



# Space Technologies – Series (7)

Today, part 7- Catch-all provisions for the export of space technologies

The fact that a given product does not fulfil the criteria of Dual-Use Annex I or Annex IV, or of the Military List, does not mean that any further screening is not necessary. On the view of the transaction which a non-listed item is subject to, an administrative authorization shall be required in certain cases.

Exports of dual-use items not listed in Annex I (this includes items listed in Annex IV) are subject to a "catch-all clause". The same applies for non-listed defence-related products.

Accordingly, an export authorization shall be required in the following cases

- if the items in question are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons, and if (a) the competent authorities of the Member State in which the exporter is established have informed him of such destination, or (b) the exporter has grounds to suspect such a destination, has informed the ministers and the ministers have informed him that an authorization is required;
- if the purchasing country or country of destination is subject to an arms embargo imposed by a decision or common position adopted by the Council or a decision of the Organisation for Security and Cooperation in Europe (OSCE) or an arms embargo imposed by a binding resolution of the Security Council of the United Nations and if the exporter has been informed by the authorities that the items in question are or may be intended, in their entirety or in part, for a military end-use;
- if the items in question are or may be intended, in their entirety or in part, for use as parts or components of military items listed in the national military list that have been exported from the territory of that Member State without authorization or in violation of such an authorization and if the authorities have informed the exporter of such use;
- if the exporter has a reason to suspect that the export of the items affect or are likely to affect the national or external security of the country or the safeguarding of human rights, has informed the ministers who have informed him or his representative of the need to request the authorization.

