on dual-use items trade controls

CONTENTS

01: LEGAL DEVELOPMENTS: INTERNATIONAL 03: MEMBERS' WORKS <u>03: STUDIES AND MORE: ARTICLES, REPORTS, LINKS</u>

04: NEWS

05: "OF INTEREST"



Commission

Factsheet on Third EU-US Trade and Technology Council Trade Outcomes, 5 December 2022. Available here.

On the 21 October 2022, the Commission published the COMMISSION DELEGATED REGULATION (EU) /... amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dualuse items. The act is not yet in force. Available here.

Council

COUNCIL REGULATION (EU) 2022/2474 of 16 December 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine. Available here.

France

On 6 December 2022, the French Minister of Economy and Finance published the "2022 Report on dual-use export". Available (in French) here.



ISSUE **#49** DECEMBER 2022

Subscribe: vvella@uliege.be

Italy

On 19 December 2022, the Italian dual-use competent authority (UAMA) published relevant information to the use of the EU General Authorisations and National Authorisations. Six-monthly reports related to these Authorisations have to be sent electronically via the elicensing system. Available (in Italian) <u>here</u>.

LEGAL DEVELOPMENTS: INTERNATIONAL

Wassenaar Arrangement

"Statement issued by the plenary chair on 2022 outcomes of the Wassenaar Arrangement on export controls for conventional arms and dual-use goods and technologies", 1 December 2022. Available <u>here</u>.

"List of Dual-Use Goods and Technologies & Munitions List (Dec. 2022)", 1 December 2022. Available <u>here</u>.

"Summary of Most Recent Changes to Lists", 1 December 2022. Available <u>here</u>.

"Extreme Vigilance: Sub-set of Tier 2 (VSL) items "Best Practices(2022)", 1 December 2022. Available <u>here</u>.

"End-User Assurances Commonly Used Consolidated Indicative List (2022)", 1 December 2022. Available <u>here</u>.

Missile Technology Control Regime

"Message on the Occasion of the 35th Anniversary of the MTCR", 13 December 2022. Available <u>here</u>.

on dual-use items trade controls

Finland

Ministers for Foreign Affairs, "Act on export control of dual-use items to be reformed", 10 November 2022. Available <u>here</u>.

Japan

On 4 November 20222, the Ministry of Economy, Trade and Industry has issued the End User List, providing exporters with information on foreign entities for which concern cannot be eliminated regarding involvement in activities such as the development WMDs and other items, for the purpose of enhancing the effectiveness of the catch-all control on cargos and other loads relating to WMDs and other items. Available <u>here</u>.

UK

Export Control Joint Unit (ECJU), "NTE 2022/32: The Export Control (Amendment) (EU Exit) Regulations 2022", 14 December 2022. Available <u>here</u>.

Export Control Joint Unit, "Guidance - UK strategic export controls", 19 December 2022. Available <u>here</u>.

Export Control Joint Unit, "Application for a technical assistance licence", 19 December 2022. Available <u>here</u>.

Export Control Joint Unit, "Guidance - End-use controls applying to WMD-related items, including technical help", 19 December 2022. Available <u>here</u>.

Export Control Joint Unit, "Guidance - Compliance code of practice for export licensing", 13 December 2022. Available <u>here</u>.

Export Control Joint Unit, "Notice, NTE 2022/31: UK exporters issued compound settlements for unlicensed strategic exports", 9 December 2022. Available <u>here</u>.



ISSUE **#49** December 2022

Subscribe: vvella@uliege.be

House of Commons, Committees on Arms Export Controls, Oral evidence: Strategic Exports Controls and Russia, HC 927, 7 December 2022. Available <u>here</u>.

Export Control Joint Unit, "Strategic export controls: licensing statistics quarterly reports", 8 November 2022. Available <u>here</u>.

House of Commons, Committees on Arms Export Controls, "Developments in UK Strategic Export Controls", First Joint Report of Session 2022–23, 28 October 2022. Available <u>here</u>.

Export Control Joint Unit, "Guidance - Open general export licences for export for repair/replacement under warranty: dual-use items", last updated on 30 September 2022. Available <u>here</u>.

United Nations

The Security Council unanimously adopted resolution 2663 (2022) extending the mandate of the 1540 Committee for 10 years until 30 November 2032. Available <u>here</u>.

