

Update of the list of dual-use items Customs express 1/ 2015



List of dual-use items: 2015 update

On 31 December 2014, Commission Delegated Regulation introducing a new list of dual-use items came into effect.

Dual-use items are goods, software and technology normally used for civilian purposes but which may have military applications, or may contribute to the proliferation of Weapons of Mass Destruction (WMD). The EU therefore **controls the export, transit and brokering** of dual-use items and their export to non-member states requires a license.

What's going on?

On 31 December 2014, Commission Delegated Regulation no. 1382/2014 of 22 October 2014 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items came into effect. The Regulation has introduced a new Annex 1 to Regulation 428/2009, i.e. **the list of dual-use items**.

The list of dual-use items is based on international conventions and treaties aimed at preventing the proliferation of Weapons of Mass Destruction, thus contributing to international peace and security, to include the Australia Group (AG), the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement (WA) and Chemical Weapons Convention (CWC). In order to fully satisfy the international obligations and ensure competitiveness of exports, EU member states have to update the list of dual-use items. The last update took place in 2012.

Scope of changes

Regulation 1382/2014 introduced a series of amendments to the previously binding list of dual-use items. They include all categories (i.e. 0 through 9) of dual-use items. Most importantly, **technical notes** to individual goods have been modified. Consequently, formerly uncontrolled goods, such as certain **viruses or toxins, have been added to the list**. Certain goods considered to provide a minor threat to international security, such as specialist machine tools with use limited to production of dentures, **have been excluded from the control regime**.

Additionally, the new Annex I introduces certain changes in general notes to the control list. For example, the general note regarding software **excludes** from control **certain software** used to install, operate, maintain (check) and repair goods that have received a separate export permit.

What does this mean?

In light of former changes, businesses need to check their product offer since the amendments to the list of dual-use items may impose control of formerly uncontrolled goods. Such a scenario may necessitate a new request for a license to trade and update of internal procedures regarding control of trade of new groups of goods. At the same time, goods formerly subject to control may become uncontrolled.

Should you have any questions regarding the detailed amendments, please do not hesitate to contact us.