Dual-use items: Community regime for the control of exports, transfer, brokering and transit, update of the EU control list

2010/0262(COD) - 27/09/2010 - Legislative proposal

PURPOSE : to amend Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items by updating Annex I

PROPOSED ACT: Regulation of the European Parliament and of the Council.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASE: Article 207 of the Treaty on the Functioning of the EU.

CONTENT: Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual use items requires dual-use items (including software and technology) to be subject to effective control when they are exported from or transit through the Union, or are delivered to a third country as a result of brokering services provided by a broker resident or established in the Union.

In order to enable Member States and the European Union to comply with their international commitments, Annex I to Regulation (EC) No 428/2009 establishes the common list of dual use items and technology referred to in Article 3 of that Regulation, which implements internationally agreed dual-use controls. These commitments were taken within the context of participation in the Australia Group, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), the Wassenaar Arrangement and the Chemical Weapons Convention (CWC).

Technological progress in today's world means that there is a need to update regularly the list of controlled items. The last update of Annex I of the Regulation occurred on the occasion of the adoption of the Regulation on 5 May 2009. Since this time, all of the international export control regimes have taken decisions to modify and update their control lists.

Consequently, there is a need to make modifications to Annex I.

Details of the modifications to the definitions and the general note and of modifications to items in categories 1-9 are given in the proposal.

For the purpose of clarity and ease of use of Annex I, the Commission is proposing to replace the entire Annex I with a new text incorporating the changes discussed.

FINANCIAL IMPLICATION: this proposal has no implication for the EU budget.