for the Mandatory Certification of Mechanized Demining Assets (Humanitarian Demining), Associated Products, Components, and Equipment" No. 271, dated 8 March 2024. Link: <https://zakon.rada.gov.ua/laws/show/271-2024-%D0%BF#Text>
6. Resolution of the CMU "On the Approval of the Rules for Identifying the Dangers Associated with Mines and Explosive Remnants of War" No. 372, dated 17 April 2019. Link: <https://zakon.rada.gov.ua/laws/show/372-2019-%D0%BF#Text>
7. Resolution of the CMU "Some Issues of Assignment and Payment of One-Time Compensation and Annual Assistance Provided for in the Law of Ukraine "On Mine Action in Ukraine" No. 1020, dated 29 September 2021. Link: <https://zakon.rada.gov.ua/laws/show/1020-2021-%D0%BF#Text>
8. Resolution of the CMU "On Approval of a National Mine Action Strategy for the Period up to 2033 and the Approval of an Operational Plan for its Implementation in 2024-2026" No. 616-p, dated 28 June 2024. Link: <https://zakon.rada.gov.ua/laws/show/616-2024-%D1%80#Text>

II. Public Procurements

1. Law of Ukraine "On Public Procurements" No. 922-VIII, dated 25 January 2015. Link: <https://zakon.rada.gov.ua/laws/show/922-19#Text>
2. Law of Ukraine "On Defence Procurements" No. 808-IX, dated 17 July 2020. Link: <https://zakon.rada.gov.ua/laws/show/808-20#Text>
3. Resolution of the CMU "On Approval of Specifics of Public Procurement of Goods, Works, and Services for Customers Provided for by the Law of Ukraine 'On Public Procurement' During the Period of the Legal Regime of Martial Law in Ukraine and for 90 Days After Its Termination or Cancellation" No. 1178, dated 12 October 2022. Link: <https://zakon.rada.gov.ua/laws/show/1178-2022-%D0%BF#Text>
4. Resolution of the CMU on "Certain Issues Relating to Defence Procurement During Martial Law" No. 1275, dated 11 November 2022. Link: <https://zakon.rada.gov.ua/laws/show/1275-2022-%D0%BF#Text>

About us

KINSTELLAR

Kinstellar is a leading full-service law firm in Central and Eastern Europe and Central Asia. A full service law firm, Kinstellar is particularly recognized for its leading practices in the sectors of Defence and Security, Technology, Infrastructure, Energy, and Projects. Kinstellar is an integral part of the Ukrainian defence technology and manufacturing ecosystem, assisting global and SME clients in the sector with market entry and co-venturing opportunities and on how to navigate Ukraine's regulatory and government decision-making processes.

Kinstellar Ukraine

77A Velyka Vasylykivska Street, Kyiv, 03150,
Ukraine

+38 044 490 9575

Anastasiya.Bolkhovitina@kinstellar.com

<https://www.kinstellar.com/>



Anastasiya Bolkhovitina, Partner, the head of the local Corporate and M&A, the head of Defence and Security, Technology, Media and Telecommunications, and the co-head of the firm-wide Telecommunications

If you would like to speak to Kinstellar please contact Anastasiya Bolkhovitina, Partner, anastasiya.bolkhovitina@kinstellar.com and to DataDriven, please contact Viktor Karvatsky, Head of Defence & Demining, karvatsky@datadriven.group

DataDriven

DataDriven is a leading Ukrainian consulting & firm, helping to better understand Ukrainian policy and business environment. DataDriven is a leading consulting firm in the field of defence & humanitarian demining

Special thanks for writing this report to Anton Tabur (DataDriven), Oleksandr Buriachenko (DataDriven), Larysa Gorbunova (Kinstellar), Maiia Savelieva (Kinstellar)

DataDriven

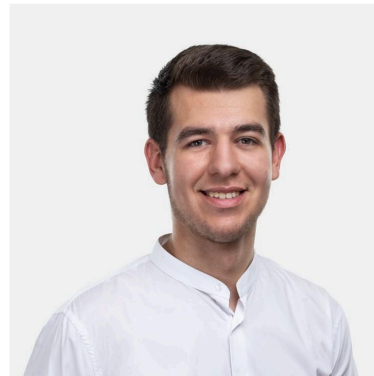
UNIT.City

Ukraine, Kyiv,

str. Dorohozhytska, 3

office@datadriven.group,


<https://datadriven.group>



Viktor Karvatsky, Founding Partner, the head of Defence & Demining

KINSTELLAR

Your Defence Sector Law Firm



Bulgaria | Croatia | Czech Republic | Hungary | Kazakhstan
Romania | Serbia | Slovakia | Turkey | Ukraine | Uzbekistan

www.kinstellar.com