

enthusiastic. One respondent summed up: ‘They do not provide enough help/only refer to the Swiss law/do not provide enough explanation. Training: not frequent enough’. When asked whether the CA provides business-friendly tools, the same respondent wrote: ‘Too complex. Not really what you call business friendly’.

France’s CA, which received middle-of-the-road scores, was

described by one correspondent as ‘very slow, unwilling to pick up the phone, never want to respond to questions’ as well as contentious, where disagreements between departments are sometimes notable: ‘I am not saying it happens all the time, but it surely can happen’. One respondent referred to an intriguing ‘disagreement between SBDU (Export control CA) and

Ministry of Finance (Sanctions CA) on [an] Iran transaction’.

Finally, Belgium’s Wallonia CA was said to offer ‘very spare guidance’, with its refusals ‘not always legally justified’. One respondent claimed that ‘there was a mistake in the guidance published by Belgium (Wallonia) on the legal basis to extend EU001 to the UK’.

Another user, asked whether the Walloon Region CA’s

licensing policies are consistent with similar authorities, wrote simply: ‘I wish!’

As noted, the number of respondents to the survey does not warrant too great a significance to be given to the findings, which are essentially anecdotal in nature. But the results do suggest that, as regard user-experience, the playing field is replete with dips and bumps depending on where you stand.

## EU DUAL-USE EXPORTS: THE COMMISSION’S 2019 REPORT

On 3 February, the European Commission adopted (after some small delay), its annual report on the implementation of Regulation 428/2009 for 2019 – which also contained some data relating to 2018.

The report provides information on the evolution of the policy and regulatory framework, the activities of the Dual-Use Coordination Group (‘DUCG’), and key export control data.

It presents the evolution of the review of export controls, which began in 2016, the important negotiations that took place in 2019, the adoption by the Council of a mandate for negotiations with the European Parliament, and the two trilogues held in October and November. It notes that in the relevant period, the annexes of the Regulation have been consistently amended, with over 300 modifications made to Annex I.

The report describes how, in 2019, the EU export control system had to face the United Kingdom’s planned exit from the European Union, possible resulting scenarios, and how, in order to, *inter alia*, avoid a too significant

administrative burden for business, the EU granted the UK a Union general export authorisation.

With regard to the DUCG, the report reveals its important role as a forum for consultation on a variety of topics, and for the exchange of information and data collection. The efforts aim at improving data exchange among Member States as well as among them and the Commission, which is of critical importance for an efficient strategic trade control system. The DUCG also set up a technical group to develop compliance guidelines for academia (on which targeted consultation concluded three months ago).

Furthermore, besides supporting the electronic exchange of information between the competent authorities, the DUCG also supported the electronic licensing system to be used by the competent authorities, on which much work has been done (Member States are starting implementing the e-system).

The report shows that the EU has maintained a good level of transparency and dialogue with industry and civil society

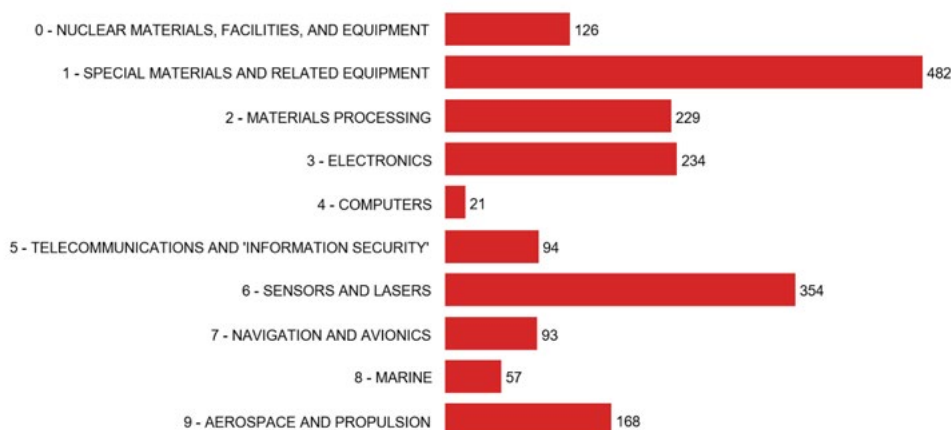
organisations. Concerning data on export control, it is noteworthy that it is difficult to obtain reliable information on dual-use exports since there is no correspondingly defined economic sector. However, the report provides interesting data estimates for analysis. It should also be kept in mind that since the report is largely based on information provided by MS, certain data represents approximate estimates given the fact that not all Member States collect and publish data and information.

On a final note, it seems the EU, and its Member States, is paying great attention to the dual-use trade control system (not least by engaging in outreach activities) and building on lessons. It could at this stage be described as still reactive, but (hopefully) looking to become proactive.

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[HTTPS://TRADE.EC.EUROPA.EU/DOCLIB/DOCS/2021/FEBRUARY/TRADOC\\_159415.PDF](https://trade.ec.europa.eu/doclib/docs/2021/february/tradoc_159415.pdf)

## EU dual-use trade: items and destinations



Number of dual-use entries listed in the ten categories of Annex I further to the adoption of Regulation (EU) 2019/2199.