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Summary of the “Dual Use” requirements applicable to Intra EU transfers/exports.

Most “Dual Use” items may be freely sold/transferred/exported **between and within EU countries** without the need for an export licence, **however** there are requirements that still apply to such transactions and in some cases export authorisation is STILL REQUIRED even within the EU. This article summarises the situation as of July 2012.

Assuming that your goods, equipment or materials are “Dual Use items” there are 2 cases to be considered:

- a) “Annex IV items” that **require a licence to ALL DESTINATIONS - including EU.**
- b) Other Dual Use Items for which no licence/export authorisation is required (**for intra-EU**) (**but there are still some compliance requirements** - see further below.)

Annex IV Items - The Dual Use Regulation (EC Regulation No 428/2009) specifies in Annex IV, those items of particular risk/concern for which an Export Authorisation is STILL REQUIRED even for intra-EU transactions/transfers/exports. The Annex IV items are found in the following Dual Use categories:

- Cat 0 - Nuclear materials, facilities and equipment
- Cat 1 - Special materials and related equipment
- Cat 3 - Electronics
- Cat 5 - Telecommunications and "information security"
- Cat 6 - Sensors and lasers
- Cat 7 - Navigation and avionics
- Cat 8 - Marine
- Cat 9 - Aerospace and Propulsion

i.e. NONE of the items in Cat 2 (Materials Processing), and Cat 4 (Computers) are affected by Annex IV. (as of July 2012)

Case b) - Other Dual Use Items - as mentioned above, there are still legal requirements in the Dual Use Regulations that have to be met for these other Dual Use items. These requirements are contained in **Article 22** of the regulations. This Eden Integrity Associates bulletin does not summarise all the requirements but two of the key ones are:

Article 22 - 8. Documents and records of intra-Community transfers of dual-use items listed in Annex I shall be **kept for at least three years** from the end of the calendar year in which a transfer took place and shall be produced to the competent authorities of the Member State from which these items were transferred on request.

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And,

Article 22 - 10. *The relevant commercial documents relating to intra- Community transfers of dual-use items listed in Annex I shall indicate clearly that those items are subject to controls if exported from the Community. Relevant commercial documents include, in particular, any sales contract, order confirmation, invoice or dispatch note.*

So to summarise:

If your goods are covered by Dual Use Regulations then there are still some requirements that you need to comply with **even if the goods are only being traded/transferred/exported in/between EU countries**. In some special cases (Annex IV) you will still need a licence to export, and in any event there are special requirements for record keeping and clearly indicating in commercial documents that the items are subject to controls if exported from the Community.

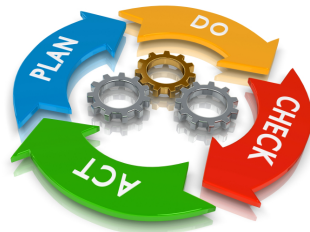
If you would like to discuss any of the information in this bulletin or any other aspect of your compliance with Dual Use Regulations/Export Controls then please contact us. Please visit our website at <http://www.integrityassociates.co.uk> for further details of our services, or contact us using the details at the top of this bulletin.

End.

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