

Export control: the Goods Control Act and dual-use goods

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Export control is the older sibling of sanctions law. While sanctions target countries, persons and sectors for political reasons, export control restricts the transfer of goods and technology that could contribute to weapons of mass destruction or to military capabilities, regardless of any particular political crisis. In Switzerland the two regimes are administered by the same directorate of SECO and increasingly overlap, because the Russia ordinance prohibits the export of hundreds of categories of dual-use and industrial goods. The legal foundations of export control are nevertheless separate.

The Federal Act of 13 December 1996 on the Control of Dual-Use Goods, Specific Military Goods and Strategic Goods (Goods Control Act, GKG, SR 946.202) governs goods that can be used for both civilian and military purposes, specific military goods that are not war material in the strict sense, such as training aircraft or military simulators, and strategic goods. The Goods Control Ordinance of 3 June 2016 (GKV, SR 946.202.1) implements the Act and contains the control lists in its annexes. Annexes 1 and 2 list the dual-use goods controlled under the international export control regimes, Annex 3 lists specific military goods and further annexes deal with strategic goods, weapons and explosives and groups of states. Specialised ordinances cover chemicals, goods for internet and mobile telephone surveillance and nuclear safeguards.¹

Switzerland participates in all four multilateral export control regimes: the Nuclear Suppliers Group, the Australia Group for chemical and biological weapons, the Missile Technology Control Regime and the Wassenaar Arrangement for conventional arms and dual-use goods. It is also a party to the Non-Proliferation Treaty and to the conventions on biological and chemical weapons.² The dual-use list in Annex 2 GKV largely corresponds to the list of the European Union, because both derive from the same

regimes. For Swiss exporters this alignment matters, since their customers in the European Union apply the EU dual-use regulation and expect Swiss suppliers to classify goods in the same way.

Article 6 GKG sets out the grounds for refusal. A licence must be refused if the activity contravenes international agreements, conflicts with non-binding international control measures supported by Switzerland or is subject to measures under the Embargo Act. It must also be refused if there is reason to believe that the goods could support terrorist groups or organised crime. For specific military goods, a licence is refused where the United Nations or cooperating states prohibit such exports and Switzerland's main trading partners follow the prohibition. The Federal Council regulates separately the refusal of licences for goods that could serve internet and mobile surveillance.³ The link to the Embargo Act in Article 6 is the doctrinal bridge between the two regimes: a sanctions ordinance that prohibits the export of a dual-use item to Russia also makes a GKG licence for that export impossible.

Goods that are not listed may nevertheless require a licence under the catch-all clause. According to Article 3 paragraph 4 GKV, exporters need a licence for unlisted goods if they know, or have reason to believe, that the goods are intended for the development, production, use, transfer or deployment of nuclear, biological or chemical weapons or their delivery systems. Licence applications are submitted through Elic, SECO's electronic licensing system, which handles applications for industrial goods and war material alike.⁴

The penalties under the Goods Control Act are considerably heavier than those under the Embargo Act. The consolidated text consulted provides for imprisonment or a fine of up to CHF 1 million for intentional violations, such as exporting goods without a licence or obtaining a licence by false statements. In serious cases the maximum penalty is ten years of imprisonment, which may be combined with a fine of up to CHF 5 million. Negligent violations are punishable by imprisonment of up to six months or a fine of up to CHF 100,000.⁵ Unlike offences under the Embargo Act, which SECO judges itself, crimes and misdemeanours under the GKG are prosecuted by the OAG under the ordinary Criminal Procedure Code.⁶

The war in Ukraine has made the diversion of Swiss components into Russian weapons a central concern. Media investigations found Swiss-made parts in Russian missiles and drones, including in the weapon used against the children's hospital in Kyiv on 8 July 2024. SECO responded that it cooperates closely with Swiss companies to prevent Swiss components from ending up in weapons used against Ukraine.⁷ Most such components

are not controlled dual-use items. They are commercial electronics and machine parts that reach Russia through distributors in third countries, which is why the twentieth package introduced export restrictions on certain goods to Kyrgyzstan. For exporters, the practical lesson is that end-use checks and screening of distributors have become as important as the classification of goods.

1 Notes

1. Güterkontrollgesetz (GKG), SR 946.202, bilingual edition, <https://www.droit-bilingue.ch/de-fr/9/94/946.202-index.html>. SECO, “Industriegüter: Rechtliche Grundlagen und Formulare”, <https://www.seco.admin.ch/de/industriegueter-rechtliche-grundlagen>. The page lists the Chemicals Control Ordinance (ChKV, SR 946.202.21), the ordinance on goods for internet and mobile surveillance (VIM, SR 946.202.3) and the Safeguards Ordinance (SR 732.12). According to the page, Annexes 1 and 2 GKV were last updated on 15 November 2025 and Annex 3 on 1 February 2025. ↩
2. Lisa Bertsch et al., Exportkontrolle «in a Nutshell»: Der Richtungsweiser für den Quereinstieg, HTW Chur, May 2018, https://www.fhgr.ch/fileadmin/fhgr/unternehmerisches_handeln/SI_FE/publikationen/internationalisierung/sife-publikationen-leitfaden_exportkontrolle.pdf. ↩
3. GKG, Art. 6, <https://www.droit-bilingue.ch/de-fr/9/94/946.202-6-9.html>. ↩
4. SECO, “Industriegüter: Rechtliche Grundlagen und Formulare” (cited above); Bertsch et al., Exportkontrolle «in a Nutshell» (cited above). ↩
5. GKG, Art. 14, <https://www.droit-bilingue.ch/de-fr/9/94/946.202-14-17.html>. The wording on that site uses the pre-2007 terminology of the Criminal Code. ↩
6. Art. 18 para. 1 GKG: offences under Arts. 14 and 15 are subject to federal criminal jurisdiction, <https://www.droit-bilingue.ch/de-fr/9/94/946.202-18-22.html>. ↩
7. swissinfo.ch, “Criminal proceedings filed over Swiss components in Russian weapons”, 17 July 2024 (cited above). ↩

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