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LIMITE

COMER 14
CFSP/PESC 53
CONOP 7
ECO 12
UD 27
ATO 12
COARM 13

OUTCOME OF PROCEEDINGS

From:	Working Party on Dual Use Goods
To:	Delegations
Subject:	Outcome of Proceedings of the Working Party on Dual Use Goods of 23 January 2019

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (05.02.2019)

1. Romanian Presidency Programme

The Chair presented the RO Presidency programme for the DUWP. The main focus will be to agree a Council mandate on the Recast Proposal for a Regulation setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items. In this connection, the Chair also signalled the intention to propose that the DUCG drafts sector specific guidance for exporters (e.g. for academia, for IT companies regarding cyber control in relation with human rights) and guidelines for national authorities, if deemed necessary.

2. Commission proposal for a Regulation setting up a Union Regime for control of exports, transfer, brokering, technical assistance and transit of dual-use items

The Working Group passed in review sections of the text of the Regulation and examined some outstanding issues on the basis of WK 349/2019 INIT. The intention of the RO presidency is to review the overall Regulation text in order to agree on a Council mandate by the end of its Presidency.

3. Commission proposal for a Regulation amending Council Regulation (EC) No 428/2009 by granting a Union General Export Authorisation for the export of certain dual-use items from the Union to the United Kingdom of Great Britain and Northern Ireland COM(2018)891 final)

The Commission presented its Proposal to include the United Kingdom to the list of low-risk third Country destinations covered by the Union General export authorisations No. EU001, in case of withdrawal of the United Kingdom from the Union without an Agreement. The Council Legal Service clarified that the proposal would only apply in case of a no-deal Brexit. It further clarified the exact moment of entry into force of the proposal, by referring to art. 4(3) of Regulation 1182/71 (EEC, Euratom). Delegations unanimously agreed that the UK had a credible export system of dual use items. The Group therefore marked its agreement to the Proposal, as presented by the Commission, and agreed to forward it to COREPER with a view to an early first reading adoption.

4. 2019 Update of the EU Control List, Timeline for the preparation of the Commission Delegated Regulation updating the EU control list in Annex I to Regulation (EC) No 428/2009

The Commission presented the draft timeline for the preparation of the Commission Delegated Regulation updating the EU control list in Annex I to Regulation (EC) No 428/2009 which would culminate with the publication of the respective delegated act in the second half of November 2019. This timeline, as outlined in WK 511/19, was endorsed by the Working Group.

5. DELETED

6. DELETED

7. Other developments in Member States' dual-use export control policies

No developments to report.

8. EU external outreach presentation on 2018-2019 P2P activities

The Commission (DG DEVCO) presented the Commission's strategic trade control outreach activities, including the current projects within the 36 partner countries, 15 of which have adopted the EU control list. Delegations welcomed the outreach made by the Commission.

9. Exchange of views regarding the implementation of the dual use Regulation

FI shared Finland's experience on Dual Use Items Export Control, including on how Human Rights aspects are taken into account in the licensing system in the Country. FI launched some suggestions for future consideration by the Working Group, including definition of a "human rights based" denial, "denial consultations on HR based denials", the possibility for a "peer review for Member States", "dialogue with industry on undesirable exports and self-regulation", "transparency", "enforcement", "sanctions" and "global impact". Delegations welcomed the presentation as well as the idea of holding thematic discussions on this issue. MS were invited to share their approach and experiences on export controls of dual use items in relation to human rights concerns.

The next meeting of the DUWP will take place on 20 February 2019.