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## Legal developments: European Union

### European Commission

On 1 September 2020 the Commission Delegated Regulation (EU) 2020/1068 of 15 May 2020 amending Annexes I and V to Regulation (EU) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals entered into force (Official Journal of the European Union, OJ L 234/1, 21/07/2020). Available on: [https://eur-lex.europa.eu/eli/reg\\_del/2020/1068/oj](https://eur-lex.europa.eu/eli/reg_del/2020/1068/oj)

To consult a technical note on it please check:  
<http://local.droit.ulg.ac.be/jcms/service/index.php?serv=49&cat=3>

The European Commission on 7 October 2020 published the Commission Delegated Regulation (EU) .../... of 7.10.2020 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items. It amends Annex I, Annexes IIa to IIg and Annex IV. Available on: <https://ec.europa.eu/transparency/regdoc/rep/3/2020/EN/C-2020-6784-F1-EN-MAIN-PART-1.PDF> ; [https://ec.europa.eu/info/publications\\_en](https://ec.europa.eu/info/publications_en)

Notice to stakeholders on the withdrawal of the UK and EU rules in the field of dual-use export controls, 16 September 2020. Available on: [https://ec.europa.eu/info/sites/info/files/brexit\\_files/info\\_site/dual-use-export-controls\\_en.pdf](https://ec.europa.eu/info/sites/info/files/brexit_files/info_site/dual-use-export-controls_en.pdf)

To consult the note's summary please consult: <http://local.droit.ulg.ac.be/jcms/service/index.php?serv=49&cat=3>

## Legal developments: International

### China

Provisions on the Unreliable Entity List, MOFCOM Order No. 4 of 2020 on. Available on: <http://english.mofcom.gov.cn/article/policyrelease/questions/202009/20200903002580.shtml>

### India

On 31 August, India's Directorate General of Foreign Trade issued Trade Notice No. 26/2020-21 regarding the policy on re-validation of export authorizations of SCOMET items. Available on: [https://content.dgft.gov.in/Website/dgftprod/25b2c0c3-101b-46b5-9a09-326d667edd8c/Trade%20Notice%20No%20%2026%20dated%2031-08-2020%20on%20revalidation%20of%20SCOMET%20authorisation%20for%20Tech%20Transfer\(1\).pdf](https://content.dgft.gov.in/Website/dgftprod/25b2c0c3-101b-46b5-9a09-326d667edd8c/Trade%20Notice%20No%20%2026%20dated%2031-08-2020%20on%20revalidation%20of%20SCOMET%20authorisation%20for%20Tech%20Transfer(1).pdf)

### Singapore

Amendments to Strategic Goods (Control) Order (SGCO), Singapore Customs, September 2020. Available on: <https://www.customs.gov.sg/documents/businesses/TSSB/Amendment-table-for-Strategic-Goods-Control-Order-2020.pdf>

Singapore Customs has published an ITT (Intangible Transfer of Technology) Guide. Available on: <https://www.customs.gov.sg/documents/businesses/TSSB/ITT%20Guide.pdf>

### United States

"Guidance on Implementing the UN Guiding Principles for Transactions Linked to Foreign Government End-Users for Products or Services with Surveillance Capabilities", U.S. Department of State, 30 September 2020. Available on: <https://www.state.gov/wp-content/uploads/2020/09/DRL-Industry-Guidance-Project-FINAL-508.pdf>

"North Korea Ballistic Missile Procurement Advisory", the Department of State, OFAC and BIS. Available on: [https://home.treasury.gov/system/files/126/20200901\\_nk\\_ballistic\\_missile\\_advisory.pdf](https://home.treasury.gov/system/files/126/20200901_nk_ballistic_missile_advisory.pdf)

### Amendments to the EAR

Addition of forty-seven entities, under fifty-one entries to the Entity List, 22 September 2020. Available on: <https://www.bis.doc.gov/index.php/regulations/federal-register-notices#fr62583>

Addition of sixty entities, under a total of sixty-one entries, to the Entity List, 27 August 2020. Available on: <https://www.bis.doc.gov/index.php/regulations/federal-register-notices#fr62583>

