

## Guidelines for data collection and preparation of the EU annual report on dual-use export controls under Regulation (EU) 821/2021

Fields marked with \* are mandatory.

## Introduction

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Before finalising the guidelines mentioned in Article 26 Regulation (EU) 2021/821, the Commission, after discussion with Member States' export control authorities and according to Better Regulation guidelines, would like to consult stakeholders, in particular to collect views on the following questions.

Your contribution can remain anonymous. However, you are free to leave your information and contact details for future stakeholder outreach.

This EU Survey is open until 28 February 2023.

Thank you for your participation.

## About you

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### \* 1. You are replying

- as an individual in your personal capacity
- in your professional capacity or on behalf of an organisation

### \* Name of the organisation

Category (academia – government – industry)

European Export Control Association for Research Organisations (EECARO) - Academia

### \* 2. Country of residence

- EU 27 (please select from EU-27 list)
- Other (please specify)

### \* EU-27 list

- Austria
- Belgium
- Bulgaria

- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden

## About the annual report

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**Question 1: What are your general expectations with regard to transparency and reporting under the Dual Use Regulation?**

*5000 character(s) maximum*

The annual report in its current format contributes already to a certain level of transparency concerning the implementation of dual-use export controls across the European Union. EECARO appreciates the mixture of information enclosed in the report about the activities, examinations, and consultations of the Dual-Use Coordination Group on the one hand, and the overview of information about authorizations, denials, and prohibitions on the other hand.

EECARO looks forward to the expansion of forthcoming reports with details on the administration and enforcement as outlined by Article 26 (2), particularly on the dedicated licensing or classification tools. Such additional reporting could increase the level of awareness amongst European research organizations to develop internal policies and guidelines, for instance in the area of cybersurveillance items contributing to human rights violations.

The annual report should – in theory - contribute to a (much needed) level playing field within the European Union regarding the application of export licensing criteria, updates to the control list and the enforcement of common export control rules. The different levels of transparency of reports on export control data at national levels impede research organizations to benefit from a level playing field concerning transparency of data across the EU.

The effectiveness of transparency objectives highly depends on the details of the report, in particular on the export control data. EECARO wishes to highlight the following considerations:

- Where anonymous data prevails for reasons as explained in Article 26(3) of the EU Dual Use Regulation, such data would become less valuable for usage in a “lessons learned” approach.
- When publishing about denials and prohibitions, it would be of interest to know the rejections grounds on the basis of Article 15 of the EU Dual Use regulation.
- Setting a financial value of an export license in case of intangible transfers of knowledge is challenging and limits the compatibility of data.

EECARO (<https://eecaro.eu/>) welcomes future involvement on this topic and can be reached via [info@eecaro.eu](mailto:info@eecaro.eu)

**Question 2: Do you have specific comments as to how the elements mentioned in Article 26 of the EU Dual Use Regulation should be addressed?**

*5000 character(s) maximum*

The 2022 annual report contains information on the implementation of dual-use export controls with aggregated export control data from 2020. There is thus a significant delay in the transparency of export control data, hereby reducing the efficiency of such information for the level-playing field for exporters across the European Union.

**Question 3 : Bearing in mind the feasibility of data gathering, concerning the different types of authorisations (such as individual, global, national and Union general authorizations), which kind of information is more relevant for public reporting and transparency, and why?**

*5000 character(s) maximum*

The European export control system is remarkably known for its lack of transparency concerning entities of concern or not-listed dual-use items of concern. EECARO sees room for improvement concerning the level of detail in the annual report concerning reporting on denials and enforcement of controls, as Article 26 (2) limits the publicly available data to an aggregated level at best. Such transparency improvement could include information about denials, prohibitions and enforcement of controls categorized at destination level (at EU level, minimally, or at EU Member State level, preferably) and at typology level of entity and item.

Considering Article 9, EECARO advocates for timely publication of relevant national measures in the C series of the Official Journal of the European Union, irrespective of the publication of the annual report.

If you want to submit additional contributions besides those provided in this survey, please send an email to:

[TRADE-EXPORT-CONTROL-PUBLIC-CONSULTATION@ec.europa.eu](mailto:TRADE-EXPORT-CONTROL-PUBLIC-CONSULTATION@ec.europa.eu)

## **Contact**

[Contact Form](#)