



Council of the
European Union

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DUAL USE 17
CFSP/PESC 218

NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Operational Conclusions of the Working Party on Dual Use Goods (WPDU) on the Enforcement Coordination Mechanism (ECM)

Delegations will find attached the Operational Conclusions of the Working Party on Dual Use Goods (WPDU) on the Enforcement Coordination Mechanism (ECM), as agreed by the Group on 24 January 2024.

Both Member States and Commission are invited to take note of these operational conclusions and take initiative to support them.

These Operational Conclusions are intended to be shared for information with the Law Enforcement Working Party – Customs (LEWP-C).

**Operational Conclusions of the Working Party on Dual Use Goods (WPDU) on the
Enforcement Coordination Mechanism (ECM)**

Implementation of Article 25(2) of Regulation (EU) 2021/821

- a) Considering Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items – hereinafter Regulation (EU) 2021/821 – which provides in Article 25(2) that the Dual-Use Coordination Group shall set up an enforcement coordination mechanism to support exchange of information and direct cooperation between competent dual use and enforcement authorities of the Member States;
- b) considering the high importance of effective exchange of information and direct cooperation between the competent dual use licensing authorities and the enforcement authorities, inter alia customs authorities defined in Regulation (EU) No. 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code, to establish targeted risk profiles, to ensure efficient border controls, to ensure compliance with and effective enforcement of Regulation 2021/821 and related national legislation, and to combat circumvention of relevant controls and obligations;
- c) considering the importance of having regular exchanges between competent dual use and enforcement authorities of the Member States, including in person meetings, to foster the interpersonal and interagency connections necessary for efficient information sharing and direct cooperation;
- d) considering that some member states have flagged relevant open issues to be discussed, between competent dual use and enforcement authorities of the Member States, including for example cooperation on risk analysis and profiling, document and item classification verification, awareness raising and compliance,

The Working Party on Dual Goods:

1. Underlines the importance of the ECM in ensuring proper implementation of the Regulation (EU) 2021/821;
 2. Invites the European Commission to ensure the ECM can meet with sufficient frequency, including in person, to foster the necessary exchange and address relevant issues raised by the competent dual use and enforcement authorities of the Member States;
 3. Invites the Member States to make full use of the ECM to exchange, flag and discuss relevant information and issue to support cooperation between the competent dual use and enforcement authorities;
 4. Invites the European Commission to brief the WPDU periodically about the work undertaken in the ECM.
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