



Brussels, 6 January 2025  
(OR. en)

12704/24

LIMITE

DUAL USE 56  
COMER 106  
CFSP/PESC 1198  
CONOP 52  
COARM 173

## OUTCOME OF PROCEEDINGS

---

From: General Secretariat of the Council  
To: Delegations

---

Subject: Outcome of Proceedings of the Working Party on Dual Use Goods of 17  
December 2024

---

**DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (31.03.2025)**

### 1. European Economic Security Strategy

#### A. White Paper on Export Controls

##### *a) First 'Proposed Response': First 'Proposed Response': Uniform controls in the EU – Commission Delegated Act*

DUWP continued discussions on the first proposed response in the White paper on Export Controls. Reference was made to Presidency non-paper, presented in October DUWP meeting where two options were explored in detail. **DELETED**

In the following discussion, MS exchanged views on the proposed way forward **DELETED**.

They all agreed on the urgency and the need to swiftly move forward with new controls, in order to ensure a level playing field, coherence of controls within the EU's internal market, and to counter risks to the national security.

Several delegations emphasized that sufficient time should be devoted to technical discussions on proposed temporary control lists.

**DELETED**

COM welcomed MS discussions and information provided, which would help the Commission to assess the feasibility of the proposed actions. It also recalled the role of the EP as co-legislator and importance of keeping all the involved parties informed, as appropriate.

MS agreed to continue the work internally, **DELETED**

in order to advance on the issue before the next DUWP in January. The Chair of DUWP offered its support to facilitate the process. DUWP will revert to the matter in January meeting.

***b) Second ‘Proposed Response’: ‘Recommendation’ for a better coordination of new National Control Lists***

The Commission updated on the work done so far. Draft Recommendation was finalised in DUCG on 6 November 2024. Internal validation processes are ongoing within the Commission. COM expects the adoption of the Recommendation by both the Commission and the Council in February 2025.

***c) Third ‘Proposed Response’: High-Level policy forum on export controls. Tour de Table (Ref. WK 15315/24)***

MS held a TdT, based on Presidency non-paper with guiding questions. In his introductory remarks, the Chair referred to the Council conclusions on White paper on export controls which recognised the role of DUWP in organising a high-level policy forum on export controls. Reference was also made also to SIPRI note, which suggested within such Forum to link disparate elements of the EU’s strategic trade controls framework and aligning them with broader policy objectives. Finally, the Chair underlined that during public consultation on the White Paper, various stakeholders welcomed proposed forum and strongly encouraged participation of industry members and businesses.

MS were invited to reply to the following questions:

- *Do you agree with the need to discuss relevant topics of export controls at a political (High-Level) forum of the Dual Use Working Party, or do you think that these discussions should take place in an ad hoc format, or below or at the level of COREPER, or even outside Council framework?*
- *Would you support inviting representatives of other relevant policy areas, industry, and academia to a meeting of a political forum coordinating export controls? Which ones do you see relevant?*

- *What particular topics would you suggest discussing at such political forum on export controls and what would be the expected conclusions?*

There was fully shared understanding of the MS that dual use export control policy discussions should take place in the WP on Dual Use Goods, at the appropriate level, as recognized also by the Council conclusions on White Paper on Export Controls from May 2024. Some delegations referred to ongoing discussions in COREPER on appropriate (ad hoc) governance structure within the Council to deal with economic security matters. Views diverged concerning an *ad hoc* WP for economic security matters. While some delegations saw merits of having a dedicated forum where also export controls could be discussed, provided that experts are duly associated, others preferred keeping COREPER as a coordinating body, or the current framework, considering an *ad hoc* WP difficult to manage from smaller administrations point of view. Several MS welcomed the precedent set by Belgian Presidency and suggested establishing a regular practice to hold one high-level DUWP meeting per Presidency.

Full agreement by MS to involve stakeholders in the policy discussion, when appropriate and when mutually beneficial, respecting confidentiality of discussions. In this regard, majority of the intervening MS regretted that the Commission has suspended the annual Export Control Forum, which provided structured and regular framework for engagement with stakeholders on export control matters.

Concerning the topics to be discussed by the high-level policy forum, MS proposed, inter alia, to focus on how export controls should adapt to the current geopolitical context, what are export control policies adopted by third countries and their impact on EU, how export controls link with research security and fit in broader economic security context, results of the announced evaluation of the DU Regulation, specific implementation issues or issues where divergences or deadlocks exist, harmonisation of MS export control policy on specific export control issues. The Presidency will follow up the outcome of the discussion at one of the forthcoming DUWP meetings.

