

# Control of exports, transfer, brokering, technical assistance and transit of dual-use items

Certain goods and technologies have legitimate civilian applications but can also be used for military purposes; known as 'dual-use' goods, they are subject to the European Union's export control regime. The regime is now being revised, mainly to take account of significant technological developments, increase transparency and create a more level playing field among EU Member States. The proposal would place new limits on the export of cyber-surveillance items and strengthen human rights considerations. The European Parliament is expected to vote on the agreed text resulting from interinstitutional negotiations during the March II plenary session.

## Background

The high-tech nature of dual-use goods and technologies, and the sizeable volume of trade in them, means that the dual-use sector is a very important part of the EU economy. In controlling exports in these goods and technologies, careful attention needs to be paid to striking the right balance between security considerations and imposing unnecessary restrictions on business activities. This close link between security and trade is at the core of dual-use export controls.

## European Commission proposal

On 28 September 2016, the European Commission adopted a [proposal for a regulation](#) setting up a Union regime for the control of exports, transfer, brokering, technical assistance and transit of dual-use items, to replace [Regulation \(EC\) No 428/2009](#), setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, which came into force in 2009. Among other elements, the proposal explicitly defines cyber-surveillance technology as dual-use technology and introduces human rights violations as an explicit justification for export control. The Commission's and Parliament's [views](#) on the importance of further limiting the export of cyber-surveillance items and strengthening human rights considerations prevailed during trilogue negotiations. The proposal also includes provisions to control emerging technologies – such as biotechnology, advanced surveillance technologies, position, timing and navigation technology (PNT), additive manufacturing, artificial intelligence and robotics – an issue of increasing importance for dual-use export controls. The proposed regulation introduces greater transparency into dual-use export control by increasing the level of detail Member States will have to provide on exports, licences, licence denials and prohibitions. The proposal also seeks to improve the EU licensing architecture, including through the introduction of two new general export licences.

## European Parliament position

On 23 November 2017, Parliament's Committee on International Trade (INTA) adopted its [report](#) on the proposal. On 17 January 2018, Parliament adopted its position for trilogue negotiations. The Council and Parliament negotiators agreed on a [compromise text](#) on 9 November 2020. The final text resulting from interinstitutional negotiations was endorsed by Coreper, for the Council, on 18 November 2020, and then approved in the INTA committee meeting of 30 November. The text now needs to be formally adopted by Parliament and is scheduled to be voted during the March II plenary session.

First-reading report: [2016/0295\(COD\)](#); Committee responsible: INTA; Rapporteur: Markéta Gregorová (Greens/EFA, Czechia). For further information see our 'EU Legislation in progress' [briefing](#).

