

Chaudfontaine Newsletter

on dual-use items trade controls



ISSUE #53
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LEGAL DEVELOPMENTS: EUROPEAN UNION

Council

On 18 December 2023, the "Council Regulation (EU) 2023/2878 of 18 December 2023 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine" was published. Available [here](#).

"Chemical Weapons: EU restrictive measures prolonged for an additional year", Council of the EU, 9 October 2023. Available [here](#).

Commission

On 15 December 2023, the European Commission adopted a Delegated Regulation (2023/2616) updating the EU dual-use export control list in Annex I to Regulation (EU) 2021/821. Available [here](#).

On 20 October 2023, the "Compilation of national control lists under Article 9(4) of Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items" was published. Available [here](#).

On 3 October 2023, the Commission published the Recommendation on critical technology areas for the EU's economic security for further risk assessment with Member States. Available [here](#).

Germany

"New fee obligation for official acts in export control", 19 December 2023. Available [here](#) (German)



LEGAL DEVELOPMENTS: INTERNATIONAL

Japan

"Review of the End User List Providing Information on Foreign Entities for which Concern Cannot be Eliminated Regarding the Development of Weapons of Mass Destruction and Missiles", 6 December 2023. Available [here](#).

United Kingdom

On 19 December 2023, ECJU published the new version of the "Guidance UK strategic export controls". Available [here](#).

On 1 December 2023, the HMRC has issued three compound settlements related to unlicensed exports of Dual Use goods and related activity. Available [here](#).

In December 2023, the Office of Financial Sanctions Implementation HM Treasury published the "Red ALERT - Exporting High Risk Goods". Available [here](#).

The ECJU amended the Export Control Order 2008 and the retained EU Dual-Use Regulation by the Export

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Control (Amendment) (No 2) Regulations 2023 (SI 2023 No. 1048). Available [here](#)

United States

On 20 December, the BIS amended the EAR by adding 13 persons to the Unverified List (all 13 persons were added under the destination of the China). Available [here](#).

On 8 December 2023, BIS published a rulemaking in which it proposes revising License Exception Strategic Trade Authorization (STA) EAR. Available [here](#).

On 8 December 2023, BIS published “Allied Governments Favorable Treatment: Revisions to Certain Australia Group Controls; Revisions to Certain Crime Control and Detection Controls”. Available [here](#).

On 8 December 2023, BIS published “Export Administration Regulations for Missile Technology Items: 2018, 2019, and 2021 Missile Technology Control Regime Plenary Agreements; and License Exception Eligibility”. Available [here](#).

On 7 December 2023, the BIS issued three new rules to coordinate export controls and trade with allies and facilitate secure trade. Available [here](#).

On 6 November 2023, FinCEN and BIS announce new reporting key term and highlight red flags relating to global evasion of U.S. export controls. Available [here](#).

On 17 October 2023, the BIS published strengthened restrictions on advanced computing semiconductors, semiconductor manufacturing equipment, and supercomputing items to countries of concern. Available [here](#).

On 11 October, the EAR was amended by adding 49 entities under 52 entries to the Entity List. Available [here](#).

Wassenaar Arrangement

On 1 December 2023, the WA published the “Statement issued by 2023 Plenary Chair”. Available [here](#).

On 1 December 2023, the WA published the List of Dual-Use Goods and Technologies & Munitions List (2023). Available [here](#).

Summary of changes list of dual-use goods & technologies and munitions list as of 1 December 2023. Available [here](#).

List of Advisory Questions for Industry, 1 December 2023, Available [here](#).

Zangeer Committee

On 30 October 2023, the ZA published the “2023 Working paper for the NPT Preparatory Committee Meeting”. Available [here](#).

MEMBERS' WORKS

Enzo Caponetti, “LATEST UPDATES (12th package of EU sanctions): EU reaction to Russian invasion of Ukraine (regularly updated)”, ESU, University of Liège, 20 December 2023. Available [here](#).

Mark Bromley, “The EU Dual-use Regulation, cyber-surveillance and human rights: the competing norms and organised hypocrisy of EU export controls”, Defence Studies, Vol 23, Issue 4: 3, December 2023. Available [here](#).

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Kolja Brockmann and Markus Schiller, “Small and micro launchers in the NewSpace era: New missile proliferation risks or more of the same?”, SIPRI Topical Background, 1 December 2023. Available [here](#).

