



# Export Control in English

**A language training course book for both self-study and trainer led courses**

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## 2. What is Subject to Control?



Hiking boots



Software



Worker



Battle Tank



Shotgun Ammunition



Toxic Chemicals



Tracer Rounds



Toyota Hilux



Differentials



Pepper Spray

**Think & Discuss:** From the above, which items do you think require an export licence?

Item	Is a licence required? Your reasons.
Hiking boots	
Software	
Worker	
Battle tank	
Shotgun ammunition	
Toxic chemicals	
Tracer rounds	
Toyota Hilux	
Differentials	
Pepper spray	

**2.1 Listen and Answer:** Based on the talk, which items require a licence? Take notes as to reasons why those items need one.

Item	Is a licence required? If so, why?
Hiking boots	
Software	
Worker	
Battle tank	
Shotgun ammunition	
Toxic chemicals	
Tracer rounds	
Toyota Hilux	
Differentials	
Pepper spray	

**Describe& Discuss:** In the box below, describe some of your own products or services. Which are or may be licensable and why?

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**Control Lists -  
Export  
Administration  
Regulations -  
Commerce  
Control List  
(CCL)**

Coming under the jurisdiction of the US Department of Commerce, Bureau of Industry and Security, the Commerce Control List consists of a list of 10 categories. These categories are further broken down so that different types of equipment can be given a special number - an "ECCN". The list is used by exporters of dual-use goods to determine if they require an export licence, what the ECCN number for their licensable export is, and what the requirements for the export of the product are.

**Read** the text and complete the below exercises.

### **Do I need a licence to export?**

Whether or not you need a licence depends on two things:

Whether your goods feature on one of the strategic export control lists;

**OR**

If they do **not** feature on one of the strategic control lists, whether there are any Weapons of Mass Destruction (WMD) or Military End Use concerns about your customer or other overseas entities involved in your proposed export.

To meet these two distinct needs, ECO provides the separate services of **Control List Classification Advice** and **End User Advice**. You can access either of these two services below.

We also provide a Control List Classification Search Tool which is a search screen enabling you to enter your goods to determine their control list classification.

However, if you are not sure about which service you require, you should first consult our online help.

### **Control List Classification Advice Service**

A Control List Classification' Enquiry is the process of asking whether what you intend to export features on a control list. If the answer to this is 'Yes', then a licence will be required before you can export. If the answer to this IS 'No', then you will only require a licence if there are WMD or Military End use concerns about overseas entities who you intend to deal with.

If you are not sure whether what you intend to export is controlled or not, you should first use the Control List Classification Search Tool. If you are still unsure of the classification of your goods, you can access the Control List Classification Advice Service by clicking the link below.

NOTE: If you already know that your goods are controlled, and/or you wish to export soon you should apply for an export licence.

NOTE: If you already know that your goods are not normally controlled, you may wish to access our End User Advice Service further below.

### **End User Advice Service**

An End User Advice' Enquiry is the process of asking whether the ECO has any concerns with the overseas entities Involved In your export once you have already determined that your goods do not require a licence.

NOTE: If you already know that your goods are controlled, you should not use this service but instead apply for an export licence.

NOTE: If you already suspect or have already been informed by ECO that your goods are or may be used for WMD purposes, or you have already been advised to apply for a licence, you should not use this service but instead apply for an export licence

**2.2 Read** and answer the following questions based on the above text.

1. You only need a licence to export when;
  - A. the item appears on ALL export control lists
  - B. the item appears on ALL Export control lists AND there is a WMD concern
  - C. there are both WMD AND Military End Use concerns
  - D. the item appears on an export control list, or is listed as a being of WMD or Military End Use concern

2. You should consult the online help section if you
  - A. want Control List Classification advice
  - B. want assistance in choosing the correct service
  - C. want End User Advice
  - D. want to use the Control List Classification Search Tool
  
3. If the answer to a Control List Classification enquiry is “no”, then;
  - A. You are free to export the item without a licence
  - B. You still have to get a licence
  - C. You may still need a licence due to WMD or Military End use concerns
  - D. You can't export the item
  
4. The end user advice service should be used;
  - A. If your item is listed on the export control lists
  - B. When you know that there WMD or Military End Use concerns
  - C. to find out if ECO has any problems with the foreign parties involved in the export
  - D. After you have received your export licence

**2.3 Match** the excerpts from the following U.S control lists with the list they come from.

- A. Export Administration Regulations (EAR) – Commerce Control List (CCL)
- B. The United States Munitions List (USML)

1) The CCL does not include items exclusively controlled for export by another department or agency of the U.S. Government...\_\_\_\_\_

2) Training equipment specifically designed, modified, configured or adapted for military purposes... \_\_\_\_\_

