

Licensing, catch-all and the ELIC system

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Licence applications for dual-use goods are submitted to SECO through an electronic platform called ELIC, which has replaced paper procedures for most export control matters. The exporter enters the goods, their classification under the control lists, the consignee, the end user and the declared end use, and attaches the required documents, which typically include an end-use certificate signed by the end user. SECO examines the application, consults other federal offices where necessary and issues an individual licence, a general licence for certain destinations or a decision that no licence is required. The licence number then travels with the export declaration to the customs office at which the goods leave Switzerland.¹

The catch-all clause extends the duty to obtain a licence beyond the control lists. Under the Goods Control Ordinance, an exporter must apply for a licence for goods that are not listed when it knows, or has been informed by SECO, that they are intended for the development, production or use of weapons of mass destruction or their delivery systems. SECO may also impose a licence requirement in an individual case by notifying the exporter. At the border, the catch-all clause creates a particular difficulty, since the customs officer sees an unlisted good and has no legal basis to stop it unless information about its intended use is available. Effective enforcement of the catch-all therefore depends on intelligence shared between SECO, the Federal Intelligence Service and the FOCBS before the goods reach the border.²

The same logic applies to the brokering of goods and to the transfer of technology, which never physically pass a customs office. When an engineer in Basel sends design files to a recipient in a third country by e-mail, or when a trading company in the city arranges a sale of controlled goods from Asia to the Middle East without the goods touching Swiss soil, the border plays no role in the control. Enforcement then relies on audits, on information from banks and on reports from foreign authorities. For

the trading houses and commodity firms that have settled in the region, these intangible transfers are often the more significant compliance risk. Their handling falls within the general export control compliance that Part G described.³

1 Notes

1. On the ELIC electronic licensing system and the types of licences under the Goods Control Ordinance (individual licences, ordinary general licences, extraordinary general licences), see SECO's information on export controls and Articles 10 et seq. GCO. To be verified. ↩
2. Article 4 GCO on the catch-all clause for weapons of mass destruction and, in respect of conventional military end uses in certain countries, the further provisions of the ordinance; see SECO's guidance on the catch-all. Article numbers to be verified. ↩
3. On the control of brokering and intangible technology transfers under the Goods Control Act and Ordinance, see the definitions in Article 3 GCA and SECO's guidance on technology transfer. To be verified. ↩

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