

# ClientAlert

## International Trade

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### European Commission launches Green Paper and consultation on dual-use exports

On 30 June 2011, the European Commission issued the Green Paper "*The dual-use export control system of the European Union: ensuring security and competitiveness in a changing world*" ([See Green Paper](#)) as part of its efforts to launch a public consultation on the EU's dual-use export control system. The Commission is recognizing that it needs input from EU exporters of the wide variety of categories of dual-use items - on both the detailed provisions of Regulation 428/2009 (i.e. the current Dual-Use Regulation) and a potential future strategy for the system as a whole to adapt it to changing circumstances - to enable it to strike the right balance between the pursued objective of security and non-proliferation and the need to support business activities striving for innovation and competitiveness, particularly in the EU's technology sector. Companies and organisations can provide much-needed input on the potential reform of the EU dual-use export control system.

Throughout the Green Paper, the Commission has included a series of questions (55 in total, featured in grey boxes) addressed to various stakeholders - including industry, civil society, NGOs, academia and Member State governments - for which it is seeking input. These questions seek information about such topics as the importance of dual-use exports to businesses, potential foreign availability of dual-use items exported from the EU, differences in the approaches by individual Member States, the sufficiency of currently available licensing categories, application of the so-called "catch all" clause by different Member States, the usefulness of brokering and transit controls, and barriers created through intra-EU transfer controls. On the potential for a new long-term approach to EU dual-use export controls, input is sought concerning such issues as the potential for increased Member State cooperation and information exchange, extension of General Export Authorisations, and potential alternatives to intra-EU transfer controls.

Stakeholder input in response to the Green Paper, which should be forwarded via e-mail to [TRADE-F1-DU-CONSULT-2011@ec.europa.eu](mailto:TRADE-F1-DU-CONSULT-2011@ec.europa.eu), is sought by **31 October 2011**. If companies wish for their input to be treated as confidential, they must clearly indicate this in their response.

With respect to the future timeline, the Commission intends to hold an "Exporter Conference" in September 2011 in connection to this consultation. Following receipt of the Green Paper input, the Commission aims to issue a report on the Green Paper results by January 2012 and then produce a formal report to the European Parliament and Council by September 2012. The goal is then to present proposals for amendments to the Dual-Use Regulation in 2013-2014.

If your organisation has any queries related to the EU's export controls on dual-use goods and technology, White & Case can offer its assistance.



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