



NEW ZEALAND
FOREIGN AFFAIRS & TRADE
Manatū Aorere

Export Controls: A quick guide for Researchers





Reach out to the Export Controls team if you would like to discuss any aspect of Export Controls in person, or to invite us to visit your organisation to speak with your team.



 mfat.govt.nz/en/trade/export-controls

 exportcontrols@mfat.govt.nz

 +64 4 439 8227



Check out our online training materials on the Ministry of Foreign Affairs and Trade website under **Export Controls**

I What is the purpose?

The purpose of Aotearoa New Zealand's Export Controls regime is to **regulate** the export of **goods, software** and **technology**. The goal is to prevent the direct or indirect use of exports in ways that could **harm** the country's security or national interests. Additionally, the regime aims to avoid contributing to human rights abuses or violating international humanitarian laws.

In achieving this purpose, the Export Controls Regime ensure Aotearoa New Zealand fulfils the international and domestic **obligation, commitments, and policies**. Controlling the export of these goods, solidifies our commitment to being a **responsible exporter** of such goods.



What is covered by export controls?

The export of **strategic goods**, and exports that are covered by **catch-all provisions**, and the export and import of all **controlled chemicals**, are prohibited under the Customs and Excise Act 2018 and the Chemical Weapons Act 1996, unless a permit has been obtained from the Secretary of Foreign Affairs and Trade.

What is prohibited under the Customs and Excise Act 2018 and the Chemical Weapons Act 1996?*

- The export of **strategic goods**
- Exports that are covered by **catch-all provisions**
- Export and import of all **controlled chemicals**

The Export Controls team process permit applications on behalf of the Secretary, and are here to **help** exporters. We are happy to have informal conversations about your research and export plans, and how Export Controls apply to **your situation**. You do not need to be ready to submit a permit application **before** you contact us.

*Unless a permit has been obtained from the Secretary of Foreign Affairs and Trade.

Key Terms

Strategic goods:

Goods listed on the New Zealand Strategic Goods List. These include firearms, military goods and technologies, organisms, and goods and technologies that can be used in the production, development, or delivery of nuclear, chemical or biological weapons.

Technology:

Specific information or software necessary for the development, production, or use of a product. The export of technology is covered by Export Controls.

Catch-all provisions:

These were introduced in 2020, bringing all exports to any armed force, paramilitary force, police force or militia under New Zealand's Export Controls regime, regardless of whether or not the exports are of strategic goods. Some countries are exempt from the 'Catch-all provisions'.

Controlled Chemicals:

Chemicals that could be used as weapons or weapons precursors, and chemicals related to conventional weapons, nuclear weapons and ballistic missiles.

I How does this affect you?

If your research may have **military application** or you intend to export any part of it to a military or police end user then you need to apply for and be granted an export permit **before** the export occurs. If you intend to export anything physical related to your research, this may also require a permit e.g. chemicals, materials, organisms, devices, machines etc.

Fundamental or basic research, and information which is in the public domain **is not** subject to Export Controls.

Examples of exporting in a research context include:

- Transferring research undertaken on behalf of an international partner
- Transferring research undertaken as part of an international collaboration
- Taking your research with you overseas where it could be accessed by others e.g. travelling with a work laptop containing research details.

Export Controls do not prevent research occurring, rather they control how it is shared to those outside of New Zealand

| Be alert and aware

You may be approached by email or at a conference, or in other ways, with an international offer to undertake joint research, fund research, or to provide access to research facilities. Stop and think about potential military uses of your research before embarking down a path to share, collaborate on, or provide access to research internationally.

Think outside the box when considering how your research may be used: Even if you do not intend your research to be used for military purposes, it may still have a dual use. For example, research on advanced metals and other materials. While some military uses cannot be predicted, many can. Consider brainstorming applications of your research with colleagues from different fields.

Be aware that not everyone you have dealings with may be honest. If your research is valuable from a military perspective there may be people who wish to mislead you in order to obtain it, or steal it outright .

A key red flag that may indicate that potential collaborators, funders, or other enablers of research may not be telling the truth is when the purported reason for the research is obscured, the reason changes, or does not feel like it completely 'stacks up'. Work to understand people who approach you, the organisations and countries they are connected with, and work to understand their reasons for wanting access to this research.

If you have any concerns, or you would like any advice, contact us.

How do I apply for an export permit?

There is no charge to apply for a permit.

There are four different types of permits. Find the application forms, and instructions on how to apply in the **Export Controls** section of the Ministry of Foreign Affairs and Trade website:

Types of export permit	
Single permit	Issued for the permanent export of a fixed quantity of specified items in a single shipment.
Single temporary permit	Issued for a fixed quantity of specified items temporarily leaving New Zealand with the intention of returning to the owner e.g. for a trade exhibition.
Multiple permit	Issued for the export of a fixed quantity of controlled items that will be exported in several shipments over an extended period of up to 18 months in duration.
General consent	Covers the export of an unlimited quantity of specified items to a country or countries. Generally approved for exporters with a business case that justifies the use of a general consent i.e. a sufficient volume of goods.



How is your application assessed?

Once we determine that your application is controlled, we then assess your application against **six assessment criteria**. The more relevant information you can provide with your application, the more efficiently the Export Controls team can make an assessment.

We aim to process routine applications **within 10 days**. Some applications (for example where the goods and/or destination are complex) can take longer. The Export Controls team will draw on expertise from across and outside the Ministry, senior officials may be involved, and Ministers may be briefed.

The Export Controls team will update you on your application's progress and let you know where additional supporting documentation is required.

The six Assessment Criteria

1. Consistency with Aotearoa New Zealand's disarmament, arms control and non-proliferation obligations, commitments, and policies.
2. Consistency with Aotearoa New Zealand's obligations, commitments, and policies regarding fundamental principles of international law, as well as international human rights law and international humanitarian law.
3. Consistency with Aotearoa New Zealand's other international obligations, commitments, and policies.
4. Whether the export may compromise Aotearoa New Zealand's national interests including, without limitation: security, international relationships, international reputation, and obligations under The Treaty of Waitangi / Te Tiriti o Waitangi.
5. The impact the export is expected to have on peace, security, and stability.
6. Whether the export may undermine confidence in Aotearoa New Zealand's commitment to being a responsible exporter of strategic and military end-use goods.

You can find an explanation of each criterion, and the considerations we take into account when assessing your application in the Export Controls section of the MFAT website.



mfat.govt.nz/en/trade/export-controls



exportcontrols@mfat.govt.nz



+64 4 439 8227



Check out our online training materials on the Ministry of Foreign Affairs and Trade website under **Export Controls**





MFAT

MINISTRY OF FOREIGN AFFAIRS AND TRADE
MANATŪ AORERE



Te Kāwanatanga o Aotearoa
New Zealand Government