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WK 3297/2021 INIT

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INFORMATION

From:	European Commission
To:	Working Party on Dual-Use Goods
N° Cion doc.:	12785/16
Subject:	2021 Update of the EU DU Control List

WK 3297/2021 INIT

LIMITE

EN

2021 Update of the EU DU Control List

Timeline for the preparation of the Commission Delegated Regulation updating the EU control list in Annex I to REGULATION (EU) 2021/... OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of ... setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items.

Introduction

The EU list of dual-use items set out in Annex I of Council Regulation (EC) no 428/2009 requires annual updates in line with the modifications agreed in the four multilateral export control regimes. Article 15 of Regulation 428/2009 enables the Commission to do this by the delegated acts procedure, in close consultation with the Council and the European Parliament.

In 2020, the Council and the Parliament agreed on the text of a new dual-use Regulation, based on the Commission Proposal COM (2016) 616 final - 2016/0295(COD). The new dual-use Regulation (Regulation (EU) 2021/...) will enter into force in 2021, likely in August, basing on the provisional timeline provided by the Parliament and the Council.

The new dual-use Regulation enables the Commission to adopt delegated acts to update the list of dual-use items set out in Annex I of such Regulation.

In its efforts to accomplish the timely preparation of the Delegated Regulation, the Commission is determined to implement the necessary amendments to the control list in the shortest possible time whilst ensuring that the Council and the European Parliament are properly informed and consulted.

As in previous years, experts from Member States (MS) in the Dual-Use Coordination Group will play a major technical support role for the preparation of the amendments to the EU list of dual-use items and its translation into the 23 EU official languages.

We have gained significant experience and achieved efficiencies in the process between 2014 and 2020 and observe the limited scope of the changes agreed in the export control regimes from March 2020 to December 2020.

Proposed timeline

In light of the new legislative framework to be adopted by the European Union in 2021, we propose the following timeline for the 2021 Delegated Regulation:

January - February 2021

1. Consultation between the EU Commission (DG TRADE) and the Technical Secretariat on the changes agreed in the export control regimes between March 2020 and December 2020;
2. Collection of data required for the control list updates (i.e. March 2020 – December 2020 changes) by the Technical Secretariat.

March - April 2021

3. Preparation of the first draft of the delegated regulation updating the EU DU control list (English version);
4. Consultation with Technical Secretariat and experts from JRC on possible discrepancies in the first draft of the delegated regulation;
5. Circulation via DUES of the first draft of the EN version of 2021 Delegated Regulation amending Annex I to dual-use regulation for comments and amendments from MS;

6. Presentation of the first draft of the delegated regulation updating the EU DU control list to DUCG (virtual meeting - date to be confirmed).

May 2021

7. Informal transmission of the first draft of the delegated regulation updating the EU DU control list to Council (DUWP) and European Parliament (INTA Committee);
8. Council and EP informal consultation phase for comments on draft version;
9. Preparation of a revised final draft of the delegated regulation updating the EU DU control list for MS consultation (via DUES);
10. Presentation to MS and EP experts, in a special session of the DUCG (virtual meeting - date to be confirmed), of the final version of the draft delegated regulation amending the EU DU control list;
11. Endorsement by MS in the DUCG (or under silence procedure);
12. Finalisation of the consolidated draft updated control list (EN version) and preparation for the launch of the Commission Inter-Service Consultation.

June 2021

13. Commission Inter-Service Consultation.

July - August 2021

14. Translations into the 23 official EU languages by the Commission translation service (DGT);
15. Linguistic corrections/reconciliation (MS experts and DGT);
16. DGT assessment of the MS comments provided during the linguistic correction phase.

September 2021

17. Launch of written procedure for adoption of the Delegated Regulation;
18. Adoption by the Commission and publication (with disclaimer) on the Commission (DG TRADE/Dual-Use) website of the adopted version of the Delegated Regulation with a summary of changes.

October - November 2021

19. Mandatory Council and European Parliament non-objection procedure.

December 2021

20. Publication in the Official Journal of the EU and entry into force of the 2021 Delegated Regulation.

Methodological notes:

In order to ensure the smooth collaboration of the various services involved in the preparation of the draft Commission Delegated Regulation, the following methodological notes should duly observed during the linguistic corrections:

- If mistakes are discovered **in the EN version**, Member States should inform the Commission by e-mail - and not adding this as a comment in their linguistic verification document (neither in EN nor in their own language);
- Member States should only send their contribution when all corrections are compiled in a single document (not by bits and pieces) i.e. corrections to one and the same document

must be in one consolidated version, as it is technically impossible for the Commission services to send several versions of one and the same document to translators (the software does not allow this);

- Member States should not change the name of the document (if necessary for internal organisation purposes, MS may consider additions to that document name, for ex. adding e.g. CAT 0, CAT 1 etc.);
- Member States should only send back the versions to which they made changes.

Brussels, 20 January 2021

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