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## **Ordinance on the Export, Import and Transit of Dual Use Goods, Specific Military Goods and Strategic Goods (Goods Control Ordinance, GCO)**

of 3 June 2016 (Status as of 1 January 2022)

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*The Swiss Federal Council,*

based on the Goods Control Act of 13 December 1996<sup>1</sup> (GCA),  
Article 22a paragraph 1 letter b of the Weapons Act of 20 June 1997<sup>2</sup> (WA) and  
Article 150a paragraph 2 letter c of the Armed Forces Act of 3 February 1995<sup>3</sup>,  
*ordains:*

### **Chapter 1 General Provisions**

#### **Art. 1 Subject matter and scope of application**

<sup>1</sup> This Ordinance regulates the control of the export, import, transit and brokerage of:

- a. nuclear goods, goods usable for civilian and military purposes (dual-use goods) and specific military goods that are the subject of non-binding international control measures;
- b. strategic goods that are the subject of international agreements;
- c. goods subject to national export controls.

<sup>2</sup> This Ordinance applies to Swiss customs territory, Swiss public customs warehouses, warehouses for bulk goods, bonded warehouses and Swiss customs-free zones.

#### **Art. 2 Definitions**

<sup>1</sup> Further to the definitions in Article 3 GCA, in this Ordinance:

- a. *NBC weapons*: nuclear explosive devices, biological and chemical weapons, and their delivery systems;

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<sup>1</sup> SR 946.202

<sup>2</sup> SR 514.54

<sup>3</sup> SR 510.10

- b. *partner state*: state that participates in international control measures that Switzerland supports that are non-binding under international law.

<sup>2</sup> Further definitions are given in Annex 1.

## Chapter 2 Exports

### Section 1 Licences

#### Art. 3 Licence requirements

<sup>1</sup> Any person who wishes to export nuclear goods in accordance with Annex 2 Part 1, dual-use goods in accordance with Annex 2 Part 2, special military goods in accordance with Annex 3, strategic goods in accordance with Annex 4 or goods subject to national export controls in accordance with Annex 5 requires an export licence from the State Secretariat for Economic Affairs (SECO).

<sup>2</sup> Any person who wishes to export nuclear goods in accordance with Annex 2 Part 1 with the export control numbers (ECN) 0C001 or 0C002 requires a licence from the Swiss Federal Office of Energy (SFOE). The foregoing also applies to goods with ECN 0D001 or 0E001 where they are software or technology for goods with ECN 0C001 or 0C002. In these cases, the SFOE takes the place of SECO in relation to the application of the other provisions of this Ordinance.

<sup>3</sup> Any person who wishes to export goods that comprise parts and components of a good in accordance with Annex 2 or 3 requires a licence from SECO if the parts and components are among the main elements of this good or make up more than 25 per cent of its value in accordance with Article 9 the Ordinance of 12 October 2011<sup>4</sup> on International Trade Statistics.

<sup>4</sup> Any person who wishes to export goods that they know or have reason to believe are intended for the development, manufacture, use, passing on or the deployment of NBC weapons must request SECO for a licence if:

- a. the goods are not listed in Annexes 2–5;
- b. exceptions from the licence requirement are made.

#### Art. 4 Exceptions

No export licence is required for:

- a. goods in accordance with Annexes 2–5 that are being returned to the original supplier, provided they have not achieved a technical increase in value;
- b. chemicals in accordance with Annex 2 Part 2 with ECN 1C111 or ECN 1C350, provided they are used as samples and the total quantity per supply amounts to less than 1 kg; Article 14 paragraph 1 letter a of the Chemicals Control Ordinance of 21 August 2013<sup>5</sup> remains reserved;

<sup>4</sup> SR 632.14

<sup>5</sup> SR 946.202.21

- c. firearms with their parts and components and accessories as well as the ammunition and ammunition parts and components pertaining thereto which are covered by Annex 3 or 5 and exported to a country in accordance with Annex 6;
- d. firearms with the ammunition pertaining thereto that security agents employed by foreign states re-export following pre-arranged official visits;
- e. firearms with the ammunition pertaining thereto that security agents employed by Switzerland export for pre-arranged official visits abroad, provided they re-import these weapons into Switzerland thereafter;
- f. goods that are exported by Swiss troop units and their members for international operations or for training purposes;
- g. goods that are re-exported by foreign troop units and their members following training in Switzerland;
- h. hunting and sports weapons with the ammunition pertaining thereto that are credibly shown to be needed by persons for hunting, sports shooting or martial arts abroad, provided these weapons are re-imported into Switzerland thereafter;
- i. hunting and sports weapons with the ammunition pertaining thereto that are credibly shown to be needed by persons for hunting, sports shooting or martial arts in Switzerland, provided these weapons are re-exported thereafter.

