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From:	SI Delegation
To:	Working Party on Dual-Use Goods
Subject:	Slovenia - comments on Articles discussed during the Video Meeting of the DUWP on 6th May 2020

Slovenia

Comments following-up the Informal DUWP meeting on 6 May

Slovenia wishes to acknowledge the efforts of the Presidency to proceed with the dossier. We thank also the Commission for having prepared a new proposal with a view of a compromise among the Council, the COM and the EP. Unfortunately, the video-conference had terminated before we could express our comments thereon.

In the process of discussions Slovenia always wanted to retain the valid definition of dual-use items and consequently the catch-all clause in line with the international export control regimes and the export control systems around the world for the reason of enabling the EU MS the same level playing field and competitiveness in the international trade.

In the process of our discussions there were also changes. It was a success to introduce and finally agree the critical surveillance technology in the Wassenaar Arrangement regime and thereby to partly solve the EP demands on new controls. The MS' agreement in having an instrument in Art.8 and 8a for a possible control of (future) emerging technologies was a noticeable achievement as well. However, according to the document "Transparency editions by EP 04.03.2020" it was clear that the EP preferred different approach.

COM prepared a new proposal based on Art. 4 - catch-all clause - whereby explaining the Art. 8 will remain as it is valid now. Our understanding is that there will be no Art. 8a. The proposal on Art.4 is quite similar to the original COM's one as already expressed by RO.

SI would like to work together with the PRE and the COM but regarding the COM proposal SI has got some concerns.

SI would prefer that there's a licence obligation for non-listed dual use items only for the destination countries where these non-listed items can be clearly misused for surveillance purposes by their police or other official security forces in Art.4.1.d and by this we relate to destinations on which EU sanctions were imposed for this purpose.

Discussions on exporter's obligations in Art. 4.2 have shown that awareness on possible WMD use and military use in countries under arms embargo is already possible to implement. It will be difficult to ask the exporters of the knowledge about the possible acquisition by terrorists or about serious violation of international HR by the end user. It's better not to have an obligation in the regulation which does not have an effect or which will be very difficult to implement.

Catch-all mechanism is related to end use and end user. As we already exchange information on catch-all denials among MS with the use of secure system DUeS, this helps us to follow such decisions and take them into account on a national basis. Catch-all mechanism that is imposed but later followed by a licence does not present the same importance of information and such or similar transaction is less significant to control.

The consultation process in the COM's proposal leads to publication of transactions in OJ. In this way all our catch all decisions and related transactions will be made public which certainly shows to the world our security concerns but might severely hinder the competitiveness of the EU. Let's put our efforts to change the formulation in a way that can take care of both trade benefits and security risks, especially in the new environment of the EU economy we are facing now.

Although the COM partly explained it at the VC, we would very much appreciate to have COM's explanatory note for this proposal first (as expressed by FI request at the VC), for our expressed concerns might be unfounded and

especially, we'd like to have a kind of assurance from the COM in advance that the definition of dual-use items after the agreement on COM's proposal will remain in our current valid form.

We are happy to work together with PRE, all other MS and the COM to ameliorate the proposal.