EISCAT Scientific Association

Dual use policy

EISCAT Policy Document

Title: Dual use policy	Effective Date: 2023-01-12	Page 1 of #
Identifier: E3D_DU_POL_001	Author: Axel Steuwer	

Revision History		
Version No.	Effective Date	Description
1	2023-01-12	First version

1. EISCAT Policy on Dual-Use Items subject to EU & Norwegian Export Controls

EISCAT_3D is a system which has dual-use capabilities, i.e. both civil and miliary applications. Because of the dual-use capabilities, hardware, software and technical/operational knowledge (hereafter called components) of EISCAT_3D fall under the export-control regulations according to Annex I to the European Parliament and the Council's Regulation (EU) 2021/821 for *dual-use items*[1], as well as the export control regulations in Norway, 19 June 2013 No. 718[2]. The documents are available on the EISCAT intranet and includes a list of classifications of the specific subcomponents also listed is short below.

2. Purpose

Dual-use items may be traded freely within the EU but require explicit authorization by the relevant authorities if exported outside the EU, or special notification/authorization of the relevant authorities if exported or traded within the EEA and other countries such as USA/Japan/UK/Australia, and notification is then only allowed if no military purpose is involved. The authorization has to be obtained by the legal representative, i.e. the Director of EISCAT, and the EISCAT Director is responsible for breaches of the regulations governing export of dual-use items. Thus, it is the responsibility of EISCAT to ensure that all staff are aware of the regulations governing export of dual-use items, and adhere to them.

3. Scope

The core of the EISCAT dual-use export control policy is that all EISCAT_3D components and subcomponents (hardware, software and technology/knowledge) inherit the dual-use classification from the complete system itself and should be considered as subject to EU/EEA export control regulations and must not be exported beyond EU/EEA borders without explicit authorization or notification of the relevant authorities.

While some sub-components may not have dual use capabilities and/or can be freely exported, others may not. This is described in more detail, and with examples, in the SOP E3D_DU_SOP_002 also found on the intranet. If uncertain, seek clarification from the EISCAT Director, or EISCAT HQ may seek advice from the relevant authorities.

All other EISCAT Radar installations and components thereof do not have these dual-use capabilities and are not subject to this policy.

4. Classifications

Explanations of the classifications and examples of export controls are given below. The list of dual use items subject to export regulations is update regularly by the European Commission:

Hardware: Section **6A008** "Radar systems, equipment and assemblies, having any of the following, and specially designed components therefor": 6A008.d, 6A008.e, 6A008.f, 6A008.h, 6A008.i, 6A008.k and 6A008.l. The hardware classification includes capability of detecting moving targets, SLAR, height-finding non-cooperative targets.

Software: Sect **6D001** "Software" specially designed for the "development" or "production" of equipment specified in 6A004, 6A005, **6A008** or 6B008 and Section 6D002 "Software" specially designed for the "use" of

equipment specified in 6A002.b., 6A008 or 6B008: Software includes algorithms for data reduction and filtering, handling of low-level data, control software, as well as e.g. possibly firmware of FSRU.

Technology: section **6E001** "Technology" according to the General Technology Note for the "development" of equipment, materials or "software" specified in **6A**, 6B, 6C or **6D**. Section **6E002** "Technology" according to the General Technology Note for the "production" of equipment or materials specified in **6A**, 6B or 6C. Hence, "Technology" refers to the know-how of EISCAT_3D design, assembly commissioning and operations. This includes drawings for components of the systems from the suppliers, diagrams of the network architecture, operational parameters, know-how of system integrations etc.

In Norway, the relevant classification is in List II, the Appendix II, and is identical to the EU classification.

END OF DOCUMENT