



A Resource on Strategic Trade Management and Export Controls

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Catch-All Controls

There are many lower-level dual-use items (such as common test equipment, decontrolled machine tools, certain steels, and ubiquitous electronics parts) that are not listed on the multilateral control lists but can still make meaningful contributions to WMD/Missile programs. This is particularly the case in start-up programs in key countries of concern.

In order to meaningfully impede proliferation and prevent contributing to WMD/Missile programs in these countries, the international community had to figure out a way to control exports of unlisted items, as well as listed items, destined for programs of concern. The solution was to focus on the end-use and end-user of the item, rather than the item itself. During the 1990s, the U.S. and other supplier countries began applying what are called "Catch-All" controls. These controls provide a legal and/or regulatory basis to require government permission to export unlisted items when there is reason to believe such items are intended for a WMD/Missile end-use or end-user.

More and more countries are adopting catch-all controls. The U.S. Export control system relies on catch-all guidelines to ensure problematic dual-use exports that do not otherwise require a specific license, do not reach destinations of nuclear, chemical/biological, or missile proliferation concern.

Also known as the enhanced proliferation control initiative (EPCI), the controls prohibit the export without a license of any dual-use commodities, software, or technology (other than publicly available information) that would contribute to projects of proliferation concern. The export administration regulations identify missile projects of concern, as well as particular foreign entities that the U.S. Government designates as end-users of concern.

A license to export is required if a U.S. Exporter:

- Knows or has reason to believe that an export will be used in certain nuclear explosives activities, un-safeguarded nuclear activities, and certain safeguarded nuclear activities.
- A missile project of concern in a listed country or the design, development, production, stockpiling, or use of chemical or biological weapons, or
- Is informed by the Department of Commerce that an export would present an unacceptable risk of use in or diversion to WMD activities or a missile project of concern anywhere in the world.

Each EPCI-related license application is reviewed on a case-by-case basis. If the U.S. government determines that the export poses an unacceptable risk of use in or diversion to a nuclear proliferation activity, or that the export would make a material contribution to a chemical or biological proliferation activity, or a missile project of concern, the license is denied.

Further, U.S. persons engaged in activities that support or assist in the design, development, production, or use of weapons of mass destruction and missile project of concern, the license is denied.

Further, the U.S. persons engaged in activities that support or assist in the design, development, production, or use of weapons of mass destruction and missile delivery systems are required to obtain U.S. Department of Commerce authorization before engaging in such activities. Many countries, both regime members and non-members, have comprehensive catch-all controls, showing this can be done in a variety of legal and political systems and providing a variety of models. Most of these countries find that implementing catch-all controls impose few burdens, in part this is because in reality they only apply to those specific exports that may be destined for a program of concern because WMD proliferators need to disguise their procurement in order to obtain many components of a weapons/delivery program, like minded countries must work together to share information on companies and transactions of concern.

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