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WK 4534/2020 INIT

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**WORKING PAPER**

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**INFORMATION**

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From: European Commission  
To: Working Party on Dual-Use Goods

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Subject: Information note to the DUWP

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In view of the forthcoming DUWP informal virtual meeting on 6 May 2020, please find attached a note to the DUWP as prepared by the Commission.

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WK 4534/2020 INIT

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## Information note to the WORKING PARTY ON DUAL-USE GOODS

### 1. Commission proposal for a Regulation setting up a Union Regime for control of exports, transfer, brokering, technical assistance and transit of dual-use items (Recast)

The Commission plans to present a compromise text on EU controls on non-listed items as mandated by the third Trilogue on 13 February 2020.

### 2. Update of the control list in Annex I to Regulation 428/2009.

With respect to the **2019 update of the EU control list**, COM informs delegations that two corrigenda to Commission Delegated Regulation 2019/2199, affecting all of the EU languages, were published respectively on 25/02/2020 (OJ L 51) and on 09/03/2020 (OJ L 72).

Furthermore, COM is pleased to inform delegations that the latest **consolidated version of the Council Regulation (EC) No 428/2009** was published in EUR-Lex on 6 April 2020. This version includes amendments introduced with the Commission Delegated Regulation (EU) No 2019/2199 and takes into account the two Corrigenda OJ L 051 (25 February 2020) and OJ L 072 (9 March 2020).

Regarding preparations for the **2020 update of the EU control list**, a first draft of the 2020 updated list of dual-use items has been prepared by COM with the support of the Technical Secretariat (experts from the German licensing authority) and has been transmitted to the Council and European Parliament on 29 April 2020. A special session of the Dual Use Coordination Group is tentatively scheduled on 7<sup>th</sup> of May in order to discuss and possibly conclude the review of the consolidated draft EU list.

As explained below, it is proposed to include the 2020 decisions of the Australia Group in this annual update of the list, by anticipation and on an exceptional basis.

### 3. Follow-up to AG IIM meeting on 5-6 February 2020

COM would like to draw the attention of delegations to the **decision of the Australia Group to add novichok precursors to the AG control list** (<https://australiagroup.net/en/statement-by-the-australia-group-chair-addition-of-novichok-precursor-chemicals-to-the-australia-group-control-list.html>). As per current agreed practice and timeline, this decision should be reflected in next year's update to the EU control list, so that the new control would enter into force at the end of 2021.

Considering the importance of this decision, COM would propose including this change into the 2020 update of the EU control list, on an exceptional basis. COM invites Member States to share any comments in this respect by 15 May 2020.

#### 4. EU-Norway Export Control Dialogue

A report of the EU-NOR Dialogue of 25 February 2020 is available on the delegates portal (WK04432-20).

#### 5. Export Control towards China

COM would like to draw attention to a **recent report by the Mercator Institute for China Studies (Merics) and Rhodium Group**, that shows that Chinese companies have stepped up research and development collaborations with entities in Europe, raising security concerns in some cases, and calls for export control to address related challenges ([https://www.merics.org/sites/default/files/2020-04/MERICS-Rhodium%20Group\\_COFDI-Update-2020%20%282%29.pdf](https://www.merics.org/sites/default/files/2020-04/MERICS-Rhodium%20Group_COFDI-Update-2020%20%282%29.pdf)).

#### 6. US export controls

COM would like to draw the attention of delegations to recent **US decisions amending export controls towards China, Russia and Venezuela**, published on 28 April 2020. The new rules will expand license requirements to export U.S. goods and technology for military end-use in those three countries and in particular further tighten restrictions on semiconductor equipment, sensors and other technologies. It will also remove license exceptions for the export of dual-use items to exclusively civilian end-users. Thirdly, a proposed rule would remove an exception that allowed U.S.-origin items to be reexported from US partner countries, including EU Member States. COM invites Member States to share views in this respect.

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#### 8. Dual-use research of concern

A virtual meeting of the Technical Expert Group on dual-use research took place on 23<sup>rd</sup> April 2020 to continue discussions of draft ICP Guidelines for research institutions and of a revised timeline, taking into consideration the travel restriction during the COVID-19 pandemic. A second TEG meeting with the research institutions representatives could take place towards the end of June, with a view to finalising the guidance by the end of 2020.

## 9. Denials Trend Analysis

The analysis of 2019 denials is available on DuES.

