



# Recent developments in EU dual-use export controls

**25<sup>th</sup> Asian Export Control Seminar**

*26 February 2019*

*Tokyo, Japan*

# Updating Council Regulation (EC) No 428/2009 The 2018 list of dual-use items

## Commission Delegated Regulation (C)2018/6511

of 10 October 2018 updating  
Annex I in light of decisions of  
export control regimes in 2017

Publication in Official Journal  
on 14 December 2018, entry  
into force on 15 December  
2018.



Wassenaar  
Arrangement



Missile Technology  
Control Regime



Chemical Weapons  
Convention

The Australia Group  
Fighting the spread of chemical and  
biological weapons  
Strengthening global security



Nuclear Supplier  
Group

# Updating Council Regulation (EC) No 428/2009 The 2018 list of dual-use items

Official Journal  
of the European Union

L 319



English edition

Legislation

Volume 61

14 December 2018

Contents

II Non-legislative acts


REGULATIONS

★ Commission Delegated Regulation (EU) 2018/1922 of 10 October 2018 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items ..... 1



## Latest news

17 Oct 2018

[2018 Update of the EU Control List of Dual-Use Items](#) 

02 Oct 2018

[2018 Export Control Forum](#) 

20 Sep 2018

[Targeted industry consultation on draft ICP guidance for dual-use](#)

# Updating Council Regulation (EC) No 428/2009 The 2018 list of dual-use items

- Over 200 Wassenaar Arrangement changes – WA-LST (17) dated December 2017
- 30 MTCR related changes (MTCR Technical Annexes published in the spring and autumn of 2017.)
- 7 NSG changes as agreed and published, but yet to be incorporated into the official NSG guidelines
- 13 changes as a result of updates to the AG control lists

## The 2018 EU control list in partner countries

- A number of partner countries make reference to the EU control list e.g.
  - In Europe: Albania, Armenia, Belarus, Bosnia & Herzegovina, FYROM, Georgia, Kosovo, Montenegro, Norway, Serbia, Ukraine
  - In Asia: Lao Pdr (pending), Kazakhstan, Malaysia, Philippines, Singapore, UAE...

## Coordination and support to the implementation of controls throughout the EU

- **The Dual Use Coordination Group (DUCG)** - Composed of experts from EU Member States (national competent authorities) and the European Commission - Technical consultations on the application of controls, development of EU Guidelines / Guidance notes, Dual-Use Electronic System (DUeS)
- **Technical Expert Groups** e.g. on cybersurveillance technology
- **Pool of Experts** – pooling expertise at the service of 28 competent authorities

# Information exchange and transparency

- **Annual Export Control Report: COM(2018)852, 14 Dec. 2018**
- **Information Notice** on national measures (C304/3, 20 August 2016) – updated Information Notice in preparation
- Updated Dual-Use–Customs **Correlation Table**

Correlation table between export control classifications and  
Combined Nomenclature Code

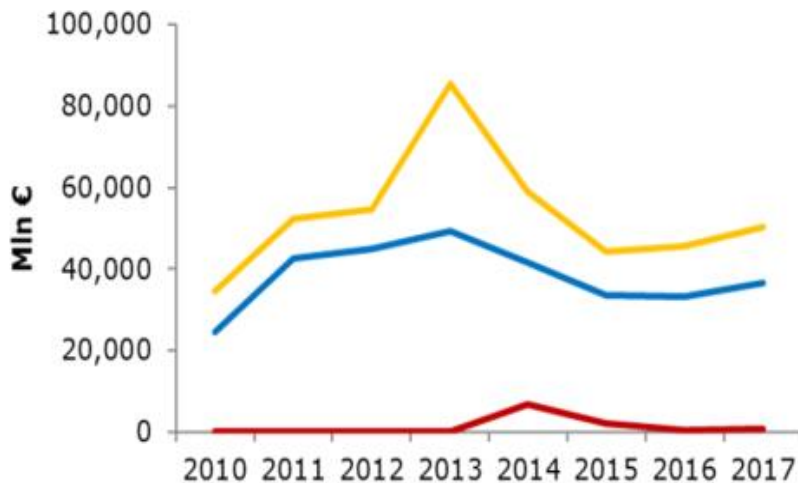
CN code	TARIC Footnote for DU	Dual Use code
2612101000	DU017	0C001
2612109000	DU017	0C001
2612201000	DU017	0C001
2612209000	DU017	0C001
2620999500	DU017	0C001
2707100000	DU068	1C111
2707200000	DU068	1C111
2707300000	DU068	1C111
2707400000	DU068	1C111

