Export controls regarding dual-use goods

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OBJECTIVE: Presentation of the Commission report on the application of Regulation (EC) 3381/94 setting up a Community system of export controls regarding dual-use-goods. SUBSTANCE: Overall, the Commission's evaluation of the practical application of the regulation two years after its entry into force is unenthusiastic. Although it has made an effective contribution to facilitating intra-Community trade and completing the Single Market, the new system set up in 1995 is far from credible as a common system of export controls on dual-use goods, the report concludes. The practical problems with the application of the regulation all seem fundamentally linked to the fact that the present Community export control regime is essentially limited to a mutual-recognition exercise. Member States have agreed to recognise each others' export licences but do not necessarily agree with each others' different export policies underlying these licences. Without such agreement, no common export control regime can function properly. In the Commission's analysis, administrative cooperation has not been sufficient to overcome this lack of agreement on export policy with regard to dual-use goods, and it is highly doubtful that even the best will of national administrations to cooperate will in itself suffice to bridge this policy gap. The present system is considered too complex to be routinely managed by customs officials at the border and is not well accepted by industry. In the Commission's view, these difficulties are inherent to the regime itself, and only a more harmonised export control regime, combining elements of common policy with reinforced administrative cooperation, will produce a system satisfactory to the practical needs of exporters and public authorities, ensuring both swift and smooth enforcement of the shared non-proliferation objectives. The Commission is therefore submitting, simultaneously with the report, proposals for an improved regulation.