



THE 10TH JOINT INDUSTRY OUTREACH SEMINAR

ON STRATEGIC TRADE MANAGEMENT - SINGAPORE 2022



Update on EU export controls

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EU P2P Export Control Programme



55 partner countries - since 2004

- Promotion of export control policies and measures in line with EU policies and international obligations by strengthening controls of **dual-use trade** and **arms trade** worldwide.
- Cooperation with EU's strategic partners for **joint enhancement of effectiveness of trade control systems** by sharing experiences and best practices
- Integration with **EU CBRN Centres of Excellence Initiative's** framework as a platform for engagements and project delivery





EU P2P Export Control Programme



EU P2P
export control programme
for dual use goods

1. EU P2P Export Control Geographical Programmes

- EU P2P Project 64 Southeast Europe, Eastern Europe, Caucasus, North Africa: 2017-2023
- EU P2P Project 89 Middle East including GCC: 2021-2024
- EU P2P Project 90 Southeast Asia: 2021-2024

2. EU P2P Export Control Targeted Initiatives

- International Science and Technology Center (ISTC) of Kazakhstan (10 countries): yearly since 2018
- Science and Technology Center of Ukraine (STCU) (4 countries): yearly since 2017

3. EU P2P Export Control Conferences

- EU P2P Summer University on Strategic Trade Controls: yearly since 2015.
- EU P2P Dialogue on Export Control Governance (seminar with regimes WA, MTCR, AG, NSG): every two years.

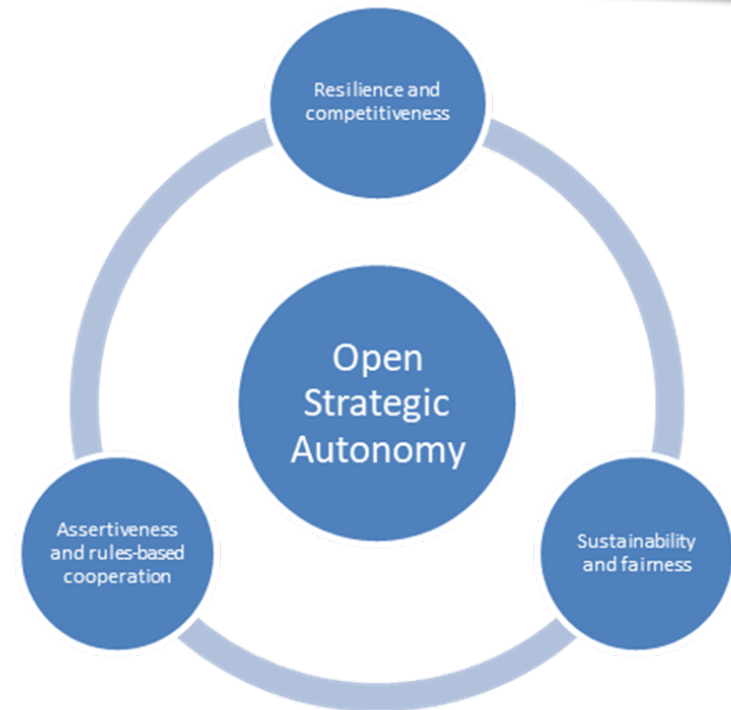




EU export controls in the context of EU strategic autonomy



- Trade Policy Communication – Open Strategic Autonomy (18 February 2021)
- EU Strategic Autonomy as a policy objective of the European Union under the von der Leyen Commission.
- New “trade and security” toolbox: investment screening & export controls, anti-coercion instrument...





EU export controls and sanctions in 2022: at a crossroads



Three major developments shape the development of EU export controls & sanctions policy in 2022:

- The **EU-US Trade and Technology Council (TTC)** - See Pittsburgh Joint Statement, 29 Sept. 2021 ([EU-US Trade and Technology Council Inaugural Joint Statement \(europa.eu\)](https://ec.europa.eu/eu-us-ttc/information/information_en))
- **Russia sanctions** – export restrictions on dual-use goods and technology and “Advanced Technologies” ([Sanctions adopted following Russia’s military aggression against Ukraine | European Commission \(europa.eu\)](https://ec.europa.eu/eu-us-ttc/information/information_en))
- A new **Export Control Regulation (EU) 2021/821** of 20 May 2021, in force on 9 Sept. 2021 ([Commission’s actions to implement new EU Export Control Regulation - Memo - Trade - European Commission \(europa.eu\)](https://ec.europa.eu/eu-us-ttc/information/information_en))





