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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Dual-Use Goods
Subject:	Non-paper on High-Level policy forum on Export Controls.

Delegates will kindly find attached the Polish Presidency Non-Paper on **High-Level policy forum on Export Controls**, for discussion at the Dual Use Goods Working Party meeting on 10 February 2025.

Non-paper on **High-Level policy forum on Export Controls.**

The Polish Presidency of the Working Party on Dual Use Goods (DUWP) presents a proposal on establishing a High-Level Policy Forum on Export Controls, which would operate within the DUWP. With this proposal, in light of comments received by the Member States during previous debates, the Presidency tries to define a structure and methodology for a forum that would provide in the Council a framework for political coordination on export controls at senior level.

In this non-paper, the Presidency also attempts to develop the Council's response in the Council Conclusions on the White Paper on Export Controls¹ to the Commission's proposal to create a forum for political coordination on export controls².

The Commission in its White Paper on Export Controls indicated that:

*“In light of the increasing geopolitical pressures described above, Member States and the Commission should have a forum to discuss developments at the appropriate senior level to foster common EU positions, take account of the single market dimension of export control developments, and prepare and coordinate action at international level. **This could take the form of an export control policy forum.**”*

The above Commission proposal prompted the Council to refer in its conclusions on the White Paper to this proposal:

*“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.*

¹ Council Conclusions on White Paper on Export Controls, 31 May 2024 (9439/24 COR 1)

² White Paper on Export Controls, 2 February 2024, (ST 5859/24)

4. *ENCOURAGES the Presidency of the Council to make full use of the Council Working Party on Dual Use Goods, **including by organising 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.***”

At the same time, for a complete picture, the mandate of the DUWP should be quoted, as follows:

“In particular, the Working Party will, respecting the division of competences:

- *Focus on work relating to and resulting from the EU Dual-use Regulation, as it evolves in subsequent recasts, **including exchange on policy, best practice, information sharing and dual-use.***
- *Take into account the linkages of the existing multilateral export control regimes to the EU Dual-Use Regulation.*
- ***Provide policy guidance in the area of dual-use controls.***
- *Maintain and develop dialogue and cooperation with third countries in the field of dual-use controls.*
- *Where appropriate, and upon request from the Foreign Relations Counsellors Working Party (RELEX), provide technical guidance, including on restrictive measures, in a transparent manner and acknowledging the distinct legal and other features of the respective frameworks.”*

In the Council, the Working Party on Dual Use Goods began to discuss on the way and form in which the work of the DUWP could fill the gaps in the discussion on export controls identified by the Commission.

In this regard, on 17th of December, the Hungarian Presidency conducted a tour de table with a view of gathering Member States ideas regarding such policy forum.

On the 15th of January 2025, the Polish Presidency summarised the results of the tour de table and held a follow-up discussion.

Based on all these elements, the Polish Presidency would like to present a proposal to create a "High-Level policy forum" in the Council, which could have the following form and role:

- I. The Polish Presidency proposes that a "High-Level Policy Forum on export controls" be held within the DUWP. The forum would take the form of a meeting at directors' level³. At the same time, in accordance with the structure of the Council, COREPER would remain a coordinating body and superior to the forum, as is the case with the working group.
- II. According to the DUWP mandate, the forum would focus on dual-use export control policy. If the agenda of the meeting extends beyond the area of dual-use export controls, the Presidency should allow the participation of representatives of other working parties to ensure a mandate and appropriate expertise for discussion on the topic.
- III. The Presidency should allow the participation of the third parties in the forum, if such participation contributes to the discussion. The Presidency should ensure that the participation of the third parties is limited to the purpose and does not affect the confidentiality of discussions in the Council and does not limit the freedom of expression of Member States. It should also be noted that the participation of third parties is subject to prior approval by COREPER.
- IV. The Presidency should, when necessary, ensure a secured and confidential format of the forum, up to the level of classification EU Secret.
- V. The forum would serve to:
 - i) provide the necessary political guidance and to set priorities for the work of DUWP,
 - ii) steer discussions on developments and challenges related to export controls of dual-use items, including, in broader context, the importance of which requires senior level consideration,
 - iii) discuss current and most important issues arising from negotiations held in the DUWP in order to clarify elements, to help solving deadlocks, and to provide appropriate guidance,

³ It should be recalled that DUWP Directors level meeting was held on 2 February 2024, under the Belgian Presidency, to discuss and react at senior policy level to the White Paper on Export Controls, as part of a broader package of the European Economic Security Strategy.

- iv) regularly assess the current EU legal framework for export control of dual-use items, taking into account broader context,
- v) enable coordination, where necessary, between Member States in relation to third countries and in relation to international non-proliferation regimes, respecting Member States competences and confidentiality of the regimes,
- vi) enable coordination, where necessary, of national dual-use export control policies.

VI. The forum should primarily be organized when necessary. Nevertheless, the Presidencies are encouraged to use the forum regularly to provide the DUWP with sufficient clarity of the direction of work and pace.

Regardless of the senior level policy forum functioning within the DUWP, the Commission should strive to reinstate the EU Export Control Forum, to enable regular contacts between the EU Member States' authorities, EU institutions, industry, academia and civil society to review and discuss the export control developments in the EU and globally.

The Polish Presidency would like to seek Member States views on the elements proposed in this non-paper.