# 2017 EU export control data

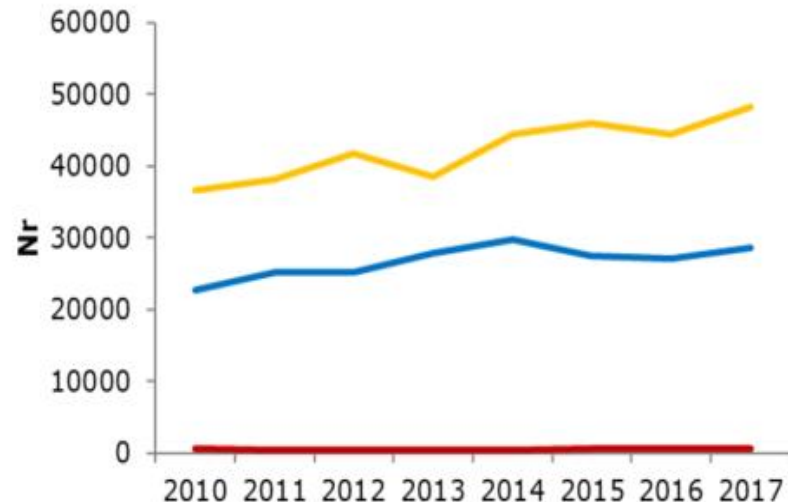
**Applications (with notifications) : EUR 50.2 Bln (2.7% of tot. extra-EU exp)**  
**Authorisations: EUR 36.6 Bln (2.0% of tot. extra-EU exp)**  
**Denials: EUR ~0.7 Bln (0.04% of tot. extra-EU exp)**

— Applications (with Notifications)    — Authorisations    — Denials

### Controlled Export Value



### Controlled Export Volume





# Information exchange and transparency

## Extra-EU destinations by value (2016)



# Development of a common IT infrastructure

- Continuous development of the Dual-Use electronic System (DUeS - new functionalities)
- Electronic licensing pilot project (IT, LV, RO, EL, WA)



Menu icon | LICENSING | Notification icon | AAA | Chat icon

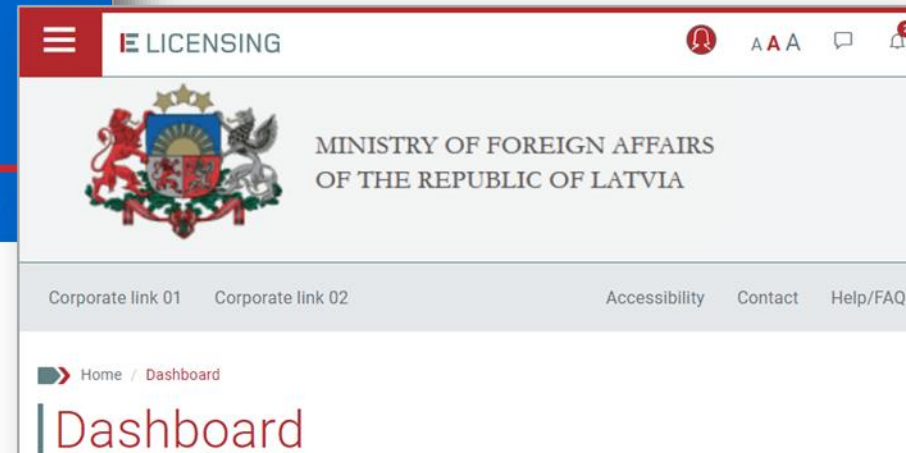
 **Ministero dello  
sviluppo economico**

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## Dashboard

News



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OF THE REPUBLIC OF LATVIA**

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## Dashboard

# Development of EU Industry Compliance Guidelines

- Technical Expert Group on the development of ICP guidelines (2017-2018)
- Public consultation launched Sept.-Nov. 2018 (<https://ec.europa.eu/eusurvey/runner/ICPguidelines2018>)
- *Adoption 1<sup>st</sup> Semester 2019?*

## Targeted industry consultation on draft ICP guidance

### Introduction

Effective controls on exports of dual-use goods, software and technology are vital for countering the proliferation of Weapons of Mass Destruction (WMD) and the destabilising accumulations of conventional weapons. Taking into consideration rapid scientific and technological advancements, the complexity of modern supply chains and the ever growing significance of non-state actors, effective export controls greatly depend on the awareness and active commitment of industry to comply with dual-use export control regulations.

### Views

Standard [Accessibility Mode](#)

### Languages

[EN] English ▼

### Background Documents

[Privacy statement-draft\\_ICP\\_guidance.pdf](#)