## **B. Other initiatives under the Economic Security Strategy**

The Chair of DUWP updated the Group on the overall process in the Council relating to the economic security strategy. The Presidency has decided not to pursue the discussion on EESS governance at COREPER under its term, since Presidency's aim was to link the discussion with the publication by the Commission of the new initiative on outbound investment screening monitoring. The publication of the initiative has been postponed to a later date. However, HU Presidency would continue to support incoming PL Presidency on the matter. A reference was made also to the meeting of TPC (Full members) on 28 November 2024, where during the lunch debate, MS had opportunity to discuss 'protect' pillar of the EESS.

DUWP will continue to receive regular updates on other initiatives linked with Economic Security strategy.

## **2. Implementation of Regulation (EU) 2021/821**

### **A. Synergies with DUCG and TEGs**

#### ***a) Intangible Technology transfer (ITT)***

COM announced that it has presented draft ToR for the new technical expert group to the DUCG on 11 December 2024. Experts in CG are invited to make comments by next meeting in January to proceed with swift establishment of a dedicated expert group early 2025.

### ***b) Enforcement Coordination Mechanism***

COM informed the Group that it will hold the ECM meeting on 18 December 2024. ECM will discuss mapping of penalties applicable in case of breach of dual use export restrictions, to complement current mapping. One of supplementary topics for ECM would be investigation of potentially anomalous exports to RU. Some MS have already reported on these and proceeded with analysis. ECM will report on 2024 activities to DUCG and would also take stock on plans and achievements.

COM added that this was the first year of real ECM's activity. COM appreciated substantial commitment and engagement by MS during the year, with clear actions pursued and clear outcomes. COM reiterated invitation to reflect on what could be done more in the area of export control enforcement at large.

### ***c) European Commission Planning***

COM outlined its planning for next semester. DUCG will meet on 16 January (hybrid), 11 March (hybrid) and 15 May (hybrid). ECM meetings will take place on 13 March and 5 June (both in person). Other TEGs remain suspended. Concerning ITT TEG, the approach would be gradual. Once the ToRs are approved, COM will plan meetings. MS appreciated timely planning by the Commission.

## **B. National Policy and Legislation**

### ***a) Application of Article 9 of Regulation (EU) 2021/821***

One MS informed DUWP about its upcoming national export controls in light of WA 2023 non-adopted proposals. One delegation also informed about its outreach to industry on the use of Article 9 and 10 and their application. The Group was also informed about updates to national control measures, introduced by one Member State. COM confirmed the reception of all the updates from the MS and will seek to publish them by February 2025.

### ***b) Other changes to national export control policies or legislation***

No updates.

## **3. Multilateral Export Control Regimes**

The Chair provided an update on the latest developments in WA Plenary (3-4 December 2024).

**DELETED**

In the exchange of views, NL announced that it will be chairing WA expert group in 2025. One MS referred to bilateral discussions with US in the margins of WA on eligibility list. In this respect, several delegations invited to reach out to the US and to explain them about EU mechanisms for national control lists, and to make clear that they can be directly applicable from one MS to another.

## 4. Third Countries update

### *a) United States*

The Commission updated on recent US initiatives to modernize space-related export controls. These updated controls will further US innovation and technology leadership while protecting US national security and foreign policy interests. The series of regulatory changes modernizing space-related export controls consists of the following rules: In a Final Rule, BIS is removing license requirements for exports of certain items involving remote sensing or space-based logistics, assembly, or servicing spacecraft destined for AUKUS allies. In an Interim Final Rule, BIS is removing license requirements for exports of certain spacecraft components to allies and partners worldwide, reducing licensing requirements for the least sensitive components for most destinations. Additionally, US transfers jurisdiction of certain space-related defense articles that no longer provide a critical military or intelligence advantage from the US Munitions List to the Commerce Control List. These rules create exceptions for certain standards to allow development of space tourism and research. COM also mentioned recent US rules on export of semiconductor related technology. These would have impact on downstream supply chain. US controls are very significant unilateral controls because they also expand extraterritorial dimension in terms of entities and countries where entities are based.

In the exchange of views, MS asked about political motivation of the US for introduction of such controls – protection of the industry, sanctions or purely national security issue - and invited to have EU discussion on the matter, to analyse impact of US measures on EU market and industry. In its replies, COM confirmed that there was need to collect information on the impact and effect of the rules on EU MS. In this respect, COM invited MS to provide any relevant information. COM analysis is ongoing and would depend on information received from MS and exporters. COM is interested to pursue this discussion with MS.

