**Dual-use items**

The EU controls exports of dual-use items - items that can be used for both civil and military purposes, such as uranium that can be used both in power generation and in nuclear weapons. These controls seek to ensure that it complies with its international commitments and responsibilities, especially regarding non-proliferation (i.e. preventing the spread of nuclear weapons).

**ACT**

Council Regulation (EC) No [428/2009](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=celex:32009R0428) of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

**SUMMARY**

The EU controls exports of dual-use items - items that can be used for both civil and military purposes, such as uranium that can be used both in power generation and in nuclear weapons. These controls seek to ensure that it complies with its international commitments and responsibilities, especially regarding non-proliferation (i.e. preventing the spread of nuclear weapons).

**WHAT DOES THIS REGULATION DO?**

It sets out a uniform European Union system to control the export, transfer, transit and brokering (the work of intermediaries who buy and sell on behalf of others) of dual-use items. It lays down a common EU control list and rules for its implementation. An **export authorisation** is required to export a dual-use item from the EU to a non-EU country.

**KEY POINTS**

Dual-use items are goods that can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices. Trade in dual-use goods has steadily increased over the years and represents a sizeable portion of the EU’s external trade; in 2013, the volume of controlled dual-use exports from the EU was up to €85 billion.

**Export authorisation:** Annex I of the regulation provides a list of dual-use items that require authorisation.

The export of certain dual-use items not in Annex I may be subject to authorisation when there is reason to believe that they are intended for use in connection with a **biological, chemical, nuclear weapons or ballistic missile weapons** programme or for use in **violation of an arms embargo**.

In exceptional cases, EU countries may impose additional controls on non-listed items for **public security or human rights** reasons.

EU countries also apply restrictions on **brokering services** of dual-use items, as well as on the **transit** through the EU of such items.

Regulation (EU) No [388/2012](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=celex:32012R0388) updates Annex I. It aligns it with international rules and commitments undertaken in view of the EU’s involvement in the [Australia Group](http://www.australiagroup.net/en/index.html), the [Missile Technology Control Regime](http://www.mtcr.info/english/), the [Nuclear Suppliers Group](http://www.nuclearsuppliersgroup.org/en/), the [Wassenaar Arrangement](http://www.wassenaar.org/) on Export Controls for Conventional Arms and Dual-Use Goods and Technologies and the [Chemical Weapons Convention](http://www.opcw.org/chemical-weapons-convention/).

**Free movement of dual-use items within the EU:** with the exception of some sensitive items listed in Annex IV of the regulation (like electrically-driven explosive detonators), dual-use items may be freely traded within the EU.

**Export authorisations** fall into four types, as indicated below.

|  |  |
| --- | --- |
| 1. | EU general export authorisations (EUGEAs) allow the export of dual-use items to certain countries under certain conditions (see Annex II of the regulation). They cover:exports to countries such as Australia, Canada, Japan, New Zealand, Norway, Switzerland and the United States;exports after repair/replacement;temporary exports for exhibitions/fairs;telecommunications and chemicals. |

|  |  |
| --- | --- |
| 2. | National general export authorisations (NGEAs) may be issued by EU countries if they are consistent with existing EUGEAs and do not refer to items listed in Annex II of the regulation (e.g. uranium; human and animal pathogens, such as certain viruses including Ebola). |

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| 3. | Global licences are issued by national authorities to one exporter and may cover multiple items to multiple countries or end users. |

|  |  |
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| 4. | Individual licenses are issued by national authorities to one exporter and cover exports of one or more dual-use items to one end-user or consignee in a non-EU country. |

**Network of export control authorities:** the regulation sets up a network of national export control authorities which exchanges information.

**Updating the list of dual-use items**

To enable regular updates to the EU’s list of dual-use items, Regulation (EU) No [599/2014](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=celex:32014R0599) gives the European Commission the power to adopt acts. If the European Parliament or the Council objects to it, the delegated act does not enter into force.

**The export control policy review**

The regulation requires the EU Commission to conduct an export control policy review. In October 2013, the Commission presented an implementation and impact assessment report to the Parliament and the European Council. It concludes that the current export control regime, while providing solid legal and institutional foundations, should be upgraded in order to generate the modern control capabilities the EU needs in future. In April 2014, a [communication](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=celex:52014DC0244) outlining a long-term vision for EU strategic export controls and identifying concrete policy options for the modernisation of the export control system was adopted. The Commission is currently conducting [an impact assessment](http://ec.europa.eu/smart-regulation/impact/index_en.htm) and plans to present new legislation in early 2016.

For more information, [see‘Dual-use controls’on the European Commission's website](http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/).

**REFERENCES**

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**RELATED ACTS**

Communication from the Commission to the Council and the European Parliament - The review of export control policy: ensuring security and competitiveness in a changing world ([COM(2014) 244 final](http://eur-lex.europa.eu/legal-content/EN/AUTO/?uri=celex:52014DC0244) of 24.4.2014).

Last updated: 01.03.2015