Updating Regulation (EC) No 428/2009

Commission Delegated Regulation (EU) No 2017/2268
of 26 September 2017
Updating Regulation (EC) No 428/2009

Official Journal of the European Union

L 334

English edition

Legislation

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II Non-legislative acts

REGULATIONS

Updating Regulation (EC) No 428/2009

Number of dual-use items listed in Categories of Annex I (2016 update)

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<td>1 - SPECIAL MATERIALS AND RELATED EQUIPMENT</td>
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<td>6 - SENSORS AND LASERS</td>
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Updating National measures under Regulation (EC) No 428/2009

- **13 MS** are applying at least some provisions in relation to extension of brokering controls
- **15 MS** are applying at least some provisions in relation to extension of transit controls
- **12 MS** implement additional controls for public security and human rights (ex Art. 8.1)
- **9 MS** have NGEAs in line with Art. 9
- **6 MS** have dedicated customs office for DU export
- **9 MS** took additional measures to extend intra-EU transfer controls ex Art. 22.2

**NOTICES FROM MEMBER STATES**

**INFORMATION NOTE**

Information on measures adopted by Member States in conformity with Articles 5, 6, 8, 9, 10, 17 and 22 of Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

(2016/C 304/03)

Articles 5, 6, 8, 9, 10, 17 and 22 of Council Regulation (EC) No 428/2009 (hereunder 'the Regulation') set out that measures taken by Member States in implementation of the Regulation should be published in the Official Journal of the European Union.

1. INFORMATION PROVIDED BY MEMBER STATES IN CONFORMITY WITH ARTICLE 5(2) OF THE REGULATION (EXTENSION OF BROKERING CONTROLS)

Article 5(2) in conjunction with Article 5(4) of the Regulation requires the Commission to publish measures taken by Member States on account of the implementation of Articles 5(1) or 6, and related dual-use items if any referred to.
Implementing Regulation (EC) No 428/2009
the Dual Use Coordination Group

- **Technical consultations** in support of the preparation of a Commission Delegated Regulation updating the EU Control List

- **Technical information exchange** on the application of specific provisions (e.g. duration of licences, art. 22.10 of Reg. 428/2009 etc)

- Development of **EU Guidelines / Guidance notes**

- Development of the **Dual-Use Electronic System (DUEsS)** (new functionalities, technical improvements, extension to sanctions)
Implementing Regulation (EC) No 428/2009

DUCG Technical Experts Groups

- Technical Expert Group on the development of ICP Guidelines

- Surveillance technology expert group (STEG)

- Technical Expert Group on the development of e-licensing systems

- Pool of Experts - technical advices on commodity classification for competent authorities
Information exchange and transparency
2015 Licensing data

Controlled Export Volume

- Applications (with Notifications)
- Authorisations
- Denials

Controlled Export Value

- Applications (with Notifications)
- Authorisations
- Denials
Information exchange and transparency
Licensing data /Values and volumes

Authorised Export Value by License Type in 2015

- Individual license (Annex I): 46%
- Global license (Annex I): 37%
- Intra-EU transfer license: 3%
- License for non-listed items: 1%
- License under a national control measure: ~0%
- Transit authorisation: 7.5
- Brokering authorisation: ~0%
- National General Export Authorisation: 4%
- EU General Export Authorisation: 9%
Information exchange and transparency

- General exchange of information / Information Notice regarding national measures (C304/3, 20 August 2016)

- **Annual report:** COM(2017) 679, 21 November 2017

- Public **Guidance notes** – on the "cryptography note" (Guidance note 1/2016), and on the definition of "exporter" (Guidance note 2/2016).

- Updated Dual-Use – Customs Nomenclature Correlation Table

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<thead>
<tr>
<th>CN code</th>
<th>TARIC Footnote for DU</th>
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</table>
2013 STRATEGIC EXPORT CONTROL CONFERENCE

“Towards an export control policy review: ensuring security and competitiveness in a changing world”
International / multilateral export control

- EU participation in multilateral export control regimes (Australia Group, Nuclear Suppliers Group)
- Bilateral contacts with third countries / export control convergence
- Enlargement process
- EU Outreach projects
For more information:

DG Trade dual-use website:


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