



17 March 2011

## **Technical consultation**

### **Foreign availability of dual-use items subject to export controls under Regulation 428/2009**

#### **Objective of the technical consultation**

The European Commission seeks public comments on the foreign availability (from suppliers outside of the European Union) of dual-use items subject to export controls under Regulation 428/2009. Information received through this technical consultation will be used during discussions on control list amendments at EU level and within the international export control regimes.

#### **Consultation period**

This consultation is open from 17 March 2011 to 26 April 2011.

#### **How to submit comments?**

This consultation is conducted using the European Commission's Interactive Policy Making tool (IPM). All responses are expected to be submitted electronically via IPM.

The consultation is available at the following address:

<http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=ControlList2011>

#### **Background information**

Annex I of Regulation 428/2009 sets out the dual-use items which are subject to controls prior to being exported outside of the European Union. In order to export such items from the EU to any third country, an export authorisation is required. These authorisations take the form of EU General Export Authorisations, National General Export Authorisations, Global and Individual authorisations.

Annex IV of Regulation 428/2009 sets out the dual-use items which are subject to intra-EU transfer controls. Annex IV constitutes a subset of Annex I in the sense that all items included in Annex IV are also included in Annex I.

Annex I is regularly amended based on decisions taken within the four international export control regimes:

- the Wassenaar Arrangement (WA)
- the Nuclear Suppliers Group (NSG) for civil nuclear items
- the Australia Group (AG) for chemical and biological items
- the Missile Technology Control Regime (MTCR) for missile systems and other means of delivery.

Given the reviews being undertaken in 2011 within some of the international export control regimes, the European Commission would like to gather detailed information from EU exporters concerning certain issues associated with the EU control list. The European Commission would be particularly interested in gaining specific input concerning the foreign availability of controlled items, that is information on whether identical or similar items to those controlled by the EU are available from third countries, and from which countries.

The European Commission does not intend to publish any compilation or analysis of responses following this consultation. Information supplied during this consultation will only be used by the European Commission and/or by EU Member States in the process of discussing control list modifications at EU level and within the international export control regimes.

#### **Further questions?**

If you have further questions about this technical consultation, please send your query to the following email address: [TRADE-F1-DU-CONSULT-2011@ec.europa.eu](mailto:TRADE-F1-DU-CONSULT-2011@ec.europa.eu).