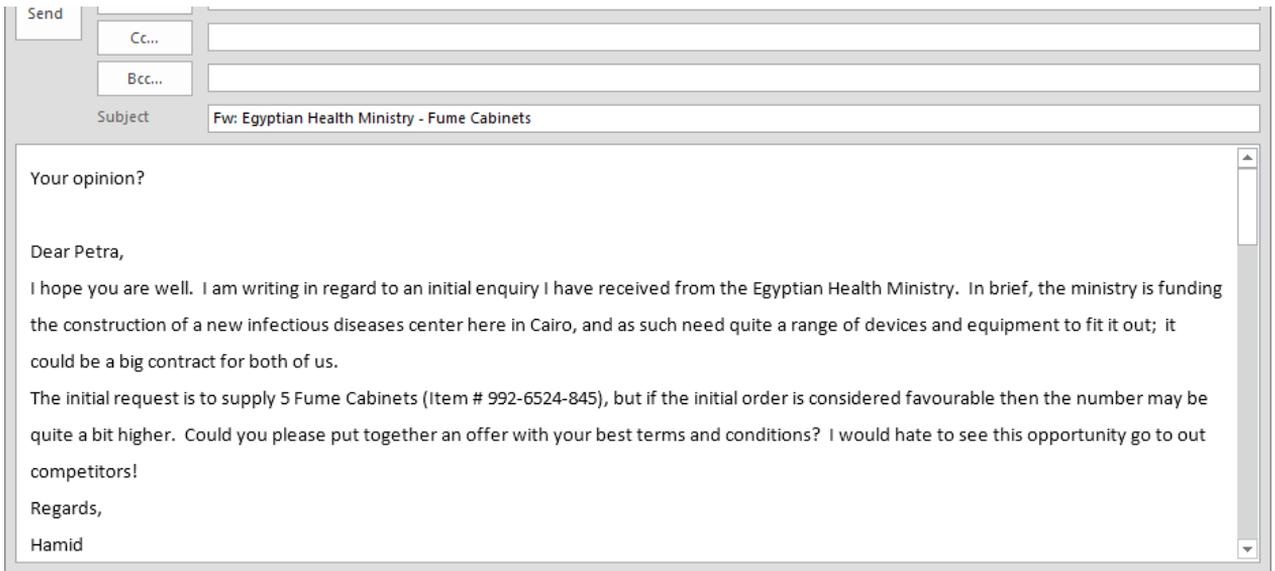
3) Specially designed for medical end-use" means designed for medical treatment or the practice of medicine (does not include medical research). \_\_\_\_\_

4) This category does not control formulations containing 1% or less CN or CS or individually packaged tear gases or riot control agents for personal self-defense purposes. \_\_\_\_\_

5) The “600 series” describes military items that were once subject to the ITAR. \_\_\_\_\_

6) The following articles, services, and related technical data are designated as defense articles and defense services... \_\_\_\_\_

**Think & Share:** Your Company's Sales and Service department have forwarded the following email from an overseas dealer to you for your input and opinion. What problems can you see with this order?



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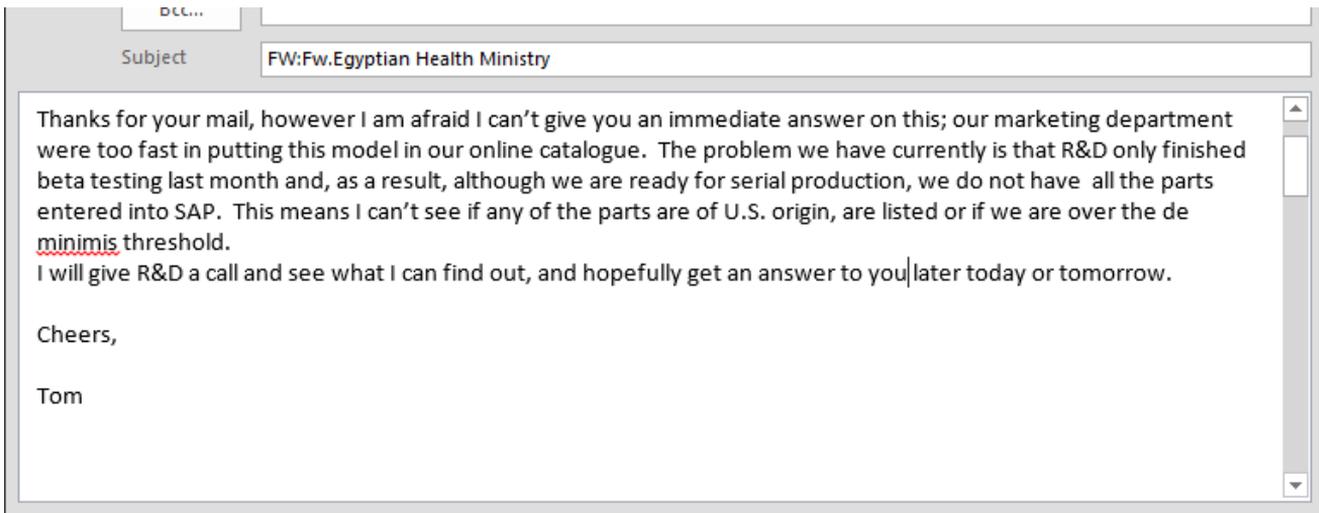
**Control Lists -  
The United  
States  
Munitions list  
(USML)**