The EU-US Trade and Technology Council



- Pittsburgh Summit [EU-US Trade and Technology Council Inaugural Joint Statement \(europa.eu\)](#), 29 Sept. 2021
 - Technical consultations on legislative and regulatory developments;
 - Development of convergent control approaches on sensitive dual-use technologies and destinations and entities of concern,
 - Technology transfers and dual-use research of concern and exchange of best practices to support the effective application of controls while facilitating research collaboration between EU and US research organizations;
 - Technical consultations on compliance and enforcement approaches
 - Capacity building assistance to third countries
 - Technical consultations regarding multilateral and international cooperation
- 1st meeting of the Export Control Working Group on 26 January 2022
- 2nd Ministerial Meeting in Paris, 15-16 May 2022
- 2nd meeting of the Export Control Working Group on 7-8 June 2022





The Russia sanctions – export restrictions on dual-use and «advanced technologies»



- Prohibition on export of dual-use items and new list of « advanced technologies »..., for all end-uses and end-users in Russia with limited exemptions and derogations
- Continuous development of the measures: Several sanctions « packages » amending [Regulation \(EU\) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine](#)
- COM-Member States cooperation to support effective implementation and enforcement: industry outreach and guidance, information-exchange
- Unprecedented cooperation with partner countries (US, UK, Japan...)





Export Control Regulation – key innovations



- A new **Export Control Regulation (EU) 2021/821**

- The new Regulation represents a **comprehensive “system upgrade”**: virtually all provisions of the Regulation are amended in order to enhance the efficiency and/or the effectiveness of controls. This includes *updated* definitions and control parameters, harmonisation, simplification and digitalisation of licensing, enhanced information-sharing, and cooperation with third-countries. The “system upgrade” also introduces *new* rules on transparency, enforcement, industry outreach and an EU training programme.
- The new Regulation introduces a basis for **EU autonomous controls** allowing the EU to make its own decisions regarding “**human security controls**” e.g. on cyber-surveillance technologies, and controls on **emerging technologies**.

Official Journal L 206
of the European Union



English edition

Legislation

Volume 64

11 June 2021

Contents

1 Legislative acts

REGULATIONS

* Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast) 1





Key innovations



Updated definitions:

- Technical assistance: Articles 2 & 8: New definition of 'provider of technical assistance' (including assistance within the EU) and scope of controls
- Exporter: New definition covering the personal baggage of natural persons

EU autonomous controls:

- Article 5: controls on non-listed cyber-surveillance items (authorisation and notification requirements)
- Articles 9-10: Allow Member State controls on non-listed items on grounds of public security, preventing terrorism and human rights considerations

Facilitating legitimate trade:

- Available authorisations: Individual Export Authorisations, Union General Export Authorisations, National General Export Authorisations, Global Export Authorisation, **Large Project Authorisation New**
- **New** EUGEAS: **Union GEA No EU007: Intra-group export of software and technology, Union GEA No EU008: Encryption**





Facilitating compliance



[Commission Recommendation \(EU\) 2021/1700 of 15 September 2021](#)
on internal compliance
programmes for controls of
research involving dual-use items

[Commission Recommendation \(EU\) 2019/1318 of 30 July 2019](#) on
internal compliance programmes
for dual-use trade controls

Recital 3:

*This Regulation also aims to **strengthen the guidance to be given to exporters**, in particular to small and medium-sized enterprises (SMEs), regarding responsible practices, yet without impairing the global competitiveness of exporters of dual-use items or other associated industry or academia which are resident or established in a Member State.*





Export Control Regulation – the work programme



- Setting up an EU mechanism for ***human rights controls on cyber-surveillance exports***, including the publication in the Official Journal (C series) of an “EU watch list” and adoption of due diligence guidelines (Surveillance Technology Expert Group – STEG)
- Creating a mechanism allowing the EU to “react rapidly to new risks associated with ***emerging technologies***” (Emerging Technology Expert Group – ETEG)
- Developing a “***partnership with the private sector***”, incl. electronic licensing ([See e-Licensing videos](#)), Technical Expert Groups, public consultations on e.g. due diligence guidelines and transparency guidelines, industry outreach
- **Cooperation with third countries** - “global convergence of controls” (Art. 29)





For more information and recent updates



European Commission dual-use trade controls webpage

<https://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>



Trade and Technology Council (TTC) – report on stakeholders inputs (May 2022)

<https://futurium.ec.europa.eu/en/EU-US-TTC/wg7/documents/summary-public-feedback-consultation-working-group-7>

Guidance on Russia Sanctions

[Sanctions adopted following Russia's military aggression against Ukraine](#)

EU sanctions map

<https://www.sanctionsmap.eu/#/main>

EU Dual-use Regulation including list of dual-use items

[EUR-Lex - 02021R0821-20220505 - EN - EUR-Lex \(europa.eu\)](#)

Information notice from Member States and national measures (February 2022)

[https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0208\(02\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022XC0208(02)&from=EN)

Annual report on EU dual use export controls (November 2021)

https://trade.ec.europa.eu/doclib/docs/2021/november/tradoc_159936.pdf

Guidelines on internal compliance programmes for dual-use research (September 2021)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021H1700>



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