

Chaudfontaine Newsletter

on dual-use items trade controls



ISSUE #52
SEPTEMBER 2023

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LEGAL DEVELOPMENTS: EUROPEAN UNION

Council

On 13 September 2023, a Meeting of the Working Party on Dual Use Goods was held. The notice of the meeting and provisional agenda are available [here](#).

On 25 and 26 July 2023, a Meeting of the Working Party on Dual Use Goods was held. The notice of the meeting and provisional agenda are available [here](#).

Commission

On 22 September 2023, the European Commission updated the list of prohibited dual-use goods and advanced technology items used in Russian military systems found on the battlefield in Ukraine or critical to the development, production or use of those systems. Available [here](#).

On 15 September 2023, the European Commission adopted a Delegated Regulation updating the EU dual-use export control list in Annex I to Regulation (EU) 2021/821. Available [here](#).

The replies to the public consultation on cyber-surveillance guidelines conducted by the Commission

(from from 31 March to 9 June) were published on 25 July 2023. Available [here](#).

Germany

"Export Control Update - Measures to Enhance the Efficiency of Export Control Procedures - New General Licenses". 1 August 2023. Available [here](#) (German)

Italy

On 10 July 2023, a "catch-all" measure was issued pursuant to Article 9 of Legislative Decree 221/2017, aimed at subjecting the export of certain unlisted dual-use products to prior authorization to specific end destinations. Available [here](#) (Italian)

Netherlands

On 1 September 2023 additional export control measures will enter into force for advanced semiconductor manufacturing equipment. Available [here](#).



LEGAL DEVELOPMENTS: INTERNATIONAL

Australia, Canada, New Zealand, UK, US

On 26 September 2023, the governments of Australia, Canada, New Zealand, the UK, and the US issued the joint guidance "Exporting Commercial Goods - Guidance for Industry and Academia", which identifies high-priority items critical to Russian weapons systems and urging specific actions to prevent diversion of these items to Russia through third countries. Available [here](#).

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Canada

On 1 September 2023, the Government of Canada has amended a General Export Permit (GEP) relating to the export or transfer of certain dual-use goods and technology identified in Group 1 and in item 5504 of the Export Control List (ECL). Available [here](#).

On 23 July 2023, the Government of Canada amended the Export Control List. Available [here](#).

Japan

On 7 July 2023, South Korea and Japan held the Export Control Policy Dialogue online and signed a memorandum of cooperation on export control issues. Available [here](#).

Norway

On 11 July 2023, the Norwegian Government announced the initiation of the process to establish a new agency for export control and sanctions. Available [here](#).

Switzerland

A new Department for export controls and sanctions will be established at the Swiss State Secretariat for Economic Affairs, effective 1 September 2023, separating these areas from bilateral economic relations. Available [here](#) (French).

United Kingdom

On 3 August 2023, the Export Control Joint Unit (ECJU) updated the strategic export control list. Available [here](#).

On 31 July 2023, the ECJU updated six open general export licences (OGELs). Available [here](#).

On 10 July 2023, ECJU has amended the Export Control Order 2008 and the retained Council Regulation (EC) No 428/2009. Available [here](#)

United Arab Emirates

The UAE has published its “Terrorist and Proliferation Financing Red Flags Guidance” on September 2023. Available [here](#).

United States

On 25 September 2023, the BIS has added 28 entities to entity list for conspiracy to violate U.S. export controls and other activities contrary to U.S. national security interests. Available [here](#).

On 18 August 2023, the BIS has amended EAR to reflect changes reached by the NSG in its June 2019 plenary meeting in Kazakhstan and its plenary meeting of June 2022 Poland. Available [here](#).

On 26 July 2023, the DOJ, the BIS, and the OFAC, issued a “Tri-Seal Compliance Note: Voluntary Self-Disclosure of Potential Violations” to summarize procedures for voluntarily self-disclosing violations of U.S. sanctions and export control laws to DOJ, BIS, and OFAC. Available [here](#).

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MEMBERS' WORKS

“Update of Annex I to EU Dual-Use Regulation 2021/821 for 2023”, ESU, University of Liège, 18 September 2023. Available [here](#).

Xavier Arnes Novau and Filippo Sevini, “Export Control Handbook for Chemicals (2023 edition)”, JRC Technical Report, Publications Office of the European Union, 23 August 2023. Available [here](#).

Ian Stewart, “UAV Proliferation: Lessons from Ukraine”, Medium, 16 August 2023. Available [here](#).



STUDIES AND MORE: ARTICLES, REPORTS, LINKS

James Andrew Lewis, “The End of Export Controls”, CSIS, 28 September 2023. Available [here](#).

“International export regulations and controls”, World Trade Organization, 15 September 2023. Available [here](#).

Tamar Rahamimoff-Honig and Keren Shahar, “Managing the Promise and Threat of Emerging Technologies”, BESA Center Perspectives Paper No. 2, 212, 12 September 2023. Available [here](#).

Stewart Patrick, “Rules of Order: Assessing the State of Global Governance”, Carnegie Endowment for International Peace, 12 September 2023. Available [here](#).

Jingjie Heand Nikita Degtyarev, “AI and atoms: How artificial intelligence is revolutionizing nuclear material production”, Bulletin of the Atomic Scientists, VOL. 79, NO. 5, 316–328, 10 September 2023. Available [here](#).

Christopher A. Casey, “Export Controls—International Coordination: Issues for Congress”, Congressional Research Service, 8 September 2023. Available [here](#).

