

Ministry for Foreign Affairs  
Export Control Unit  
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## Who decides which products are considered as dual-use item?

The lists of dual-use items subject to controls are prepared as part of international export control regimes<sup>1</sup>. As a party to these agreements, Finland is one of the countries deciding which items should be included in the control lists. This lists prepared as part of international export control regimes are combined into a single list by the EU. This list is part of the dual-use regulation of the EU, which is binding on all EU<sup>2</sup> Member states and exporters. Under the regulation, items not included in the control lists can also be made subject to controls by a decision of a national authority. Such catch all decisions are only made when there is a possibility that a specific item may be used in weapons of mass destruction or for other unwanted military purposes.



<sup>1</sup> Export control regime for conventional arms and dual-use items, Wassenaar Arrangement (WA), <http://www.wassenaar.org/>; Control regime for chemical and biological items Australia Group (AG), <http://www.australiagroup.net/>; Missile Technology Control Regime (MTCR), <http://www.mtcr.info/>; Nuclear Suppliers Group (NSG), <http://www.nuclearsuppliersgroup.org>  
<sup>2</sup> EU regulation on the control of exports, transfer, brokering and transit of dual-use items (EC) No 428/2009

## What are the exporter's responsibilities?

Companies exporting dual-use items must be familiar with the provisions contained in the export control legislation<sup>3</sup> and observe them. Determining whether an item is subject to export controls is the responsibility of the exporter. If a company has exports to countries subject to sanctions, it must also be familiar with the content of the sanctions regulations<sup>4</sup> because, as a rule, companies are responsible for ensuring that they act in accordance with the sanctions. The Export Control Unit of the Ministry for Foreign Affairs is Finland's national export licensing authority and it assists companies in all matters concerning the export control of dual-use items. In issues pertaining to sanctions, you should seek advice from the Unit for Public International Law of the Ministry for Foreign Affairs. Export controls are the joint responsibility of the exporters and the Ministry for Foreign Affairs.

When a company is planning exports, consideration must be given to the items in question, their potential uses, the situation in the country of destination and issues concerning the consignee and the end user. It should also be examined whether there is a risk of diversion (a risk that the items will be transferred to unauthorised end users). Company-internal export control guidelines, on which the Ministry for Foreign Affairs has issued a recommendation, provides a basis for effective export control.

For more information about export control and the application for export authorisations (individual, global and general export authorisations), see the chart below and the following websites:

<http://formin.finland.fi/public/default.aspx?nodeid=49174&culture=en-US&contentlan=2>

<sup>3</sup> Dual-use regulation of the EU and the Finnish act on export control of dual-use items (562/1996)

<sup>4</sup> To view the sanctions regulations of the EU, visit the sanctions pages of the Ministry for Foreign Affairs at <http://formin.fi>.

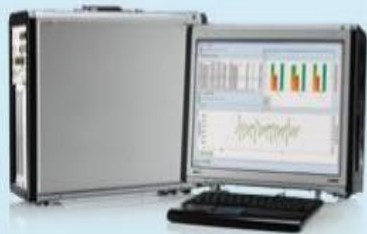
[finland.fi/kvyhteisty/pakotteet](http://finland.fi/kvyhteisty/pakotteet)

## EXPORT CONTROL OF DUAL-USE ITEMS



## What is a dual-use item and why are the exports of dual use items subject to controls?

Dual-use items are products, software or technologies that have both commercial and military applications and/or can be used for developing weapons for mass destruction. Dual-use items are high-technology products that include nuclear materials, special materials and related equipment, electronic equipment, certain types of computer equipment, telecommunications and data encryption equipment, sensors and lasers.



Because of their nature, exports of dual-use items are subject to authorisation. The purpose of the export control is to prevent the spread of weapons of mass destruction and to prevent unwanted military use of the items. Effective export control is also in the interest of companies because it ensures that their products are not used for weapons of mass destruction or other military purposes. The existence of effective export control regimes means that Finnish companies can purchase items and technologies manufactured elsewhere that are subject to controls.

