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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Dual-Use Goods
Subject:	Tour-de-Table on the Implementation and Enforcement of the Dual Use Regulation: National Control Lists for Non-listed Dual-use Items, part II

In view of DUWP meeting on 14 March, Delegations will find attached background document and guiding questions for the Tour de Table discussion on National Control Lists (Part II).

Tours de Tables on the Implementation and Enforcement of the Dual Use Regulation

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.

14 March Meeting

National Control Lists for Non-listed Dual-use Items in the Light of Article 9, the Mechanism in Article 10 and FDI-screening – Guiding Questions Part II

1. **What is your main experience or views in general regards to items on a national control list that requires an authorisation to all destinations versus the authorisation requirement is specified in the list to only certain destinations (e.g. Iran, DPRK, Syria etc.).** *(Explanatory note: Even if your MS does not have a national control list, then please share your views in general regarding a possible future use of another MS list, through the Art. 10 mechanism, and the destination-aspect).*

2. **If your MS has implemented a national control list according to Art. 9, what is your experience regarding the implementation (***e.g. exporters knowledge, reaction and compliance, underestimation/overestimation of the number of expected applications?)*

3. **Other brief considerations to share relating to the use of Article 9 or 10?**

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) Brokering Services

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

(3) Article 5 and Cyber Surveillance

(4) ITT and Academia – export control & academic publications (scheduled for April)

Previous Topics and Discussions For Reference

February Meeting

National Control Lists for Non-listed Dual-use Items in the Light of Article 9, the Mechanism in Article 10 and FDI-screening – Guiding Questions

Part I (February); Part II (March, questions to be introduced later)

1. Has your MS implemented a national control list according to Art. 9? YES/NO

2. If YES on question 1, could you exemplify with one or two items in your MS national control list and possibly the main reasons why they were included in that list? *(e.g. the item is emerging technology, WMD-related, military application, proposed item in the regimes but no consensus has yet been reached etc.)*

3. If your MS has not implemented a national control list, is your MS considering establishing a national control list according to Art. 9 in the near future? YES/NO

4. If your MS has implemented a national control list or if your MS is considering establishing such list according to Art. 9, are there any considerations to have linkages between such national control list and FDI-screening? *(i.e. the list in your MS that specifies the fields that FDI-screening can occur in, will it in some way be coordinated with the items/technology-area that are/may be covered by your MS national control list?).*

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.)