

Current trends in export controls

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Basic principles

- Export controls are a preventive measure - no export of controlled items without authorisation
 - Adapted after the end of the Cold War when political and strategic environment changed
 - Reorientation away from Soviet bloc to a global licensing obligation
 - Pressure from globalisation tendencies
 - Increasing volume of international trade
 - New commercial practices
 - New ownership patterns
 - Global technology diffusion
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Bio-related field

- No back-up technical barriers of the kind that exist in the nuclear and chemical field
 - No truly harmonized approach to export control
 - Australia Group
 - EU legislation
 - National decision making - what level of risk to accept? How to make risk assessments? What resources to devote to the task?
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Changing nature of the problem

- Cold War focus - military relevance
 - Battlefield use in context of major conflict
 - Armed forces of states
 - Focus on “specially designed and developed”
 - Post-Cold War
 - Acquisition of dual-use or unlicensed technologies
 - Changing usage of the term “dual-use”
 - Non-state actors - various counter-terrorism legislation and sanctions add a further dimension
 - Foreign policy controls
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Licences

- Licences - grant permission to export a controlled item within a specified time.
 - General and global licence
 - Authorise multiple shipments of controlled items to one or more than one listed end-user
 - Authorise multiple shipments to one country
 - Individual licence
 - Authorises one shipment of a controlled item to a specific end-user
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Issues with general licences

- Simplify transactions for exporters but ...
 - Not available for new customers or where a customer need changes frequently
 - Period of validity not fixed.
 - Conditions of use not harmonized. Standards for internal compliance not established.
 - May subcontractors use a general licence?
 - How to verify use (physical and intangible)?
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Issues with individual licences

- Likely in cases of proliferation significance determined by:
 - Technical specifications of the items
 - Country of destination
 - End-user / End-use (a “catch-all” notification)
 - Supplementing a technology-led approach with an intelligence-led approach but ...
 - Exporters do not understand all of the potential uses of their goods.
 - Exporters do not have detailed knowledge of their customers.
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Efforts to improve effectiveness

- Develop tools and capacities to help national export control (licensing) authorities.
 - Develop international cooperation and facilitate information exchange.
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Bio-relevant challenges

□ Lack of awareness

- Specialised research institutes in the bio-medical sector.
- Small companies based around specific products and projects

□ Cultural barriers to compliance

- Understanding the need
 - Balancing the security issue against other factors (public health imperative)
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