## THE 2015 EXPORT CONTROL F

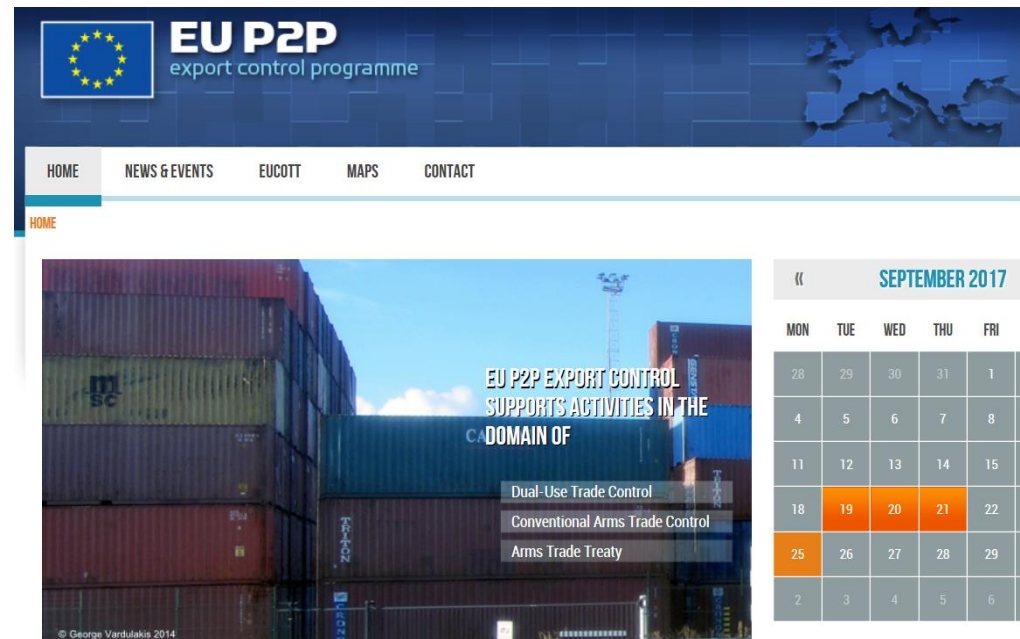
The Export control policy review  
ensuring security and competitiveness in a changing world





# International / multilateral export control

- EU participation in multilateral export control regimes (Australia Group, Nuclear Suppliers Group)
- Bilateral contacts with third countries / export control convergence
- Enlargement process
- EU Outreach (P2P) project
- EU support to BTWC, IAEA etc



The screenshot shows the homepage of the EU P2P export control programme. The header features the European Union flag and the text "EU P2P export control programme". A navigation menu includes "HOME", "NEWS & EVENTS", "EUCOTT", "MAPS", and "CONTACT". The main content area displays a large image of shipping containers with the text "EU P2P EXPORT CONTROL SUPPORTS ACTIVITIES IN THE DOMAIN OF" and a list of activities: "Dual-Use Trade Control", "Conventional Arms Trade Control", and "Arms Trade Treaty". A calendar for September 2017 is visible on the right side, with the 19th, 20th, and 21st highlighted. The footer contains the text "EU P2P EXPORT CONTROL PROGRAMME" and "RECENT NEWS".

# The Export Control Policy Review: the process

1

- Regulation (EC) No 428/2009

2

- 2013 Report to European Parliament & Council (COM(2013)710)

3

- 2014 Communication from the Commission (COM(2014)244)

4

- 2015 Impact Assessment report COM(2016) 315

5

- Legislative proposal COM(2016)616 of 28 September 2016

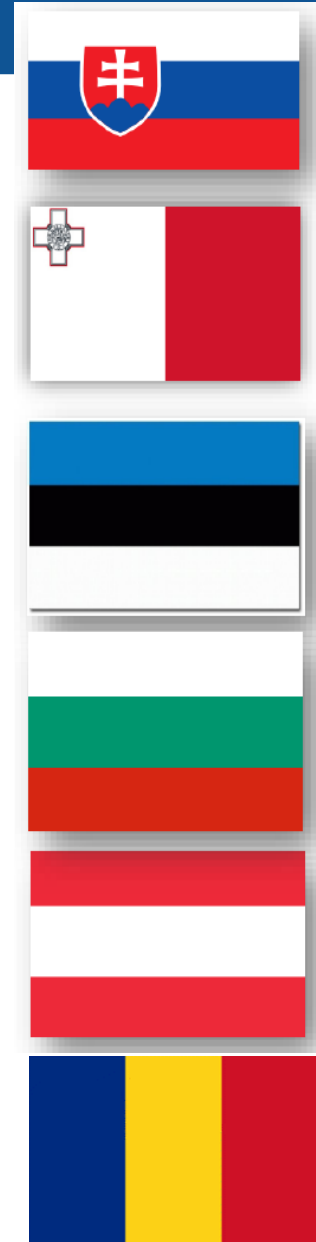
6

- Legislative process (2017 - ?)

# The legislative process: the European Parliament

- 2017: work in INTA and AFET committees, technical briefings, public hearing
- Plenary debate and vote on the 1<sup>st</sup> reading report and mandate for interinstitutional negotiations with the Council (16-17 January 2018)





## The legislative process: the Council

- Council Working Party on Dual-Use Goods
- Council position in 2019?



## The Brexit contingency measures

- 19 Dec. 2018: COM proposal to add the UK TO EUGEA 001 in case of no deal Brexit (contingency measure)
- DUWP technical agreement (9 January 2019) and INTA report (4 Feb. 2019) – adoption by simplified procedure?
- Entry into force on 30 March 2019 *only if no Withdrawal Agreement*

For more information: DG Trade website:

<http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>

Contact: [stephane.chardon@ec.europa.eu](mailto:stephane.chardon@ec.europa.eu)