United States

BIS, "Commerce Adds 36 to Entity List for Supporting the People's Republic of China's Military Modernization, Violations of Human Rights, and Risk of Diversion", 16 December 2022. Available <u>here</u>.

BIS, "Commerce cuts off Russian procurement network evading export controls", 13 December 2022. Available <u>here</u>.

BIS, "Implementation of Additional Export Controls: Certain Advanced Computing and Semiconductor Manufacturing Items; Supercomputer and

on dual-use items trade controls



ISSUE **#49** December 2022

Subscribe: vvella@uliege.be

Semiconductor End Use; Entity List Modification", 7 December 2022. Avaialble <u>here</u>.

BIS, "BIS Updates Pakistan Due Diligence Guidance", 17 November 2022. Available <u>here</u>.

BIS, "Public information on export controls imposed on advanced computing and semiconductor manufacturing items to the People's Republic of China (PRC), 7 October 2022. Available <u>here</u>.



Kamshat Saginbekova, "Politico-economic aspects of strategic trade control in Central Asian countries", PhD thesis, 14 Dec 2022. Available <u>here</u>.

Enzo Caponetti, "Violation of EU sanctions added to the list of EU crimes and forthcoming harmonisation", ESU ULiège, 9 December 2022. Available <u>here</u>.

ESU ULiège, "JoSTC: the new Journal for the export control community", 5 December 2022. Available <u>here</u>.

K. Brockmann, M. Bromley and L. Héau, "The Missile Technology Control Regime at a Crossroads: Adapting the Regime for Current and Future Challenges", SIPRI Report, 2 December 2022. Available <u>here</u>. Policy brief available <u>here</u>.

ESU ULiège, "XII Meeting of the Chaudfontaine Group", 6 October 2022. Available <u>here</u>.

Enzo Caponetti, "LATEST UPDATES: EU reaction to Russian invasion of Ukraine (regularly updated)", 7 October 2022. Available <u>here</u>.

STUDIES AND MORE: ARTICLES, REPORTS,

Gregory C. Allen, Emily Benson, and William Alan Reinsch, "Improved Export Controls Enforcement Technology Needed for U.S. National Security", Centre for Strategic & International Studies, December 2022. Available <u>here</u>.

James Andrew Lewis, "Notes on Creating an Export Control Regime", Centre for Strategic & International Studies, 15 December 2022. Available <u>here</u>.

Christopher Nelson, *Methods of Strategic Trade Analysis. Data-Driven Approaches to Detect Illicit Dual-Use Trade*, Springer, 5 December 2022. Available <u>here</u>.

EU Commission, "2022 Dual Use Export Control Forum – outcome", (speakers' presentations and the webstreamed) available <u>here</u> and <u>here</u>.

Ingrid d'Hooghe, Jonas Lammertink, "How National Governments and Research Institutions Safeguard Knowledge Development in Science and Technology", LeidenAsia Centre, 28 November 2022. Available <u>here</u>.

on dual-use items trade controls

Alessandro Guaiana, "How Dual Use Trade Controls Affect Financial Institutions", ACSS, 19 November 2022. Available <u>here</u>.

Defense Counterintelligence and Security Agency, "Targeting U.S. Technologies: A Report of Threats to Cleared Industry", 3 November 2022. Available <u>here</u>.

Ross Peel, Zuzanna Gwadera, "Mapping Manufacturers and Exporters of Items Listed in the Model Additional Protocol Annexes for Outreach Activities", Paper presented at Symposium on International Safeguards 2022, published on 2 November 2022. Available <u>here</u>.

David Santoro, "Next Steps for the US-China Strategic Nuclear Relationship", Pacific Forum, October 2022. Available <u>here</u>.

Kolja Brockmann and Nivedita Raju, "Newspace and the commercialization of the space industry. Challenges for the Missile Technology Control Regime", SIPRI, October 2022. Available <u>here</u>.

David Santoro, "Next Steps for the US-China Strategic Nuclear Relationship", Pacif Forum, October 2022. Available <u>here</u>.

Claire Stalenhoef, Machiko Kanetake, and Marijk van der Wende, "The Implications of the EU's Dual-Use Export Control Regulation 2021/821 for Universities and Academics", Utrecht University School of Law Research Paper Forthcoming, October 2022. Available <u>here</u>.



