Dual-purpose technologies (civil and military)

General points

Switzerland has entered into several international agreements concerning nuclear non-proliferation, the banning of biological and chemical weapons and the control of dual-purpose goods and technologies (civil and military).

On the basis of these agreements, the federal law on the control of dual-purpose goods (LCB)\(^1\) and its ordinance (OCB)\(^2\) have been enacted. The latter stipulates the following two principal rules:

1. **the exportation** of dual-purpose goods, components, software, technologies and information is subject to authorisation by the Swiss State Secretariat for Economic Affairs (SECO);
2. **the exportation** of goods, components, software, technologies and information that are known to be or could be intended for the development, production or use of nuclear, biological or chemical weapons (weapons of mass destruction/WMD) or vector systems (rockets, missiles, drones etc.) intended for the use of such weapons must be previously declared to the SECO.

The LCB makes provision for [penal sanctions](#) for persons failing to comply with these obligations.

What does this legislation signify for the EPFL?

Within the framework of their activities for the EPFL, professors, researchers or even other employees may be led to transmit outside of Switzerland information, research results, demonstrators, prototypes or software that are liable to fall foul of this legislation.

This may involve transmission within the context of « informal » contacts or transmission occurring as part of either research contracts (contracts with industry; European projects; subsidies from foreign institutions etc.) or technology transfer (licences on patents or software; transfer of inventions or patents etc.).

What action should be taken?

Before any transmission to a company, person or institution (even academic) outside of Switzerland of information, research results, demonstrators, prototypes etc. that do not fall within the public domain, it must be verified whether the elements to be transmitted are liable to authorisation or declaration, that is:

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1 see : [http://www.admin.ch/ch/f/rs/c946_202.html](http://www.admin.ch/ch/f/rs/c946_202.html)
2 see : [http://www.admin.ch/ch/f/rs/c946_202_1.html](http://www.admin.ch/ch/f/rs/c946_202_1.html)
1. consult the ad hoc lists, i.e. annexes to the OCB, namely:
   - Annexe 2, part 1: nuclear equipment
   - Annexe 2, part 2: dual-purpose goods
   - Annexe 3: specific military equipment
   - Annexe 5: weapons, explosive materials and aircraft.

These annexes are available at:

If the information, research results, demonstrators, prototypes etc. in question concern goods mentioned in one of these annexes (or in case of doubt), **the TTO must be contacted** ([http://sri.epfl.ch](http://sri.epfl.ch)) in order to establish whether authorisation from the SECO is required.

However, the EPFL holds a general export licence **authorising transfers** of dual-purpose goods **to certain countries**; the list of these countries appears in Annexe 4 to the OCB (see URL above). **Please note:** this general licence is not valid for the goods and technologies in Annexe 2, part 1 nor for the following biological substances in Annexe 2, part 2: 1C351: human pathogens, zoonoses and toxins; 1C352: animal pathogens; 1C353: genetically modified micro-organisms and 1C354: plant pathogens.

2. If the researcher knows that the information, research results, software etc. in question are intended or could be intended for the development, production or use of nuclear, biological or chemical weapons (WMD) or vector systems (missiles, rockets, drones etc.) intended for the use of such weapons, **the TTO must be contacted. Prior declaration to the SECO is necessary** even if the elements in question do not concern goods appearing in the above-mentioned annexes to the OCB and even if the transfer is being made to a country mentioned in Annexe 4 to the OCB.

**For more information**

**For questions or requests for assistance, please contact the TTO.**

For all contracts submitted to it, the TTO carries out the verifications required by the LCB in collaboration with the laboratory concerned.