

Export control: goods control and dual-use items

*Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland), Solicitor (Hong Kong),
Solicitor (England & Wales)*

Export control law regulates the export of goods and technologies that can be used for military purposes or for the production of weapons of mass destruction. In Switzerland, war material is subject to the War Material Act, while goods that can be used for both civilian and military purposes are subject to the Goods Control Act and the Goods Control Ordinance. The annexes of the Goods Control Ordinance contain the lists of controlled goods, which follow the lists of the international export control regimes. Exports of listed goods require a licence from SECO, which assesses the destination, the end user and the declared end use. In addition, a catch-all clause allows SECO to require a licence for goods that are not listed if there are indications that they are intended for weapons of mass destruction.¹

The chemical and pharmaceutical industry of Basel is affected by export control in several ways. Many chemicals used in research and production are dual-use goods, because they can serve as precursors of chemical weapons. Laboratory equipment such as fermenters, centrifuges and freeze dryers can be used to produce biological agents. Certain pathogens and toxins that are used in vaccine research or diagnostics are themselves listed. Technical know-how, including software and the transfer of technology by e-mail or through a cloud service, may also be controlled. Compliance departments therefore classify their products and technologies against the control lists and screen exports against the lists of sanctioned and suspicious end users.²

Switzerland participates in all four multilateral export control regimes: the Nuclear Suppliers Group, the Missile Technology Control Regime, the Australia Group and the Wassenaar Arrangement. The Australia Group, created in 1985 after the use of chemical weapons in the war between Iran and Iraq, is the most relevant for the life sciences. It coordinates the national controls on chemical precursors, biological agents and dual-use equipment. The Wassenaar Arrangement, founded in 1996, covers

conventional arms and dual-use goods and technologies more generally. When the lists of these regimes are revised, which happens regularly, the changes must be transposed into national law. Because the regimes work by consensus, Russia's membership in the Wassenaar Arrangement has complicated the adoption of new controls since 2022, which has led like-minded states to coordinate additional controls outside the regime.³

The violation of export control law is a criminal offence under the Goods Control Act. Compliance with these rules has become particularly sensitive since 2022, because some dual-use goods produced in Western countries have reached Russia through third countries. Swiss authorities have strengthened their controls on re-exports and, together with the European Union, have focused on certain common high-priority items. For companies in Basel this means stricter end-use checks, contractual clauses prohibiting re-export to Russia and closer cooperation with logistics service providers. Part H will return to customs and export controls at the border in the Dreiland, where goods move between Switzerland, Germany and France.⁴

1 Notes

1. Federal Act of 13 December 1996 on the Control of Dual-Use Goods, Specific Military Goods and Strategic Goods (Goods Control Act, GCA/GKG, SR 946.202); Goods Control Ordinance of 3 June 2016 (GCO/GKV, SR 946.202.1); Federal Act of 13 December 1996 on War Material (WMA/KMG, SR 514.51). To be verified. ↩
2. On the control of biological equipment and agents, see the Australia Group Common Control Lists and their implementation in Annex 2 of the Goods Control Ordinance; on the control of technology transfers, see the definitions in the Goods Control Act and the guidance published by SECO. To be verified. ↩
3. On the four multilateral export control regimes and Swiss participation in them, see SECO's information on export controls; on the Australia Group, see its website and the Common Control Lists. On the effects of Russia's membership in the Wassenaar Arrangement since 2022, see the literature on plurilateral export controls. Status to be verified. ↩

4. Articles 14 et seq. GCA (criminal provisions); on the EU's list of common high priority items and the "no Russia" clause under Article 12g of Council Regulation (EU) No 833/2014, and the corresponding Swiss measures, see the guidance of the European Commission and SECO. To be verified. ↩

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