



## The EU Dual Use Export Control Regime

### A common set of rules

The EU export control regime is governed by [Regulation \(EC\) No 428/2009](#) (hereunder "the Regulation"), which provides for common EU control rules, a common EU control list and harmonised policies for implementation. Under the EU regime, the export of dual-use items is subject to control and dual-use items may not leave the EU customs territory without an export authorisation. The requirement for an export authorisation applies to:

- dual-use items listed in the EU Control List, in [Annex I](#) to the Regulation. The EU Control List is based on decisions adopted by international export control regimes – the Australia Group (AG), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement and the Missile Technology Control Regime (MTCR).
- non-listed items may also be controlled under the so-called catch-all clause, under certain conditions, when there is reason to believe such items 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;
- EU Member States may exceptionally impose additional controls on non-listed dual-use items for reasons of public security or human rights consideration.

Restrictions are also in place when providing brokering services on dual-use items as well as on the transit of such items through the EU.

In specific cases, the export of dual-use items may be subject to additional EU restrictive measures (sanctions). [Such restrictive measures](#) currently apply with respect to trade of dual-use items with DPRK, Iran, and Syria.

### Basic principles and key parameters

The Regulation is binding and directly applicable throughout the EU. EU Member States nevertheless need to take certain measures for implementing of some of its provisions, e.g. in relation to breaches and applicable penalties, and an [overview of national measures](#) is published at regular intervals.

The existence of a common control system allows for the free movement of dual-use items within the EU Single Market: dual-use items may be traded freely within the EU, except for some particularly sensitive items, which transfer within the EU is subject to prior authorization (see [Annex IV](#) of the Regulation). With regard to trade in nuclear material, the Regulation contributes to goals of the European Atomic Energy Community (Euratom) and to the peaceful uses of nuclear energy.

The Regulation sets-up an EU network of export control authorities and contains provisions supporting the exchange of information as well as administrative cooperation between EU Member States and increasing transparency across the EU territory. Additional provisions also deal with specific control measures to be introduced by exporters, such as record-keeping and registers.

### **Types of export authorizations**

There are four types of export authorizations in place in the EU export control regime:

- EU General Export Authorizations (EU GEAs) allow for the export of dual-use items to certain destinations under certain conditions (see [Annex II](#) of the Regulation). There are currently 6 EU GEAs in place:
  - 1 - exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein) and United States of America
  - 2 - export of certain dual-use items to certain destinations
  - 3 - export after repair/replacement
  - 4 - temporary export for exhibition or fair
  - 5 - telecommunications
  - 6 - chemicals
- National General Export Authorisations (NGEAs) may be issued by EU Member States if they are consistent with existing EUGEAs and do not refer to items listed in Annex IIg of the Regulation. Such authorisations are currently applied in France, Germany, Greece, Italy, Sweden, the Netherlands, and the UK.
- Global licences are granted by national authorities to one exporter and may cover multiple items to multiple countries of destination or end users.

Individual licenses are granted by national authorities to one exporter and cover exports of one or more dual-use items to one end-user or consignee in a third country.