ISSUE **#49** December 2022

Subscribe: vvella@uliege.be



Natasha Bertrand, "Exclusive: Biden task force investigating how US tech ends up in Iranian attack drones used against Ukraine", CNN, 21 December 2022. Available <u>here</u>.

Reuters, "U.S., UK export controls hit China's access to Arm's chip designs -FT", 15 December 2022. Available <u>here</u>.

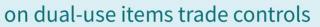
Peter Brown, "Netherlands, Japan join US in China semiconductor trade restrictions", Electronics360, 19 December 2022. Available <u>here</u>.

US DoJ, "Justice Department Announces Charges and Arrests in Two Cases Involving Export Violation Schemes to Aid Russian Military", , 19 October 2022. Available <u>here</u>.

Jeff Pao, "China criticizes US for blacklisting more chip firms", Asia Times, 17 December 2022. Available <u>here</u>.

Ellen Nakashima, Jeanne Whalen and Cate Cadell, "U.S. widens ban on military and surveillance tech sales to China", The Washington Post, 15 December 2022. Available <u>here</u>.

US DoJ, "Russian Military and Intelligence Agencies Procurement Network Indicted in Brooklyn Federal Court", 13 December 2022. Available <u>here</u>.





ISSUE **#49** December 2022

Subscribe: vvella@uliege.be

The White House, "U.S.-EU Joint Statement of the Trade and Technology Council", 5 December 2022. Available <u>here</u>.

Sophie Mellor, "China's chip shortage is so bad a woman was just caught smuggling semiconductors inside a fake baby bump", Yahoo finance, 2 December 2022. Available here.

Jim Nash, "Unflattering spotlight grows brighter on Chinese biometric surveillance firms", Biometric Update, 2 December 2022. Available <u>here</u>.

Hannah Kelley, "New US Export Controls Need Allied Support", The Diplomat, 29 November 2022. Available <u>here</u>.

Esther Felden, "Despite UN sanctions, Germany did research with North Korea", DW, 28 November 2022. Available <u>here</u>.

Martijn Rasser and Jason Matheny, "Export Controls Give ASML and the Netherlands an Opportunity to Lead by Example. Will They Take It?", The Rand Blog, 28 November 2022. Avaialbe <u>here</u>.

Patrick Droney, "Officials: Drones manufactured in China commonly used in America now pose a huge national security threat", Law Enforcement Today, 27 November 2022. Available <u>here</u>.

John Ismay, "Iranian Weapons Built with Western Semiconductors Despite Sanctions", The New York Times, 22 November 2022. Available <u>here</u>. WorldECR, "BIS announces export control and supply chain joint working group with South Korea", 10 November 2022. Available <u>here</u>.

Austin Wright, "Dual-Use Goods Are Fueling Russia's War on Ukraine", Foreign Policy, 8 November 2022. Available <u>here</u>.

Austin Wright, "Dual-Use Goods Are Fueling Russia's War on Ukraine", Foreign Policy, 8 November 2022. Available <u>here</u>.

US DoJ, "European Nationals and Entities Indicted on Charges of Violating U.S. Laws for Their Attempt to Export a Dual-Use High-Precision Jig Grinder to Russia", 19 October 2022. Available <u>here</u>

Edward Graham, "Chinese Firms Exporting Surveillance Tools Across the Globe, Report Says", Nextgov, 18 October 2022. Available <u>here</u>.

Baek Byung-yeul, "US suspends export control of Samsung, SK in China for 1 year", The Korea Times, 12 October 2022. Available <u>here</u>.



Journal of Strategic Trade Control Webpage available <u>here</u>.

EU Partner-to-Partner (P2P) webpage.

Webpage available <u>here</u>. Newsletters available <u>here</u>.

5



ISSUE **#49** December 2022

Subscribe: vvella@uliege.be

on dual-use items trade controls

EU Non-Proliferation and Disarmament Consortium EUNPD Newsletter (monthly). Available <u>here</u>.

TIM Dual-Use Web Platform – Joint Research Centre (European Commission). Available <u>here</u>.

European Export Control Association for Research Organisations (EECARO) Webpage available <u>here</u>.

Dual-use App Assistance - ESU Available <u>here</u>.