Implementation of certain new controls on 6 emerging technologies, as decided at the 2018 WA Plenary meeting. This rule revises the ECCNs controlled for national security reasons in each category of the CCL, except Category 4. This rule also makes other associated changes to the EAR, as well as adjustments to license exception eligibility for national security-controlled items and revisions to reporting requirements, 11 September 2020. Available on: <https://www.bis.doc.gov/index.php/regulations/federal-register-notices#fr62583>

Commerce Department Broadens Authority to Review Licenses for Human Rights Concerns and Adopts New Controls on Water Cannons. Link: <https://www.bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/2631-press-release-water-cannons/file>

## Identification and Review of Controls for Certain Foundational Technologies

This Advance Notice of Public Rulemaking (ANPRM) seeks public comment on the definition of, and criteria for, identifying *foundational technologies*, 27 August 2020. Available on: <https://www.bis.doc.gov/index.php/regulations/federal-register-notices#fr62583>

## Sanctions against Iran

Between July and September 2020, US issued a further individual sanctions relating to: activities of Mahan Air airlines, human rights offences, sale of Iranian petrochemicals, cyber activities. US notified the President of the UN Security Council (UNSC) about its intention to restore UN sanctions on Iran triggering the “snapback” mechanism from the JCPOA agreement. No formal actions with regard to reinstating the sanctions have been taken by the UNSC nor UN Secretariat, but uncertainty on whether the US triggered the “snapback” has been declared. US issued the Executive Order “Blocking Property of Certain Persons with Respect to the Conventional Arms Activities of Iran” to implement the UN embargo on arms trade and allowing to sanction individuals engaging in such trade.

On 8 Oct. 2020, the US government sanctioned 18 Iranian banks under counter-proliferation or anti-terrorism authorities. Links:

<https://www.state.gov/iran-sanctions/> ; <https://www.state.gov/the-return-of-un-sanctions-on-the-islamic-republic-of-iran/> ; <https://apnews.com/article/iran-iran-nuclear-antonio-guterres-united-nations-mike-pompeo-d90c333f9161c2043d733f462c07c7e7> ; <https://www.state.gov/the-united-states-imposes-sweeping-new-sanctions-on-the-islamic-republic-of-iran/> ; <https://www.home.treasury.gov/press-releases>

## Malaysia

Malaysia ratified the UN Treaty on the Prohibition of Nuclear Weapons (only 4 more ratifications needed to trigger its entry into force). Available on: <http://disarmament.un.org/treaties/t/tpnw>

## Members' works

Charatsis C., Sevini F., De Luca A., Michel Q., Chardon S., “EU P2P Newsletter: Issue N.10”, Publications Office of the European Union, 2020. Link: <https://ec.europa.eu/jrc/en/publication/newsletters/eu-p2p-newsletter-issue-n10>

Ana Sánchez Cobaleda, “Covid-19: a new threat to European security and defence”, in Globe Project: Global Governance and the EU: future trends and scenarios, 14 September 2020. Available: [https://www.globe-project.eu/en/covid-19-a-new-threat-to-european-security-and-defence\\_10061](https://www.globe-project.eu/en/covid-19-a-new-threat-to-european-security-and-defence_10061)

Vakhtang Kartvelishvili (project manager), “Handbook on Georgia's Export Control System to Raise Awareness of CBRN related Dual Use Items Export Controls”, updated on 28 February 2020 Available on: [https://www.rs.ge/common/get\\_doc.aspx?id=10947](https://www.rs.ge/common/get_doc.aspx?id=10947)

## Studies and more: Articles, reports, links

Versino Cristina, Heine Peter, Carrera Jullie “Strategic Trade Atlas 2014-2018. Country- and Commodity-Based Views”, Publications Office of the European Union, 2020. Link: <https://ec.europa.eu/jrc/en/publication/strategic-trade-atlas-2014-2018-country-and-commodity-based-views>

Philipp Niggel, Fraunhofer-Gesellschaft, “Emerging Technologies and Export Control Law: Challenges and Compliance Mechanisms for Research Institutions from a European Perspective”, Strategic Trade Review, Winter/Spring 2020 - Available on: <https://strategictraderesearch.org/wp-content/uploads/2020/01/Strategic-Trade-Review-Winter-Spring-2020.pdf>

“NTI Nuclear Security Index”, (produced biennially) July 2020. Available on: [https://media.nti.org/documents/2020\\_NTIndex\\_Report\\_Final.pdf](https://media.nti.org/documents/2020_NTIndex_Report_Final.pdf)

