

Chaudfontaine Newsletter

on dual-use items trade controls



ISSUE #56
SEPTEMBER 2024

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LEGAL DEVELOPMENTS: EUROPEAN UNION

Commission

On 5 September, the Commission published the Delegated Regulation (EU) .../... amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items. (The Delegated Regulation will come into effect the day following its publication in the Official Journal of the EU, anticipated later this year). Available [here](#).

Ireland

The Control of Export Act 2023 came into effect in Ireland on 22 August, replacing the 2008 Act. Available [here](#).

Italy

On 1 July, Italy announced the adoption of national controls on non-EU listed items (adopted under Article 9 of the EU dual-use Regulation). Available [here](#).

The Netherlands

As of September 7, the national export control measure for advanced production equipment for semiconductors will be extended. Available [here](#).



LEGAL DEVELOPMENTS: INTERNATIONAL

Nuclear Suppliers Group

In July, the updated version of "NSG Guidelines Part 2 – Dual use list" was released. Available [here](#). (See the explanation and comparison table of change [here](#).)

United Kingdom

On 17 September, the Standard Individual Export Licence (SIEL) service on Licensing for International Trade (LITE) was moved to public beta. Available [here](#).

United States

On 6 September, the BIS published the rule implementing export controls on several semiconductor, quantum, and additive manufacturing: "Commerce Control List Additions and Revisions; Implementation of Controls on Advanced Technologies Consistent With Controls Implemented by International Partners". Available [here](#).

On 27 August, the BIS added 123 entities under 131 entries to the Entity List. Available [here](#).

On 27 August, the BIS published "Implementation of Additional Sanctions Against Russia and Belarus Under the Export Administration Regulations (EAR); and Corrections". Available [here](#)

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MEMBERS' WORKS

Q. Michel and S. Paile-Calvo dirs., V. Vella ed., "Elaborating a strategic trade system of dual-use items Experiences from the European Union, Morocco, Philippines, Serbia, Singapore and Ukraine", Publications Office of the European Union, 19 September. Available [here](#).

Ian J. Stewart, "Are new US export controls rules on chips and other critical tech good enough?", Bulletin of the Atomic Scientists, 13 September. Available [here](#).

In September, the Journal of Strategic Trade Control (JoSTC) published a Special issue dedicated to "Training programs to counter current and emerging biological and chemical proliferation risks : themes, practices, and lessons learnt". Available [here](#).

Max Kossek and Ian Stewart, "How (and How Many) Western Chips are Getting to Russia?", 26 August. Available [here](#).

Veronica Vella, "EU autonomous controls on the export of dual-use items: Italy adopts national control list", ESU, 4 July. Available [here](#).

Enzo Caponetti, "New EU sanctions against Belarus in response to its involvement in Russia's war of aggression against Ukraine", ESU, 3 July. Available [here](#).



STUDIES AND MORE: ARTICLES, REPORTS, LINKS

"Commerce Updates Validated End User (VEU) Program for Eligible Data Centers to Bolster U.S. National Security, Promote Export Control Compliance", BIS, 30 September. Available [here](#).

On 30 September, the UK ECJU updated the Guidance for exporting nuclear equipment, material and technology that appears on what is known as the 'Trigger List'. Available [here](#).

On 25 September, the UK ECJU published the Guidance on "Applying for export licences using SPIRE". Available [here](#).

On 25 September, the UK ECJU updated the Guidance on Standard individual export licences (SIELs). Available [here](#).

"Preventing Russian Export Control and Sanctions Evasion: Updated Guidance for Industry", G7, 24 September. Available [here](#).

"'Export Enforcement Five' Governments Reaffirm Commitment to Robust Export Control Enforcement to Counter Evasion", BIS, 18 September. Available [here](#).

On 18 September, the People's Republic of China deliberated and adopted the draft of the Regulations on Export Control of Dual-Use Items. Available [here](#).

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J. Godfray, G. Sancho and M. Aristegui, “EU updates list of items subject to Dual-Use Export Controls”, Baker McKenzie, 17 September. Available [here](#).

On 5 September, the European Commission issued a consolidated version of the Frequently Asked Questions on the Russia Sanctions (Reg. 833/2014). Available [here](#).

On 28 August, ASPI made a significant expansion to its “Critical Technology Tracker”, extending dataset from five years (previously, 2018–2022) to 21 years (2003–2023). Available [here](#).

On 16 August, the UK ECJU updated the Collection “Open general export licences (OGELs)”. Available [here](#).

On 14 August, the BIS published new export control compliance resources for the academic community. Available [here](#).

On 2 August, the UK ECJ updated the guidance on export controls applying to academic research. Available [here](#).

Thomas Wuchte “UN Security Council Resolution 1540: The ‘Little Engine That Could’”, Arms Control Association, July/August. Available [here](#).

On 26 July, the EU Commission published revised FAQs on imports, purchase and transfer of listed goods and on dual-use goods and advanced technologies. Available [here](#).

On 15 July, the EU published an updated FAQ document on the “no re-export to Russia” clause. Available [here](#).

On 10 July, the BIS published the “Guidance to Industry on BIS Actions - Identifying Transaction Parties of Diversion Risk”. Available [here](#).

Vann H. Van Diepen, “Missile technology decontrol proposals are counterproductive”, Arms Control Association, 9 July. Available [here](#).

On 2 July, BIS published “Six Years of Enhancing Scrutiny & Expanding Controls: BIS Licensing Policy Toward the People’s Republic of China (2018-2023)”. Available [here](#).



Linus Höller, “‘Dual-use’ case: Russian attack drone maker evades Western scrutiny”, Defense News, 23 September. Available [here](#).

“Justice Department Announces Five Cases Tied to Disruptive Technology Strike Force”, US DoJ, 16 September. Available [here](#).

On 11 September, the UK ECJ published the “NTE 2024/22: second quarter compound settlement”. Available [here](#).

Nate Raymond, “US arrests laser tech salesman for illegal exports to Russia”, Reuters, 9 September. Available [here](#).

James Pomfret and Michael Martina, “Exclusive-Ilicit chip flows to Russia seen slowing, but China, Hong

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Kong remain transshipment hubs”, Reuters, 22 July. Available [here](#).

“Updated List of Foreign Institutions Engaging in Problematic Activities to Counter Unauthorized Technology Transfer”, US DOD, 19 July. Available [here](#)

“Polish state firm investigated over parts used in Iranian drones, Radio Zet reports”, Reuters, 18 July. Available [here](#).

“Russian International Money Launderer Sentenced to 36 Months in Prison for Illicitly Procuring Large Quantities of U.S.-Manufactured Dual-Use, Military Grade Microelectronics for Russian Entities”, US DoJ, 17 July. Available [here](#).

“New York Man and Canadian National Plead Guilty to Multimillion-Dollar Export Control Scheme”, US DoJ, 9 July. Available [here](#).

Dallin Grimm, “Mysterious quantum computing restrictions spread across multiple nations — UK cites national security risks and refuses to elaborate”, Tom’s hardware, July 6. Available [here](#).

On 1 July, the BIS released the new edition of “Don’t Let This Happen to You!”, a compendium of case examples highlighting BIS criminal and administrative enforcement efforts. Available [here](#).

“China imposes new export controls on ‘dual-use’ parts for military and civilian drones”, World ECR, 1 August. Available [here](#).

In August, BIS published the Compliance Note “Trends in Voluntary Self-Disclosures Related to Academia to Inform Improvements to Export Compliance Plans”. Available [here](#).



“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](#).