



Council of the
European Union

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DUAL USE 39
POLCOM 203
COMER 87
RECH 254
ENER 255
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OUTCOME OF PROCEEDINGS

From: General Secretariat of the Council

To: Delegations

Subject: Council Conclusions on the White Paper on Export Controls

Delegations will find attached the Council Conclusions on the White Paper on Export, as approved by the Council at its 4030th meeting.

COUNCIL CONCLUSIONS

on the White Paper on Export Controls

RECALLING

- A. The Joint Communication by the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy to the European Parliament, the European Council and the Council on a European Economic Security Strategy of 20 June 2023¹.
- B. The publication by the European Commission on 24 January 2024 of a White Paper on Export Controls² in the context of a comprehensive trade, investment and research package as part of the roll-out of a European Economic Security Strategy, including

the European Commission's analysis of the current EU export control system for items with civilian and military use (dual-use items), in the interest of upholding international security and safeguarding EU security interests in the context of geopolitical developments; the existing challenges as identified by the European Commission and its aim to launch a discussion on enhancing the effectiveness of the current EU export control system; and

the four 'Proposed Responses' in the White Paper on Export Controls on which the European Commission plans to propose action both in the short and medium-term.

EMPHASISING

- A. That export control for dual use items is a fundamental tool for ensuring international peace and stability.

¹ ST 10919/23

² ST 5859/24

Furthermore, it is of vital importance to ensure that the international commitments and responsibilities of the Member States and of the Union, in particular regarding non-proliferation, regional peace, security and stability and respect for human rights and international humanitarian law, are complied with.

- B. The high importance of the commitment of Member States to the Multilateral Export Control Regimes, as they uphold their actions supporting a continued multilateral approach to export control and strengthening the functioning of these regimes, which is fundamental in preventing the proliferation of weapons of mass destruction and their delivery systems and avoiding the undesired accumulation of conventional arms and promoting international peace.
- C. That export control is most effective when applied multilaterally while maintaining a level playing field, and nurturing openness and a conducive climate for research and innovation.
- D. The need to make full use of existing instruments to control exports of dual-use items, with respect to the competencies and responsibilities of the European Union and its Member States, strengthening the ongoing work to fully implement the current Regulation (EU) 2021/821 on Dual Use Items³.
- E. The importance and priority of coordination among Member States in fully implementing current Regulation (EU) 2021/821, and the role of the European Commission to facilitate such coordination, especially in the organization of the “Article 24 Dual Use Coordination Group” meetings, the “Article 25(2) Enforcement Coordination Mechanism” meetings and related technical expert groups meetings; and the “Dual-Use electronic System (DUeS)” which supports direct cooperation and exchange of information between the Member States as foreseen under Article 23(6) of Regulation (EU) 2021/821.

³ 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 (recast), *OJ L 206, 11.6.2021, p. 1–461*.

ACKNOWLEDGING

- A. That, without necessarily agreeing with or precluding further Council discussion on the White Paper's analysis of the international export control system, a changing geopolitical environment brings new challenges, including to the export control field.
- B. The mandate of the Council Working Party on Dual Use Goods as the designated policy forum for discussions on dual use export control within the Council and the work undertaken by the Council Working Party on Dual Use Goods following the publication of the White Paper on Export Controls.
- C. That the conclusions below relate specifically to the 'Proposed Responses' in the White Paper on Export Controls and are without prejudice to any overarching views from the Council on a European Economic Security Strategy and the role of export control therein.

THE COUNCIL OF THE EUROPEAN UNION:

1. INVITES further analysis by the Commission, together with the Member States, without prejudice to the Commission's right of initiative, of the possibility to use the existing Article 17 of Regulation (EU) 2021/821⁴ as a basis for a Commission Delegated Act for the purpose of temporarily introducing new items on Annex I to Regulation (EU) 2021/821 reflecting commitments accepted by the Member States in the framework of the Multilateral Export Control Regimes as members of those Regimes.
2. CONSIDERS an amendment of Annex I to Regulation (EU) 2021/821 by way of an ordinary legislative procedure to temporarily add new items to be unsuitable to reflect international commitments taken by the Member States in support of the Multilateral Export Control Regimes in an efficient and sustainable manner.

⁴ Article 17 is currently used for the periodic amendments of Annex I to incorporate the controls agreed in the Multilateral Export Control Regimes or following from the relevant international treaties. The invited analysis is without prejudice to this current use.

3. RECALLS that the Council Working Party on Dual Use Goods is the forum that the Council tasked with preparation of the work of the Council and to provide policy guidance in the area of dual-use export control policy and related matters.
4. ENCOURAGES the Presidency of the Council to make full use of the Council Working Party on Dual Use Goods, including by organizing periodic High-Level meetings of the working party on key export control policy issues, when necessary, in a secured and confidential format, and by reporting to the COREPER and Council, as appropriate.
5. UNDERLINES that national controls remain a Member State competence and are an instrument to address national security concerns, and thus that any Recommendation on voluntary coordination of national control lists should be without prejudice to the Member State's ability to act in response to national security concerns, should take into account differences in the legal systems of the Member States, and should be mindful of consequences to administrative burden.
6. ACKNOWLEDGES the importance of coordination among Member States to ensure both the full and effective implementation of Regulation (EU) 2021/821 specifically on the adoption of national control lists.
7. URGES the Commission to ensure the planning of sufficient meetings as foreseen under article 24 and 25(2) of Regulation (EU) 2021/821, so that efficient coordination between Member States in the implementation and enforcement of Regulation (EU) 2021/821 can take place at the required intensity and frequency, and in a secure and confidential manner.
8. LOOKS FORWARD to working towards the adoption by the Commission and the Council of the Recommendation for better coordination of National Control Lists in conformity with article 26(1) of Regulation (EU) 2021/821, taking into account the conclusions on the terminology of national controls lists reached in the Council Working Party on Dual Use Goods, and other inputs from the Member State.

9. CALLS upon the Commission and the Member States to first and foremost implement the current Regulation (EU) 2021/821 and make full use of existing instruments available for the control of dual-use exports.
10. TAKES NOTE of the Commission's proposal to bring forward the timing of the evaluation of the Dual-use Regulation (EU) 2021/821 and considers that priority should be given to the implementation of the Regulation, recalling that some provisions and tools are still to be deployed or currently being tested.
11. INVITES the Commission to involve the Member States in establishing terms of reference of the study supporting the evaluation.
12. INVITES the Commission to keep the Council informed of the implementation of actions, including by reporting to and seeking feedback by the appropriate Council preparatory bodies, such as the Council Working Party on Dual Use Goods.