### *b) Norway*

COM informed about export control dialogue with NO on 19 December 2024. The dialogue takes place twice per year. December dialogue will be specially devoted to administrative developments in NO, such as establishment of a dedicated directorate for export controls and sanctions (Deska), a special entity in MFA to implement export controls and sanctions. The Presidency will be invited to this meeting. The dialogue will cover broad range of issues, including, sanctions and export controls. Norway would also like contribute to enforcement cases, by bringing relevant information to the ECM. COM invites delegations to share suggestions on possible evolution of format and modalities of NO dialogue, since it has been a very constructive and actively engaged partner since many years. Next dialogue is foreseen in March 2025, possibly, in Oslo.

### *c) United Kingdom*

Referring to a possible dialogue with UK on export controls, Chair briefly informed the group that the WP on UK provides for overall framework to discuss UK related matters. Any topic linked with relationship with UK, including establishment of an export control dialogue between EU and UK, needs to be debated and assessed by WPUK first. The Presidency will follow up internally how such discussion could be organised in WPUK.

## 5. Engagement with stakeholders

The group was briefed by the Stockholm International Peace Research institute (SIPRI) on their publication on Intangible Transfers of Technology and Software: Challenges for the Missile Technology Control Regime. The report by SIPRI explores a series of cases of export control violations and cases where the risk of a possible violation was identified involving missile-related ITT or software. The report also develops a typology of violations and identifies associated compliance challenges.

It also explores some of the key challenges that emerge from the case studies, including the increasing reliance on ITT and software. The report offers recommendations for the MTCR to strengthen its efforts to address the proliferation risks posed by ITT and software, for example: - 1) to harmonize or to clarify national approaches to ITT controls, 2) provide clarification on definitions and interpretation of key terms: guidance on interpretation of conditional requirement, whether tech assistance is subject to licence, info on public domain, basic scientific research; 3) discussions on how licensing and enforcement of ITT controls could be connected: exchanges in ECM could be good opportunity. Guidelines on ITT could provide momentum and can be instrumental.

MS welcomed SIPRI presentation and found it very useful. They recognized that ITT controls is a big challenge currently and that the best solution, at this stage, is extensive outreach to exporters and to researchers.

COM welcomed the timeliness of the briefing and referred to the upcoming technical expert group on ITT, as well as to the need to link the discussion on ITT with the economic security issue.

## 6. Dual Use related issues of EU restrictive measures

### *a) State of play and future plans*

The Commission briefed the Group on the state of play, including preparatory work. 15<sup>th</sup> package of restrictive measures has been adopted, but the work continues to prepare new measures ahead of third anniversary of Russian invasion in Ukraine. On dual use export restrictions, a technical meeting is planned on 16 December on new listings for Annex VII. An entity review meeting is planned to take place on 10 January to expand the list of entities, with the help of MS. COM aim is also to revise legal provisions concerning derogations and exemptions, based on suggestions of some MS.

### *b) Exchange of information with third countries*

COM gave a short update about the information exchange with third countries **DELETED**

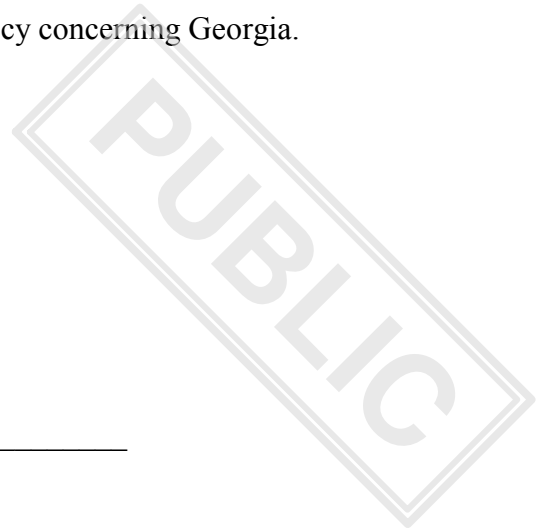
In January DUWP meeting COM will update DUWP about the progress made and next steps.

## 6. AOB

- Incoming PL Presidency provided a brief outlook of the planned priorities for the 1<sup>st</sup> semester of 2025.

- COM informed MS about latest CN export control measures and invited MS, together with the Commission, to assess risks on EU companies.
- One MS informed about its updated export control policy concerning Georgia.

Next DUWP meeting: 15 January 2025



---