#### **Art. 5** Requirements

<sup>1</sup> Licences are issued only to natural persons or legal entities that are domiciled or have their registered office or permanent establishment on the Swiss customs territory or in a Swiss customs-free zone. SECO may provide for exceptions in justified cases.

<sup>2</sup> Where the licence is for a legal entity, the applicant must provide SECO with proof of reliable internal controls on compliance with the export control regulations.

<sup>3</sup> For the export of firearms, their parts and components and accessories as well as ammunition and ammunition parts and components an import certificate from the destination state must also be submitted unless the recipient is a foreign government or a company acting for a foreign government. Instead of the import certificate, proof may be provided that such a certificate is not required.

#### **Art. 6** Refusal

<sup>1</sup> There are grounds for refusal in accordance with Article 6 paragraph 1 letters a and b GCA in particular if there is reason to believe that the goods that are to be exported:

- a. are intended for the development, manufacture, use, passing on or deployment of NBC weapons;

- b. contribute to the conventional armament in a State to an extent that leads to increased regional tension or instability or an escalation in an armed conflict;
- c. will not remain in the possession of the declared end recipient.

<sup>2</sup> There may also be grounds for refusal in terms of Article 6 paragraph 1 letter b GCA where:

- a. a partner state has refused the export of a similar good to the same end recipient;
- b. the country of origin notifies Switzerland that it must consent to the re-export and such consent is not forthcoming;
- c. the destination state prohibits the import.

#### **Art. 7** Transfer

Licences are non-transferable.

### **Section 2 Individual Licence**

#### **Art. 8** Documents

SECO may request the following documents in particular from applicants for individual licences:

- a. company profiles;
- b. order confirmations, contracts of sale or invoices;
- c. an import certificate from the recipient state;
- d. end use certificates from the end recipient.

#### **Art. 9** Term of validity

Individual licences are valid for two years. Their term of validity may be extended by two years on one occasion.

### **Section 3 General Export Licences**

#### **Art. 10** Additional requirements for granting a general export licence

<sup>1</sup> General export licences are granted only to legal entities that are entered in the Swiss or Liechtenstein commercial register. Universities and public institutions are exempt from this requirement.

<sup>2</sup> The natural person or the officers of the legal entity making the application must not have received a legally binding conviction in the two years prior to filing of the application for offences against:

- a. the GCA;
- b. the War Material Act of 13 December 1996<sup>6</sup>;
- c. the WA;
- c<sup>bis</sup>.<sup>7</sup>the Explosives Act of 25 March 1977<sup>8</sup>;
- d. the Nuclear Energy Act of 21 March 2003<sup>9</sup>; or
- e. the Federal Act of 25 June 1982<sup>10</sup> on International Trade Measures.

**Art. 11** Documents

SECO may request the following documents in particular from applicants for general export licences:

- a. company profiles;
- b. internal control programmes;
- c. reports on the goods exported in terms of the general export licence.

**Art. 12** Ordinary general export licence

<sup>1</sup> For the export of goods listed in Annex 2 Part 2, Annex 3 or 5 to states that participate in all the international control measures that are non-binding under international law and are supported by Switzerland, SECO may grant an ordinary general export licence (OGL). Annex 7 contains a list of these states.

<sup>2</sup> Likewise, SECO may grant an OGL for the export of goods listed in Annex 4 to member states of the European Union or to states with which the European Union has concluded a cooperation agreement on the European Satellite Navigation Programmes.

**Art. 13** Exceptional general export licence

For the export of goods listed in Annex 2 Part 2, Annex 3 or 5 to states other than those in accordance with Annex 7, SECO may grant an exceptional general export licence (EGL).

**Art. 14** Term of validity

General export licences are valid for two years.

<sup>6</sup> SR 514.51

<sup>7</sup> Inserted by No III 2 of the O of 17 Sept. 2021, in force since 1 Nov. 2021 (AS 2021 595).

<sup>8</sup> SR 941.41

<sup>9</sup> SR 732.1

<sup>10</sup> SR 946.201