

Export control at the border: the role of customs

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Part G explained that Swiss export control law distinguishes between war material, governed by the War Material Act, and dual-use goods and specific military goods, governed by the Goods Control Act and its ordinance. Both regimes require licences from SECO, which assesses the destination, the end user and the declared end use. What Part G did not describe in detail is how these licences are enforced. The licence is issued in Bern, but the goods leave the country at a customs office, very often in Basel. The customs officer is therefore the point at which the administrative decision of SECO meets the physical reality of a consignment. Much of the effectiveness of export control depends to a large extent on what happens at that point.¹

The legal basis for the role of customs is found in the Customs Act, which obliges the FOCBS to enforce the non-customs enactments of the Confederation, and in the export control legislation itself, which assigns specific control duties to the customs authorities. An exporter who ships a controlled good must indicate the licence number in the export declaration. The customs system then checks whether a valid licence exists for the goods, the quantity and the destination concerned. If the declaration does not mention a licence although the goods appear to be controlled, or if the goods presented do not correspond to the licence, the customs officer may withhold them and inform SECO. The goods remain at the border until the matter is resolved.²

In practice, customs control of export licences relies on risk profiles. Officers cannot examine every consignment. Moreover, the technical classification of a dual-use item often requires expertise that only SECO or specialised laboratories possess. A centrifuge, a valve or an electronic component may look identical whether or not it falls under a control list entry. The risk profiles therefore combine indicators such as the destination, the route, the declared value, the identity of the consignee and

the history of the exporter. Consignments to countries close to Russia that have shown abnormal increases in imports of certain goods since 2022 have been a particular focus of such profiles across Europe. The Swiss authorities, too, have reported increased vigilance in this field.³

1 Notes

1. Goods Control Act of 13 December 1996 (GCA/GKG, SR 946.202); Goods Control Ordinance of 3 June 2016 (GCO/GKV, SR 946.202.1); War Material Act of 13 December 1996 (WMA/KMG, SR 514.51); see Part G, chapter V. To be verified. ↩
2. Article 95 CA on the enforcement of non-customs enactments; Article 9 GCA on control duties and the cooperation of the customs authorities; on export declarations for licensable goods, see the FOCBS guidance and SECO's information on the export of dual-use goods. Article numbers to be verified. ↩
3. On risk-based controls of dual-use exports and the focus on third-country diversion routes after 2022, see SECO's annual reports on export controls and the publications of the FOCBS; on the trade patterns of countries neighbouring Russia, see the analyses of the European Commission and of research institutes. Status to be verified. ↩

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