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

2011/0310(COD) - 16/04/2014 - Final act

PURPOSE: to allow the regular update of certain Annexes of Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

LEGISLATIVE ACT: Regulation (EU) No 599/2014 of the European Parliament and of the Council 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.

CONTENT: Council Regulation (EC) No 428/2009 requires dual-use items 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.

The amendments introduced by the new Regulation aims to **guarantee regular and timely updates, by means of Commission delegated acts, the list of EU dual-use items** subject to controls, in conformity with the obligations and commitments accepted by Member States in the context of international export control arrangements.

In addition, in order to allow for a swift Union response to changing circumstances as regards the assessment of the sensitivity of exports under Union General Export Authorisations, as regards the removal of destinations from the scope of the Union General Export Authorisations, where this proves necessary in some cases, in order to ensure that only low-risk transactions are covered.

The power to adopt delegated acts shall be conferred on the Commission for a period of **five years from 2 July 2014** (with tacit renewal for periods of the same duration). The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period can be extended for two months). If the European Parliament or the Council make objections, the delegated act will not enter into force.

The Regulation contains:

- **Joint Statement by the European Parliament, the Council and the Commission** on the review of the dual-use export control system: The three institutions recognise the importance of continuously enhancing the effectiveness and coherence of the EU's strategic export controls regime, ensuring a high level of security and adequate transparency without impeding competitiveness and legitimate trade in dual-use items.

- A statement whereby the Commission recalls the commitment it has taken to provide to the Parliament full information and documentation on its meetings with national experts within the framework of its work on the preparation of **delegated acts**.

- A statement whereby the Commission indicates that it shall put forward a **new proposal** for updating the Regulation as expeditiously as possible.

ENTRY INTO FORCE: 02.07.2014.