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WORKING DOCUMENT

From:	Presidency
To:	Working Party on Dual-Use Goods
Subject:	Tours-de-Table on the Implementation and Enforcement of the Dual Use Regulation - Presidency background note

Delegations will find attached a note prepared by the Presidency on Tours-de-Table on the Implementation and Enforcement of the Dual Use Regulation, including suggested themes for the upcoming DUWP meetings.

Tours-de-Table on the Implementation and Enforcement of the Dual Use Regulation

Presidency background note

Introduction

The rationale behind the regular item on the agenda is to promote and strengthen the implementation and enforcement of the EU Dual-Use Regulation. In support of that goal EUMS are given the opportunity to inform and exchange on issues of implementation and enforcement of the Dual-Use Regulation.

The purpose is not to introduce new policy development or take any decisions in that direction. EUMS statements and contributions will be interpreted and used as an expression of information exchange. Ultimately this exchange may in some cases lead to adjustment on a national level in accordance with national laws and procedures. The discussion will be summarized on an aggregated level in the outcome of proceedings.

19 January Meeting

Internal Compliance Programme (ICP) in the light of global licenses (cf in particular Article 12(4) 3d para and recital 18) and EU007(cf in particular Part 3.3)

1. When an exporter applies for a global license or registers to use EU007, is it required in your MS that the exporter attach their entire ICP with the application/registration? (YES/NO)

1.a. If YES on question 1, does your MS review the exporters ICP before granting the global license(3)? (YES/NO)

1.b. If NO on question 1, does your MS review the exporters ICP afterwards/in a later stage (e.g. when auditing the exporter)? (YES/NO)

1.c. If NO on question 1, is it enough for the exporter to only confirm in the application/registration that they have an ICP? (YES/NO)

2. Is there a practise in your MS to have a separate process to pre-approve/-verify an exporters ICP (i.e. before the exporter can submit an application/registration)? (YES/NO)

(Please note that this question does not refer to the risk assessment in Article 15(2), but rather an assessment of the content in the ICP in general.)

Possible Future Themes for *Tours-de-Table*

(1) Technical Assistance

- Are the EUMS using the option of introducing “negligence” in the national legislation?
- Has a catch-all been introduced in relation to technical assistance?

(2) Fees

- What does the fee system look like?

(3) Brokering Services

- What kind of feedback have EUMS received in relation brokering services?

(4) Article 10 and national control lists

- What are the experiences of EUMS of national control lists?

(5) Article 5 and cyber surveillance