“Trends in Bank Secrecy Act Data: Suspected Evasion of Russian Export Controls”, Financial Crimes Enforcement Network, September 2023. Available [here](#).

“Report by the MTCR Chair: Fifth Outreach Visit to Singapore”, MTCR, 1 September 2023. Available [here](#).

“Report by the MTCR Chair: Fifth Outreach Visit to Malaysia”, MTCR, 1 September 2023. Available [here](#).

“Strategic export controls: licensing statistics: 1 January to 31 March 2023”, UK Export Control Joint Unit, 30 August 2023. Available [here](#).

“United Kingdom Strategic Export Controls Annual Report 2022”, HM Government, 20 July 2023. Available [here](#).

“A Comparison Between U.S. Export Controls and European Export Controls”, Export Compliance Training Institute, 7 July 2023. Available [here](#).

In July 2023, the French General Directorate for Enterprise published its 2nd annual report to Parliament on dual-use goods exports. Available [here](#) (French)

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William Marshall, Christina McAllister, Gabriel Savagner et al., “Leveraging UN Sustainable Development Goals and UN Security Council Resolution 1540 Synergies: The Case for Responsible Chemical Management”, Stimson, 3 July 2023. Available [here](#).

Raluca Csernatonu, “Weaponizing innovation? Mapping artificial intelligence-enabled security and defence in the EU”, Non-proliferation and disarmament papers No. 84, July 2023. Available [here](#).

“Strategy on China of the Government of the Federal Republic of Germany”, German Government, July 2023. Available [here](#).

“AUDIT - Controls on dual-use goods - State Secretariat for Economic Affairs”, Swiss Federal Audit Office, July 2023. Available [here](#).



Michelle Toh and Wayne Chang, “China and Europe try to dial down trade tension”, CNN, 26 September 2023. Available [here](#).

“Singapore company, its director and sales manager fined over \$1.1 million for exporting strategic goods without requisite permits”, Singapore Customs, 21 September 2023. Available [here](#).

“Russian International Money Launderer Arrested for Illicitly Procuring Large Quantities of U.S.-Manufactured Dual-Use Military Grade Microelectronics for Russian Elites”, DOJ, 18 September 2023. Available [here](#).

“UAE publishes ‘Red Flags Guidance’ for terrorist and proliferation financing”, WorldECR, 14 September 2023. Available [here](#).

“Notice - NTE 2023/18: changes to export licensing statistics”, UK Export Control Joint Unit, 11 September 2023. Available [here](#).

“Guidance for EU operators: implementing enhanced due diligence to shield against Russia sanctions circumvention”, EU Commission, 7 September 2023. Available [here](#).

Dario Gorji, “Italian export control update introduces new penalties and hikes up others”, WorldECR, 6 September 2023. Available [here](#).

David Shepardson, “US raises concerns by Micron, Intel with China”, Reuters, 28 August 2023. Available [here](#).

“Notice - NTE 2023/17: a compound settlement”, UK Export Control Joint Unit, 22 August 2023. Available [here](#).

Janet K. Kim, Alexandre (Alex) Lamy, Geoff Martin And Daniel Andreeff , “Government Publishes Compliance Note on Voluntary Self-Disclosures of Sanctions and Export Controls Violations”, Baker McKenzie Blog, 11 August 2023. Available [here](#).

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Simone McCarthy, “China curbs drone exports over ‘national security concerns’”, CNN, 1 August 2023. Available [here](#).

“Suspected Russian Intelligence Operative Extradited from Estonia to Face Charges Related to Providing American-Made Electronics and Ammunition to Russian Military”, DOJ, 14 July 2023. Available [here](#).

“Swiss export controls on dual-use equipment adequate, says auditor”, swissinfo.ch/mga, 13 July 2023. Available [here](#).

S. Mann, A. L. Petterd, K. B. Contini, et al., “Sanctions Enforcement Around the World – Five Eyes Partners agree to coordinate enforcement on export controls”, Backer McKenzie Blog, 11 July 2023. Available [here](#).

Biswajit Dhar, “Modi’s US Technology Transfer Deals May Stumble on Export Controls”, The Wire, 8 July 2023. Available [here](#).

Misha Lu, “Symbolic or strategic? China's export controls on compound semiconductors”, DIGITIMES Asia, 4 July 2023. Available [here](#).

John Boscaroli , Robert Glasgow , Ljiljana Stanic et al., “Canada Adopts New Export Controls And Amends Process For Introducing Future Controls”, McCarthy Tétrault LLP, 1 July 2023. Available [here](#).

“Guidance - Consolidated list of strategic military and dual-use items that require export authorisation”, UK Export Control Joint Unit, July 2023. Available [here](#).



“OF INTEREST”

Dual-use App Assistance - ESU
Available [here](#).

EU Partner-to-Partner (P2P) webpage.

Webpage available [here](#). Newsletters available [here](#).

EU Non-Proliferation and Disarmament Consortium
EUNPD Newsletter (monthly). Available [here](#).

European Export Control Association for Research Organisations (EECARO)
Webpage available [here](#).

Journal of Strategic Trade Control

Deadline extended - Call for Papers – Special Issue: “Training Programmes To Counter Current And Emerging Biological And Chemical Proliferation Risks: Themes, Practices, And Lessons Learnt”. Available [here](#).

Webpage available [here](#).

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TIM Dual-Use Web Platform – Joint Research Centre
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