



 Patrick Goergen  Mar 10, 2023 4 min read

D-5: License Determination, a unique and innovative way to check if a license is needed

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Everyone working in export control has got this question: Do I need a license? The reply should be "yes" or "no". No "perhaps", no "it depends", no "I have to see", no "I have to ask", no "I'm not quite sure, but look at the website XYZ", no "Ask the authority ZYX".

The license requirement is part of the overall efforts to protect national and international security and fight against proliferation and the use of weapons of mass destruction. These efforts are taken on the level of national States, but which are cooperating in intergovernmental structures to take common steps and decide what products, technologies and software are export controlled and need a Governmental license. Meaning that exporters want to avoid violation of export control laws, which may result in monetary penalties and in some cases imprisonment of the violators.

And no one is taking away the responsibility in determining the license requirement. No consultant, no government agency.

Complex and interacting elements of export control systems

Most developed countries have a set of licensing requirements when it comes to the export of items, technology, or software, as well any subsequent reexport. Technical and financial assistance, import and transit, brokering are also export controlled when it comes to sensitive items.

To determine whether your export transaction requires a license, you must first decide which country has jurisdiction over your item or activity. If you have branches in other countries, if your goods are located in another country, if the shipping route includes multiple countries, the question will get more difficult to answer.

You must have classified your product with regard to export control lists. What is the military or dual-use code which applies to your item? Did you integrate components with another country's origin? Is the product specially designed or modified for a military use? How do you find potential dual-use codes against which to assess your product? Where do you find dual-use codes for technology or software? Even if the product is not listed, it may still need a notification to or an authorization from the licensing authorities (the famous "catch-all" provisions!).

You must know your customer and end-user of your product. Have you verified if they are subject to sanctions, which means that you may not do business with?

What is the type of activity you performing on your product? Export, import, transit, brokerage? Is training considered as technical assistance and restricted? What about financial assistance, delivering loans and credits?

To what country are you exporting? Is it a direct export, or is the product transiting through more countries?

You see, to answer the question if a license is needed, multiple elements come into play. Are you consulting with a lawyer, explain the case and wait for days to get a legal opinion? How do you get around them and get a quick and easy answer? Online, and fast?



RespectUs solution: An online tool to answer the question if a license is required for a particular transaction

In fact, what everyone wants to have, is certainty in that field. Our entire platform is built on delivering a clear and certain answer to the question if a license is required. All other modules, to which you may subscribe to, are helping to path the way: by assisting in product classification, by screening customers, doing end-use checks, checking sanctions and embargoes for destination and transit countries.

We are delivering a "yes/no" answer. Nothing in between. Based on legal texts, no approximation. Benefitting from the experience of our staff in export control. Built on a tool we developed for more than 2 years. Up-to-date every day, and considering the currently applicable export control laws of all the countries participating in your transaction.

Sometimes, you will take 2 minutes of time and some questions to get the result. Often, it takes more time and more questions, because the export control laws are extensive, foresee a lot of license exceptions or conditions: all elements we have to take into account in our online tool.

If there are technical words in the question, we provide further information on what they mean. The same for the answers, as we provide additional guidance on what the different options are consisting of.

What we guarantee, is the result based on the inputs you gave. If you are indicating that your product is a laptop, but is actually a military helicopter (fact you are hiding), then the answer will be based on the "laptop" case answer. The process is not requiring that you provide a proof of what you are saying. But you will have no added value from providing false inputs.

In brief, the RespectUs License Determination module,

is an easy-to-use online tool to get an firm answer if a license is required for a specific export transaction,

- taking 2 to 30 minutes to get an answer, with legal references justifying the result we provide
- providing a "Not restricted", "License required" or "Prohibited" answer
- based on currently applicable legislation and updated every day
- grounded on the inputs of the user during the process

Test us. Challenge us. Give us feedback so that we can improve and design this module according to your specific needs.

Cheers,

For the RespectUs team,
Patrick Goergen, CEO



Next to come in this series:

D-2: The RespectUs user management policy, with multiple features

Did you miss part(s) of the series? Read here the last blogs:

1 March 2023: [D-14 RespectUs is opening subscriptions on 15 March 2023](#)

2 March 2023: [D-13 Knowledge Base, the collection of export control and sanctions regulations](#)

3 March 2023: [D-12 Product Classification made by RespectUs, to determine dual-use and military codes](#)

6 March 2023: [D-9: Sanctions & Embargoes. RespectUs style, to get fast answers to an interrogation about exports](#)

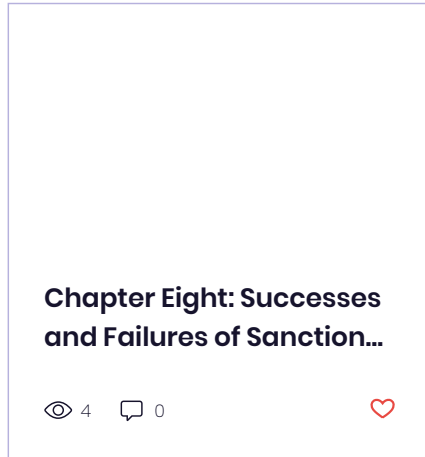
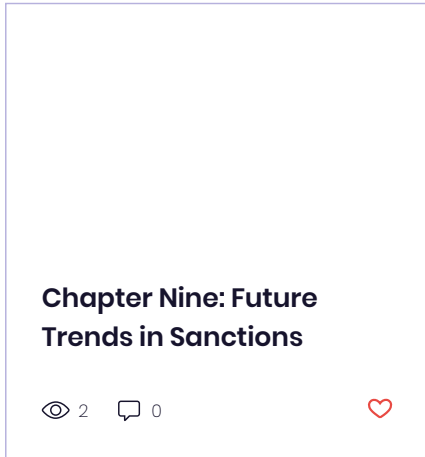
7 March 2023: [D-8 Customer Screening, with due diligence processes and name checks](#)

8 March 2023: [D-7: End-use checks, a set of diversion and other risk indicators designed by RespectUs](#)

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RespectUs

contact@respectus.space
+352 27 39 85 1

24, rue Léon Laval • L-3372 Leudelange • G.D. Luxembourg

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