

Note on the 2015 update

Delegated Regulation (EU) No XXX/2015 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

- The 2015 *Commission Delegated Regulation (EU) No XXX/2015 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 and updating the EU list of dual-use items*, was adopted by the European Commission on 12 October 2015. It has now entered the statutory consultation with the European Council and the European Parliament.
- The updated control list in Annex I of the Regulation now published with this note takes account of the latest scientific, technological, industrial and commercial developments. It provides transparency and aims to protect the competitiveness of European Union export industries. The new control list implements over 100 amendments to the controls made by the multilateral Regimes in 2014, essentially in the WA and MTCR Regimes¹. Changes relate in particular to the control of machine tools, avionics technology and aircraft wind-folding systems, spacecraft equipment and civil UAVs² as well as the removal from control of certain encrypted information security products. Annex II and IV of the Regulation had to be modified to align them with Annex I.
- **New controls:**

6A005e3, a, b & c	WA	New control on fibre laser components including 3 new sub-controls.
6C005a & b, b1, b1 Note, b2 & Tech Notes	WA	Control on laser materials re-written; new control on rare-earth doped fibres added including 2 sub-controls, Note and 2 Tech Notes.
6D003d	WA	New control on software for the alignment of mirrors.
7E004b7, a, a Tech Note, b, b1, b2, b2 Tech Note, b3, b3 Note & b4	WA	New control for technology for fly-by-wire systems added.

¹ Please note that this is a reduced summary of just the new and the deleted entries, for a comprehensive overview of all modifications please see the document jointly posted "**Comprehensive Change Note Summary for Council Regulation (EU) No. 428/2009 - October 2015**"

² The December 2014 Wassenaar Plenary approved substantial changes to the UAV controls, refining them in line with the recent rapid technical developments

7E004b8, a & b	WA	New control for technology for fly-by-wire systems added.
8E002c1, 2, 3 & 4	WA	New control for technology for surface-effect vehicles, hydrofoil vessels and small waterplane area vessels.
9A106e	MTCR	New control on combustion chambers and nozzles
9A112, a & b	WA	New control for MTCR UAVs as a result of 9A012 re-write.
9D005	WA	New control for software for spacecraft payload and telemetry equipment.
9E003j & N.B.	WA	New control for technology for development of wing-folding systems; New Nota Bene.

- **New decontrols and deletions³**

New decontrol for certain router, switches and relays		
New decontrol for certain servers.		
8A001f	WA	Control on surface effect vehicles (fully skirted) deleted.
8A001g	WA	Control on surface effect vehicles (rigid sidewalls) deleted.
8A001h	WA	Control on hydrofoil vessels deleted.
8A001i	WA	Control on small waterplane area vessels deleted.
8A002k	WA	Control on skirts, seals and fingers deleted.
8A002l	WA	Control on lift fans deleted.
8A002m	WA	Control on hydrofoils deleted.
8A002n	WA	Control on active control systems deleted.
8A002o1	WA	Control on certain water-screw propeller systems deleted.

- **Annex II consequential changes**

- Removal of items from Annex I leads to their subsequent removal from Annex II
- "dynamic references" to item codes (with no description) are not reflected by consequential changes;

³ WA Technical Briefing also mentions decontrol of technology for the production of polyamide fibres used in many civil applications such as sporting goods and textiles.

- References including (some) control text result in consequential changes where appropriate;
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- **Annex IV consequential changes**

Annex IV, as an exception to the free movement of Dual-Use items within the Single Market, operates under a restrictive interpretation:

- No changes in the scope of Annex IV were made as this would exceed a purely technical sub-sequential mandate. Therefore, additions to Annex I are not reflected in Annex IV;
- Only the 2011-2014 changes to the control text are reflected.
- Items removed from Annex I are also deleted from Annex IV as they are no longer subject to control.