

On May 10, 2021, the Council of the European Union officially endorsed the new draft EU regulation on the EU regime for export controls of dual use goods.

The latest version of new EU export control rules is the result of yearlong negotiations between the European Parliament and the Council of the EU concluded in November 2020. The purpose of this reform – initially proposed by the European Commission in 2016 – is to modernize and adapt the EU regime for export controls to new technological developments, as well as enhance cooperation between 27 enforcement authorities in EU member states.

In summary, in addition to the currently enforced controls, the new EU dual use goods regime will:

- Introduce controls over cyber-surveillance technology that can be used in violation of human rights outside the EU.
- Formalize legal obligations to introduce the internal compliance programs for exporters applying or using global export licenses.
- Harmonize rules on controls of technical assistance that was, until now, regulated by EU member states; under the new regulation, provisions of technical assistance in relation to listed dual use goods will be subject to the notification requirement if related to weapons of mass destruction, intended for a military end-use in embargoed countries or in relation to goods exported from the EU without the proper authorization.

Further, the new regime will provide for some simplifications. For intragroup transfers of technology, a new EU-wide general license will be available. Similarly, another EU-wide general license will be available for exports of dual use items and software using encryption.

It is expected that the updated EU dual use export control regime will enter this year, 90 days after its publication.

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Our export controls and sanctions lawyers have the ability to provide advice on the shifting regulatory framework on both sides of the Atlantic. We have extensive experience in advising and representing a wide range of companies in a variety of industries in Europe, the US and other jurisdictions on export control and sanctions from a multijurisdictional perspective. Our team is part of our overall International Trade Practice, providing a “one-stop” solution to global trade compliance through rapid, professional and tailored advice and compliance tools to fit your business needs and processes.

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