

Chaudfontaine Newsletter

on dual-use items trade controls



ISSUE #54
MARCH 2024

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LEGAL DEVELOPMENTS: EUROPEAN UNION

Council

On 23 February, the Council Regulation (EU) 2024/745 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine was published. Available [here](#).

Commission

On 24 January, the Commission published the White Paper on Export Controls; available [here](#). The feedback period is 02 February 2024 - 30 April 2024 (midnight Brussels time); available [here](#).

On 24 January, the Commission published the White Paper on options for enhancing support for research and development involving technologies with dual-use potential; available [here](#). The feedback period is 25 January 2024 - 30 April 2024; available [here](#).

On 17 January, the Commission published the Recommendation (EU) 2024/214 of 10 January 2024 on guidelines setting out the methodology for data gathering and processing for the preparation of the annual report

on the control of exports, brokering, technical assistance, transit and transfer of dual-use items pursuant to Regulation (EU) 2021/821 of the European Parliament and of the Council. Available [here](#).

France

On 10 February, France published a decree amending Decree 2011-1192 to incorporate amendments mandated by the EU dual-use Regulation; available [here](#) (in French). Additionally, a decree was issued imposing export controls on quantum computers, advanced electronic components, and semiconductors; available [here](#) (in French).

Netherlands

The Netherlands has published a "Non-paper for improved EU coordination on export controls" particularly in light of the White Paper on Export Controls which was presented on 24 January. Available [here](#).



LEGAL DEVELOPMENTS: INTERNATIONAL

Australia

On 27 March, the Defence Trade Controls Amendment Bill 2024 finally passed both Houses. The Bill amends the Defence Trade Controls Act 2012 to regulate the supply of certain military or dual-use goods and technology on the Defence and Strategic Goods List from Australia to certain foreign persons both within and outside of Australia, among other provisions. Available [here](#).

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United Kingdom

On 28 March, a revised open general export licence for the export of dual-use items to EU member states was uploaded. Available [here](#).

On 12 March, the ECJU amended the Export Control Order 2008 and Council Regulation (EC) No 428/2009 (Recast) pursuant to the Export Control (Amendment) Regulations 2024. These Regulations will amend Schedules 2 and 3 of the 2008 Order, as well as Annex I of the Retained Dual-Use Regulation. Available [here](#).

On 19 January, the ECJU amended the licence authorising the importation for transshipment and the subsequent exportation of certain goods to allowed destinations. Available [here](#).

United States

On 21 March, the BIS published the final rules that make changes to the end-user controls of the EAR to add end-user controls, and in certain cases expand existing end-user controls, on certain persons identified on the List of Specially Designated Nationals and Blocked Persons (SDN List) maintained by the OFAC. Available [here](#).

On 8 March, the BIS amended the EAR by revising license requirements for certain cameras, systems, and related components. Available [here](#).

On 6 March, the US Departments of Treasury, Commerce, and Justice published a Tri-Seal Compliance Note on the obligations of foreign-based persons to comply with U.S. sanctions and export control laws. Available [here](#).

On 23 January, the BIS strengthened its existing controls under the EAR against Russia and Belarus in response to

Russia's continued war against Ukraine and Belaru's complicity in the invasion. Available [here](#).

On 16 January, the US Department of Commerce released a memorandum detailing revisions to its export control voluntary self-disclosure procedure. Available [here](#).

MEMBERS' WORKS

Mark Bromley, "Export controls and cyber-surveillance tools: Five suggestions for the Summit for Democracy", SIPRI Blog, 8 March 2024. Available [here](#).

Ian Stewart, "A Framework to Evaluate the Risks of LLMs for Assisting CBRN Production Processes", Nonpro Notes, James Martin Center for Nonproliferation Studies, 28 February. Available [here](#).

Enzo Caponetti, "Latest Updates (13th package of EU sanctions): EU reaction to Russian invasion of Ukraine (regularly updated)", 27 February. Available [here](#).

"The ESU Launches its Inventory on EU Dual-Use Legislation", ESU, 25 February. Available [here](#).

"Scrutiny of Strategic Export Controls - First Joint Special Report of Session 2023-24", UK House of Commons, 23 January. Available [here](#).

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“The Next North Korea? Lessons for Addressing Iran's Nuclear Program,” Iran Watch, Wisconsin Project on Nuclear Arms Control, 31 January. Available [here](#).

“A new configuration of strategic trade control regimes?”, Chaudfontaine Group, ESU, January. Available [here](#).



STUDIES AND MORE: ARTICLES, REPORTS, LINKS

“Missile technology flows into North Korea under guise of academic research”, Nikkei Asia, 22 March. Available [here](#).

Wenting He, “Enabling Technologies and International Security: A Compendium (2023 Edition)”, UNIDIR, 6 March. Available [here](#).

On 1 March, the EU Commission published an updated consolidated ‘Frequently Asked Questions’ on the implementation of Council Regulation 833/2014 and Council Regulation 269/2014. Available [here](#).

Nina M. Hart and Christopher A. Casey, “Transatlantic leadership in an era of human rights-based export controls”, *Journal of International Economic Law*, 22 February. Available [here](#).

Lauren Sanders, “Australia’s defense export control regime and critical technologies”, *Journal of Strategic Trade Control*, Volume 2, 21 February. Available [here](#).

