

Issue



While the trade of dual-use is governed by an EU Regulation (directly applicable in EU Member States), its provisions allow for **flexibility and national discretion** (e.g. national authorisations, national control lists) which lead in turn to **significant divergences** across Member States.

Objective



National and EU General Export Authorisations are issued to **facilitate trade of dual-use items** while **reducing administrative burden** for exporters and export control authorities

Key Takeaways

1. EU current framework

- **EU General Export Authorisations (EUGEAs)** : allow exports of dual-use items to certain destinations under certain conditions :
 - EU001: exports to Australia, Canada, Iceland, Japan, New Zealand, Norway, Switzerland, Liechtenstein, the United Kingdom and the United States of America;
 - EU002: export of certain dual-use items to certain destinations;
 - EU003: export after repair/replacement;
 - EU004: temporary export for exhibitions or fairs;
 - EU005: telecommunications;
 - EU006: chemicals;
 - EU007: intra-group technology transfers, and;
 - EU008: encryption.
- **National General Export Authorisations (NGEAs)** : may be issued by EU Member States.

2. (Non-exhaustive) Examples of national measures

- Germany : 13 NGEAs (e.g. frequency convertors; telecommunications); France : 8 NGEAs (e.g. chemical products) ; Austria : 3 NGEAs (e.g. frequency converters ; valves & pumps) ; Netherlands : 2 NGEAs (e.g. information security items)
- Belgium, Czechia, Spain, Portugal : No NGEAs
- EU Regulation 2021/821 also enables Member States to take **national control lists** : additional controlled items :
 - Exemples: Spain (additive manufacturing equipment), France (CMOS integrated circuits) , Netherlands (lithographic equipment)

Target Audience

- Companies active in the trade of dual-use items

Key Figures



- 2022: 67% of transactions fell under EUGEAs (95% of which under EU001) and 19% under NGEAs
- 2022: **Top 3 items sent** under general authorisations (EU & National) :
 - 5EC2 (Information security items)
 - 3EC4 (Semiconductor equipment)
 - 9EC3 (Rockets & spacecraft)
- 2022: **Top 3 destinations** under general authorisations (EU & National) :
 - USA (51%)
 - UK (17%)
 - Switzerland (9%)
- 2022: 7033 exporters using EUGEAs vs. 3492 exporters using NGEAs



No use of general authorisations → **loss of time, of efficiency, of money**

To Do



- **Identification of transactions within non-EU countries** (type of products/recipients)
- **Assessment of relevant general authorisations** (on the supplier side)
- **Registration before prior use** with competent authorities
- **Reporting a posteriori** to competent authorities
- **Update of your internal policies and processes** to prioritise the use of general authorisations
- **Raise awareness** amongst relevant staff

Support



Non-exhaustive examples

- **D-Wise Strategy**: Assessment of each EU Member State's NGEAs & group structure/flows recommendations
- **D-Wise Consult**: Can my subsidiary in Germany rely on a general authorisation for this transaction ? What about transfers to the UK post-Brexit ?
- **D-Wise Implementation**: summary of relevant EUGEAs
- **D-Wise Academy**: on-site training or development of a dedicated e-Learning module
- **D-Wise News**: regulatory monitoring of the EU Regulation 2021/821 and of its implementation (e.g. list of Member States who issued NGEAs)