Chad P. Brown, “Export Controls: America’s Other National Security Threat”, Working Paper, Peterson Institute for International Economics, May 2020. Available on: <https://www.piie.com/system/files/documents/wp20-8.pdf>

Alexander H. Montgomery, “Double or Nothing? The Effects of the Diffusion of Dual- Use Enabling Technologies on Strategic Stability”, CISSM Working Paper, July 2020. Link: [https://ciissm.umd.edu/sites/default/files/2020-07/Dual\\_use\\_tech\\_Strategic\\_stability\\_072720.pdf](https://ciissm.umd.edu/sites/default/files/2020-07/Dual_use_tech_Strategic_stability_072720.pdf)

Amy J. Nelson, “Innovation and Its Discontents: National Models of Military Innovation and the Dual-Use Conundrum”, July 2020. Available on: [https://ciissm.umd.edu/sites/default/files/2020-07/EmergingTechInnovation\\_063020.pdf](https://ciissm.umd.edu/sites/default/files/2020-07/EmergingTechInnovation_063020.pdf)

James McColm et al, “Where there’s a way, there’s a will: how the WCO builds capacity to implement strategic trade controls”, 2020. Available on: <https://mag.wcoomd.org/magazine/wco-news-92-june-2020/how-the-wco-builds-capacity-to-implement-strategic-trade-controls/>

“Measuring the Economic Effects of STC Implementation in Southeast Asia”, CSCAP Nonproliferation and Disarmament (NPD) Export Controls Experts Group (XCXG). Link: <https://pacforum.org/events/cscap-nonproliferation-and-disarmament-npd-export-controls-experts-group-xxcg>

## News

“Spain arrests 2 for smuggling dual-use equipment to Pak military firms: Report”, Asian News International, Madrid, 8 July 2020. Link: [https://m-hindustantimes-com.cdn.ampproject.org/c/s/m-hindustantimes.com/world-news/spain-arrests-2-for-smuggling-dual-use-equipment-to-pak-military-firms-report/story-oSs9lI875d74MIYFKhdj4N\\_amp.html](https://m-hindustantimes-com.cdn.ampproject.org/c/s/m-hindustantimes.com/world-news/spain-arrests-2-for-smuggling-dual-use-equipment-to-pak-military-firms-report/story-oSs9lI875d74MIYFKhdj4N_amp.html)

“Company President and Employee Arrested in Alleged Scheme to Violate the Export Control Reform Act”, *unlawful export of dual-use electronics components to Hong Kong and China*, the US Department of Justice, 6 August 2020. Available on: <https://www.justice.gov/opa/pr/company-president-and-employee-arrested-alleged-scheme-violate-export-control-reform-act>

“What You Need to Know about the Second Review Draft of Chinese Export Control Law”, Dentons, 24 August 2020.

Link: <https://www.dentons.com/en/insights/articles/2020/august/24/second-review-draft-of-chinese-export-control-law>

Peter Clarke, “European chip firms concerned over US export controls”, EENews Europe, 2 September 2020. Link: <https://www.eenewseurope.com/news/european-chip-firms-concerned-over-us-export-controls>

“German Bundesgerichtshof authorises pre-trial detention in Russia dual-use exports case”, EU Sanctions, 07 October 2020. Available: <https://www.europeansanctions.com/2020/10/german-bundesgerichtshof-authorises-pre-trial-detention-in-russia-dual-use-exports-case/>

“ECJ has jurisdiction over EU sanctions damages claims based on decisions as well as regulations”, EU Sanctions, 07 October 2020. Available: <https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-10/cp200124en.pdf>

“German-Dutch letter calls for QMV & corruption in human rights sanctions”, EU Sanctions, 07 October 2020. Available: <https://www.europeansanctions.com/2020/10/german-dutch-letter-calls-for-qmv-corruption-in-human-rights-sanctions/>

## “Of interest”

### EU Partner-to-Partner (P2P) webpage

Link: <https://ec.europa.eu/jrc/en/research-topic/chemical-biological-radiological-and-nuclear-hazards/eu-p2p-outreach-programmes-export-control/dual-use-goods>  
Newsletters: <https://ec.europa.eu/jrc/en/search/site/eu%20p2p%20newsletter>

### EU Non-Proliferation and Disarmament Consortium EUNPD Newsletter (monthly).

Available: <https://www.nonproliferation.eu>