“Joint financial intelligence advisory: illegal procurement of dual-use goods by Russian end-users”, Canada, Germany and the Netherlands, 20 February. Available [here](#).

“2024 National Proliferation Financing Risk Assessment”, US Department of Treasury, February 2024. Available [here](#).

Emily Benson, Federico Steinberg, and Pau Alvarez-Aragones, “The European Union’s Economic Security Strategy Update”, CSIS, 26 January. Available [here](#).

On 26 January, the EU published updated ‘Frequently Asked Question’ on public procurement. Available [here](#).

Sarah Grand-Clément, “International Security in 2045: Exploring Futures for Peace, Security and Disarmament”, UNIDIR, 18 January. Available [here](#).

On 16 January, the UK ECUJ updated reports and data on export control licensing; available [here](#). Furthermore, it added the “Strategic export controls: licensing statistics: 1 April to 30 June 2023” to the collection; available [here](#).

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On 10 January, the UK ECJU published “NTE 2024/01: reminders and good practice from Licencing Unit”. Available [here](#).



Margareth Hagen, “Viewpoint: Keep dual-use technologies out of FP10”, Science Business, 25 March. Available [here](#).

B. Smith, A. Rose, A. Leung and N. Russell, “UK Export Control Joint Unit Announces Export Control Amendments”, Baker McKenzie, 22 March. Available [here](#).

Anna Brunetti and Aurélie Pugnet, “EIB ready to ‘stretch’ lending criteria as it prepares for EU Council’s call to arms”, Euractiv, updated 21 March. Available [here](#).

Paul Triolo, “China’s Semiconductor Industry Advances despite U.S. Export Controls”, CSIS, 7 March. Available [here](#).

Lucy Fisher and Jamie John, “Imperial College London academics worked with Chinese military-linked institutions”, Financial Times, 5 March. Available [here](#).

Andrew Rose, Adeel Haque and Ryan Mcgrath, “Deadline to implement ‘no Russia clause’ under the EU’s 12th package”, Baker McKenzie, 1 March. Available [here](#).

Russian International Money Launderer Pleads Guilty To Illicitly Procuring Large Quantities Of U.S.-Manufactured Dual-Use, Military Grade Microelectronics For Russian Entities” US DoJ, 29 February. Available [here](#).

Matt Swayne, “France Advances Quantum Technology Export Controls Under New EU Regulation Framework”, the Quantum Insider, 26 February. Available [here](#).

“Fact Sheet: Disruptive Technology Strike Force Efforts in First Year to Prevent Sensitive Technology from Being Acquired by Authoritarian Regimes and Hostile Nation-States , US BIS, 22 February. Available [here](#).

“Readout on the trilateral United States-Japan-Republic of Korea convening of Commerce and Industry export control principals in Tokyo”, BIS, 21 February. Available [here](#).

J. Webster, J. Rotondi, J. Xu and M. Bruno, “Canadian International Trade & Customs Update: Winter 2024 – Export Controls”, Baker McKenzie, 21 February. Available [here](#).

Jakob Hanke Vela, “EU proposes sanctions on Chinese firms for helping Russia”, Politico, 13 February. Available [here](#).

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“Chinese Nationals Charged with Illegally Exporting U.S.-Origin Electronic Components to Iran and Iranian Military Affiliates”, US DoJ, 31 January. Available [here](#).

Anne L. Petterd and Kirsten Foley, “Australian government proposes significant new changes to export controls laws”, Baker McKenzie, 29 January. Available [here](#).

Anna Nishino and Toru Tsunashima, “Japan to tighten export controls to prevent military use”, Nikkei, 28 January. Available [here](#).

On 24 January, the EU Commission published the white paper factsheet “European economic security strategy - towards more effective control of dual-use goods exports”. Available [here](#).

On 23 January, Eurojust announced that during a joint action day, three suspects were arrested and 14 places searched in view of investigations into the illegal export of technological and laboratory equipment, which could be used for military purposes. Available [here](#).

“Businessman Arrested for Scheme to Illegally Export Semiconductors and Other Controlled Technology to Russia”, US DoJ, 18 January. Available [here](#).

“Exporter sentenced to prison for shipping heavy equipment to Iran in violation of U.S. sanctions”, US DoJ, 18 January. Available [here](#).

Luke Barr, “Chinese-manufactured drones 'pose a significant risk to critical infrastructure and U.S. national security,' DHS and FBI warn”, ABC News, 18 January. Available [here](#).

Richard Vanderford, “U.S. Likely to Levy Higher Penalties for Export-Control Violations”, the Wall Street Journal, 17 January. Available [here](#).

S. A. Lis, A. Lamy and R. O'brien, “House Committee Chairman Issues Report on Problems and Recommendations for BIS to Strengthen US Export Controls”, Baker McKenzie, 12 January. Available [here](#).

“Commission proposes new initiatives to strengthen economic security”, European Commission press release, 4 January 2024. Available [here](#).

Siladitya Ray, “Dutch Government Blocks Exports Of ASML Chip-Making Machines To China”, 2 January. Available [here](#).

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“OF INTEREST”

Dual-use App Assistance - ESU

Available [here](#).

EU Dual-Use Legislation Inventory – ESU, University of Liège. Available [here](#).

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 - ESU, University of Liège. Webpage available [here](#).

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