Paul Esau and Valerie Lincy, “AUKUS Can Work Without Gutting US Export Control Laws,” Defense News, 30 November 2023. Available [here](#).

Hamid Al Bouchouari, “First EU autonomous controls on the export of dual-use items: Compilation of national control lists under Article 9(4) of the EU Dual-Use Regulation”, ESU, University of Liège, 27 October 2023. Available [here](#).

Hamid Al Bouchouari “2021 EU dual-use export control statistical update”, ESU, University of Liège, 25 October 2023. Available [here](#).



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S. Mann, P. Amberg, R. Mcgrath, et al., “EU Issues 12th Sanctions Package Targeting Russia”, Baker McKenzie, 19 December 2023. Available [here](#).

Daniel Salisbury and Darya Dolzikova, “Profiting from Proliferation? North Korea’s Exports of Missile and Nuclear Technology”, RUSI, 15 December 2023. Available [here](#).

“Strategic Trade Control Enforcement (STCE) Implementation Guide 2023 version”, World Customs Organization, 15 December 2023. Available [here](#).

Emily Kilcrease, “No Winners in This Game - Assessing the U.S. Playbook for Sanctioning China”, CNAS, December 2023. Available [here](#).

John Krzyzaniak, “The Private Companies Propelling Iran’s Drone Program,” Iran Watch, Wisconsin Project on Nuclear Arms Control, 29 November 2023. Available [here](#).

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William Alan Reinsch, Thibault Denamiel and Eric Meyers, “Optimizing Export Controls for Critical and Emerging Technologies: Reviewing Control Lists, Expanded Rules, and Covered Items”, CSIS, 8 November 2023 Available [here](#).

Robert Clark, “The Strategic Dependence of UK Universities on China – and where should they turn next?”, Civitas, November 2023. Available [here](#).

Emily Benson and Catharine Mouradian, “Establishing a New Multilateral Export Control Regime”, CSIS, November 2023. Available [here](#).

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Paul Esau, “Red Flags in Real Cases: Enforcement and Evasion of Russia Sanctions,” The Wisconsin Project on Nuclear Arms Control, 6 October 2023. Available [here](#).

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Stephen Osborne (ed.), “Handbook of best practices for strategic trade control enforcement at ports”, King’s College London, October 2023. Available [here](#).



“Collection - Notices to exporters”, ECJU, last updated 18 December 2023. Available [here](#).

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Song Sang-ho, “U.S., S. Korea, other allies in 'preliminary' talks over new export control regime on key technologies”, Yonhap News Agency, December 13, 2023. Available [here](#).

“Belgian National Charged with Crimes Related to Scheme to Illegally Procure Critical U.S. Technology for End Users in China and Russia”, US Office of Public Affairs, 6 December 2023. Available [here](#).

Fatima Attarwala, “Nvidia Says It Will Make Chips That Comply With US Export Rules”, Investopedia, 6 December 2023. Available [here](#).

Joël Matriche, “Exportations suspectes vers la Russie : quatre personnes interpellées en Belgique”, Le Soir, 5 December 2023. Available [here](#).

Nicolas Camut, “6 arrested in Belgium, Netherlands on suspicion of trading with rogue countries”, Politico, 5 December. Available [here](#).

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Theresa Hitchens, “‘Game on’: Raimondo calls for beefing up tech export controls to counter China”, Breaking Defense, 2 December 2023. Available [here](#).

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Milos Katic, Mirjana Jevtovic, Maja Zivanovic, “Investigation: Serbian Firms Ship Sanctioned Dual-Use Tech To Russia”, Radio Free Europe/Radio Liberty, 8 November 2023. Available [here](#).

“BIS issues temporary denial order against 7 persons and 3 companies for illegally exporting electronics with military applications to Russia”, BIS, 7 November 2023. Available [here](#).

“Four Arrested and Multiple Russian Nationals Charged in Connection with Two Schemes to Evade Sanctions and Send U.S. Technology Used in Weapons Systems to Russia”, US Office of Public Affairs, 1 November 2023. Available [here](#).

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“OF INTEREST”

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EU Partner-to-Partner (P2P) webpage.

Webpages available [here](#) and [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

Webpage available [here](#).

TIM Dual-Use Web Platform – Joint Research Centre (European Commission). Available [here](#).