

## Dual Use Guidance

Certain products/research data can be used for both civilian and military purposes. This type of product/data is hereinafter collectively referred to as "Dual Use Products".

Some of these dual use products may only be exported to countries outside the EU with export permission.

Dual use products also include knowhow and knowledge in a broad sense, publication of such knowledge is therefore also covered by the rules.

## Background

The EU regulation no. 428/2009 states under which circumstances you must have a permit to export dual use products out of the EU.

The permit is issued by the Danish Business Authority.

Appendix 1 to the regulation provides a list of products covered by the dual-use export rules (checklist).

If a product is on the checklist, permission to export the products / knowledge out of the EU is required.

Only the specifically mentioned products are covered by the rules.

The list contains 10 main categories (0-9) as well as 5 subcategories for each main category (A-E).

Even if a product / knowledge is not specifically included in the checklist, export outside the EU may require export permission if:

- It is known that the product can be used in connection with weapons of mass destruction.
- There is reasonable suspicion that the product is to be used in connection with weapons of mass destruction.
- The product is either entirely or partly related to military use in countries under an international arms embargo.
- The product qualifies as *cyber monitoring products*.

## Please notice

- That the term 'knowledge' also includes knowhow, documents, and scientific articles.
- The rules do not apply to knowledge that is already publicly known.
- That posting online in Denmark is considered as export out of the EU as there is reasonable possibility that the knowledge in question can cross borders outside of the EU.

## Researcher obligations

The individual researcher must consider whether her/his research is covered by the above-mentioned dual use rules.

If the research is covered by dual use rules, the individual researcher is responsible for obtaining a permit from the Danish Business Authority.

In case of doubt, the researcher should consult with the Head of Department.

## **Responsibility**

The individual researcher is responsible for making the risk assessments.

The Head of Department has the responsibility to ensure that the researchers have the required insights into rules and processes and are aware of their responsibilities.

## **Additional Information**

The Danish Business Authority: <https://eksportkontrol.erhvervsstyrelsen.dk/export-controls-english>

Legal services [contracts@sdu.ris.dk](mailto:contracts@sdu.ris.dk)