

**Bundesamt für Wirtschaft und Ausfuhrkontrolle
Federal Office of Economics and Export Control**

**How to approach controls
on intangible technology transfer (ITT)**

International Export Control Conference 2004, London

Control requirements / Scope

- **Clear scope of control / standardized legal basis**

- **Controls between certain partners**
- **Listed or non listed technology / military or dual-use items**
- **Way of transmission:**
 - a) **data transmission by electronic means**
 - b) **technical assistance**
 - c) **in-country diversion / “deemed export”**
- **Internet / public domain / basic scientific research**
- **Visa screening**

Ex - ante / awareness

- **Self-control / self regulation by the exporting industry**

- **Awareness about potential proliferation-risks**
 - **Advice for responsible behaviour**

- **Mandatory licensing system permits controlling**

- **Change from controlling to compliance**

Feasibility

- Control by monitoring the actual transfer
- Surveillance of the entire data flow or focussed surveillance

- Realistic comparison with tangible control

- Develop indicators for further scrutiny

- Information exchange on proliferators attempts

Ex - post controls

- **Data transmission will leave traces**

- **Regular audits**

- **Record keeping / Documentation**

- **Guidelines for conducting audits to detect illegal ITT**

Effective sanctions

- **To make discovered violations punishable**

- **To invest necessary resources**

- **Measures related to administrative consequences**

Visa Review

- **Other instruments beside export controls to prevent security risks**

- **A link between granting a visa for a certain project**

- **Information exchange on visa review practices and relevant information**

Summary

Leaving ITT uncontrolled



opens an obvious loophole for the transfer of technology



**poses a major threat to the credibility
of already existing export controls**

Thank you for your attention

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