

Shielding

Armoured / bullet-proof items

EU Directive 2009/43, EU Regulation 2021/821, RIN 1400-AF42

10.2025

Issue

Risk of **misclassification** between dual-use and defence-related items as these items fall in both export control frameworks.

Risk of **violating U.S. export control laws** (ITAR/EAR) due to recent reforms including new thresholds for armors.

Objective

The EU and U.S. are strengthening controls over these items not only because **prior thresholds and terminology had become outdated**, but primarily to ensure precise control and oversight of advanced protective technologies that provide a **critical advantage on the battlefield**.

Key Takeaways

1. Defence-related products

- **ML6** : components specially designed for **ground vehicles** and providing ballistic protection \geq level III (NIJ 0108.01)
- **ML13** : armoured or protective equipment, constructions, components and accessories → **Manufactured according to military standards/specifications** :
 - Metallic or non-metallic armoured plate
 - Constructions providing ballistic protection for military systems
 - Helmets
 - Body armour or protective garments (hard body armour providing protection \geq level III (NIJ 0101.06))

2. Dual-use items

- 1A005: **body armour and components**:
 - soft body armour not manufactured to military standards/specifications
 - hard body armour providing protection \leq level IIIA (NIJ 0101.06)
- 1E001: **technology** for the development or production of body armour and components
- 1C010: **fibrous or filamentary** materials

3. U.S. recent ITAR reform (September 2025)

- **Inclusion in USML Category X** : Body armor, helmets and helmet shells, ceramic or composite plates providing a protection \geq level than NIJ RF3 (if below → controlled under EAR)
- **Inclusion in USML Category XIII** :
 - Certain spaced armor with E_m greater than 1.4
 - Certain transparent armor with areal density less than or equal to 40 pounds per square foot ($\leq 40 \text{ lb/ft}^2$)
 - Certain composite armor with E_m greater than 1.4
 - Certain metal laminate armor with E_m greater than 1.4

Target Audience

- **Companies** **designing, manufacturing or exporting** armor, ballistic plates, helmets and related items and materials
- **OEMs** integrating such armoured components

Non-Compliant ?

- **ITAR non-compliance** :
 - Civil penalties : \$1 million+ per violation ; debarment
 - Criminal penalties : Up to \$1 million, 20 years' imprisonment, or both, per violation ; debarment
- **EU non-compliance** :
 - administrative fines; imprisonment; ineligibility for future licences etc.

Key Dates

15.09.25 : U.S. ITAR reform entered into force

To Do

- **Map product portfolio** and determine classification (military / dual-use / non-controlled) pursuant to technical parameters
- Check if a product requires an **export licence** (especially if from U.S.-origin)
- Implement a **supplier questionnaire** to collect information on the product's classification
- Monitor **technical data transfers**, if any
- **Train and raise awareness** amongst your staff

Support

Non-exhaustive examples

- **D-Wise Strategy**: Portfolio risk analysis (per product/customer/supplier)
- **D-Wise Consult**: technical classification of your item
- **D-Wise Implementation**: classification decision tree; supplier export control questionnaire
- **D-Wise Academy**: on-site training or development of a dedicated e-Learning module
- **D-Wise News**: regulatory monitoring of relevant EU and U.S. frameworks