



***CORE ELEMENTS OF AN  
EXPORT CONTROL SYSTEM***

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# LEGAL BASIS AND FRAMEWORK

An effective export control system includes the following authorities:

- control of **exports, reexports, and transit** of goods (i.e., comprehensive controls)
- control of **activities of persons**
- control of **end-use or end user** (“catch all” controls)
- control of **technology transfers**
- enforcement (investigation, imposition of penalties)
- confidentiality

# COMPREHENSIVE CONTROLS

- export - shipment out of the country
- reexport - shipment from one foreign country to another
  - temporarily imported then exported again
- transit - passing through a country from port to port
- transshipment - import into a country to be off loaded, warehoused or processed prior to reexport



# ACTIVITIES OF PERSONS

- wherever located
- in support of proliferation activities
  - export, reexport, transfer
  - finance
  - transport
  - freight forward
  - broker
- person does not have to be actual exporter or reexporter

# CATCH-ALL CONTROLS



- “knows” or “is informed”
- item will be used in proliferation activities
- end-user is engaged in proliferation activities

# TECHNOLOGY CONTROLS



- release of technology in a foreign country
- release of technology to a foreign national in home country

# ADHERENCE TO INTERNATIONAL NONPROLIFERATION REGIME NORMS



- Wassenaar Arrangement, Missile Technology Control Regime, Australia Group, Nuclear Suppliers Group
- Controls on non-regime items to further the foreign policy and national security objectives of each country

# PROCESS OF CONTROL

- **CONTROL LISTS**

- Based on European Union model
- Publicly available
- Regularly updated



- **AUTHORIZATION/ LICENSING REQUIREMENTS**

- clear licensing procedures and process
- publicly available and easily accessible license application
- publicly available proliferation risk indicators (e.g., red flags)

# PROCESS OF CONTROL



- **SCREENING FOR END-USE OR END-USER**

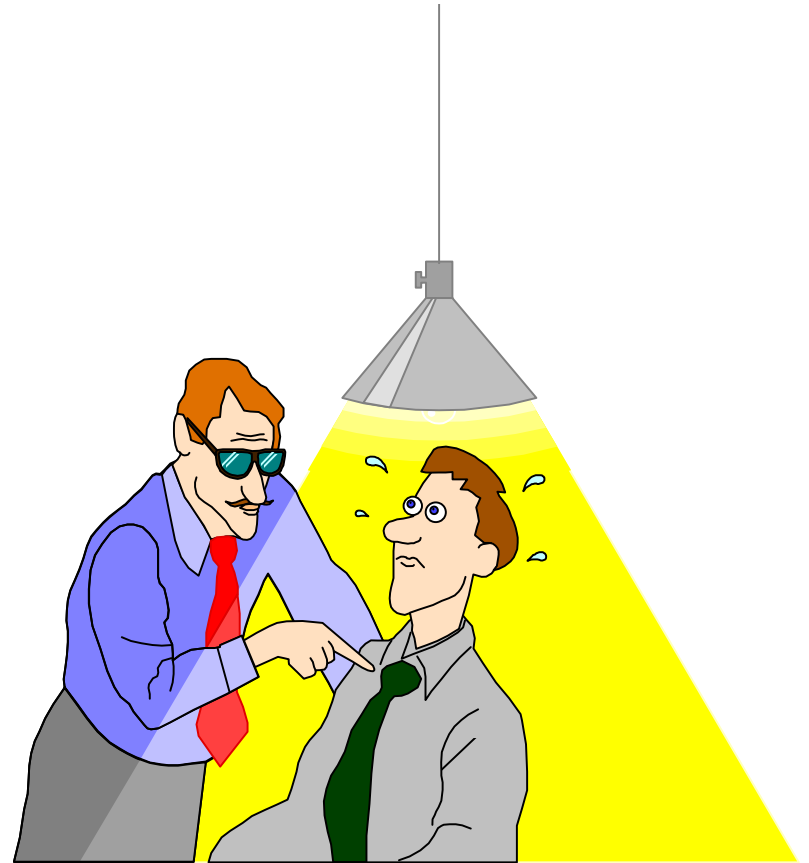
- Use of database or “watch list”
- Provide public notice (e.g. Entity List)

- **DECISION MAKING**

- Interagency cooperation and coordination
- Information sharing

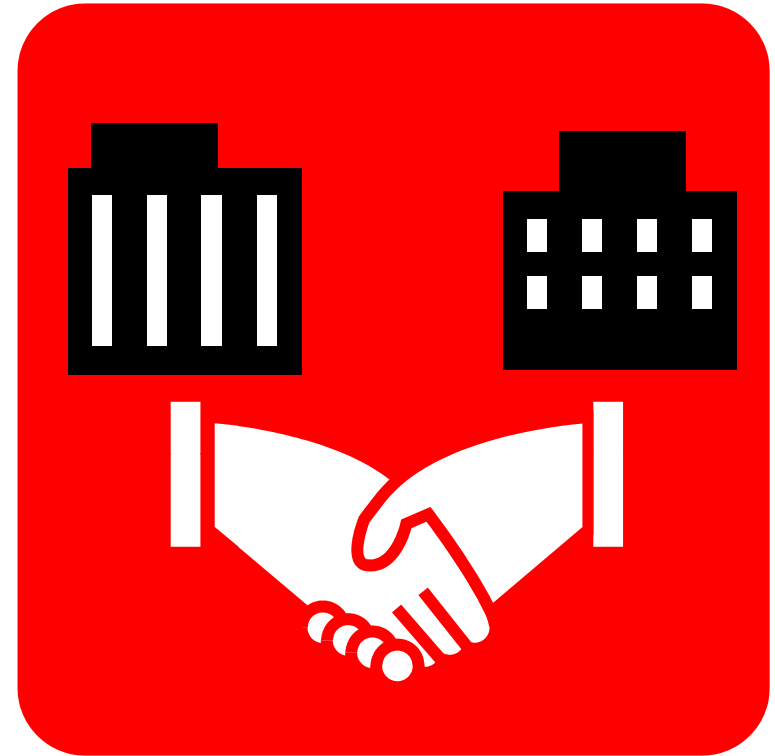
# ENFORCEMENT

- Ability to conduct reviews and checks (e.g., pre-license checks, post shipment verifications)
- Ability to discover, interdict, and punish violations
- Ability to prosecute violators



# INFORMATION SHARING AND COOPERATION

- Industry-government outreach
- Interagency cooperation
- International export control efforts (bilateral and regional cooperation)





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