The USML is under the jurisdiction of the US Department of State. Although the name suggests the list is concerned only with ammunition and explosives etc, it consists of a list of items, services and connected technologies in 21 categories that are deemed to be defense and space related by the US government. Items etc. listed under USML are subject to the International Traffic in Arms Regulations (ITAR) and require a licence for export from the US State Department. Categories include aircraft, vehicles, electronics and personal protective equipment.





**Read and discuss:** Below is a sample response to the Sales and Service department email.



**Discuss:**

1. Do problems like the above ever occur at your company?
2. How do you suggest these problems be avoided?
3. What is meant by the “de minimis” threshold?
4. Does your R&D department think of this when developing a new product?

**2.5 Listen and Answer:** Listen to the call between Export Control and the Research and Development department and complete the sentences below.

1. It's John from the compliance team. \_\_\_\_\_?
2. I need some more information on the \_\_\_\_\_
3. I need to check where the components of the cabinets come from and in particular \_\_\_\_\_
4. I'll check with the US guys and see whether we need to get \_\_\_\_\_
5. I would have to get back \_\_\_\_\_
6. Ok sure. \_\_\_\_\_

# Case Study

**Think & Discuss:** What problems can occur with company laptops? Do the same problems apply to other devices or services?

What problems can arise through “networking” for example using shared folders? How does your company deal with this problem?

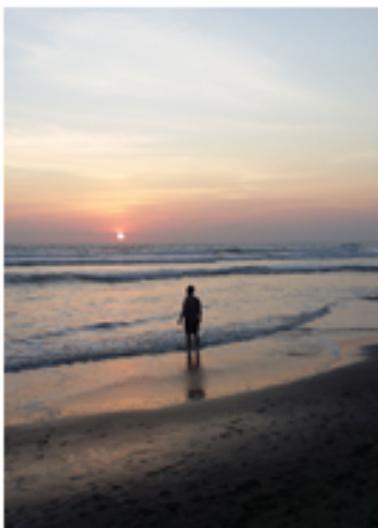
## THE DAILY NEWS

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### Man in Court for Taking Company Laptop on Holiday



Island Paradise

**London.** 42 year old William Walden was convicted of export control violations for taking his company laptop on holiday to Mauritius.

The laptop contained documents related to the use of machines currently manufactured by Waldens' firm Applied Energetics, based in Northolt, London.

Walden did not deny taking the laptop on holiday to a luxury resort on the Island of Mauritius but claimed he had no idea that he would need a license to take the computer with him. The prosecution successfully argues that Ignorance of the law was no defence. In relation to sentencing the Judge said that all options may be considered and that Walden should expect a custodial sentence as well as a fine.

Waldens defence team said that they will appeal against the decision.

**Note:** Export control laws cover software, documents and technical specifications as well as related technical services. Moving such things from one jurisdiction to another, even on holiday would require a license.

**Tech News: Zero Day Vulnerabilities Controlled**

**The Hague:** The Wassenaar Arrangement has added zero day vulnerabilities to its control list. This comes in the wake of a number of stories highlighting state purchases of such vulnerabilities as part of their surveillance programmes.

# Acknowledgements

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## Chapter two

### *Exercise 1*

Hiking shoes - Lowa by DocteurCosmos

CD ROM -CSIRO

Toyota hilux -Buttonfreak at nl.wikipedia

Differential -Tennen-Gas

Pepper Spray - Kumaran.Pondicherry

*Do I need a licence to Export? Text and-technology/*

### *Exercise 2.3*

Commerce Control List

US Munitions list

Case Study, Newspaper template:

<https://forms.business.gov.au/smartforms/dod/application-to-export-controlled-goods->

<https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>

[http://www.pmdtc.state.gov/regulations\\_laws/itar.html](http://www.pmdtc.state.gov/regulations_laws/itar.html)

<http://www.presentationmagazine.com/editable-powerpoint-newspapers-407.htm>