



EU P2P

export control programme
for dual use goods

Funded by the European Union

EU P2P EUROPEAN UNION PARTNER-TO-PARTNER EXPORT CONTROL PROGRAMME FOR DUAL-USE GOODS

These projects are implemented by Expertise France and BAFA, together with European partners



Federal Office
for Economic Affairs
and Export Control



UNIVERSITAT DE
BARCELONA



THE EU P2P PROGRAMME

Since 2003, the European Union (EU) has been committed to strengthening export control policies and practices within its borders and beyond. The EU has thrived to establish partnerships globally towards improving export control mechanisms and advocating adherence to effective export control criteria. The EU P2P Export Control Programme for Dual-use Goods is the flagship initiative of the EU to develop dialogue and cooperation with third countries, with a view to promoting the global convergence of controls, in order to support a global level-playing field and enhance international security.

OBJECTIVES

The EU P2P Programme's overall objective is to contribute to the establishment, consolidation or update of effective strategic trade control (STC) systems for dual-use goods by offering a long-term perspective for cooperation and mutual economic benefits of trade controls convergence. The Programme aims to join efforts with partners to enhance the effectiveness of dual-use trade control systems worldwide by sharing experiences and best practices and by supporting compliance with international obligations under, inter alia, the Chemical Weapons Convention (CWC), the Biological and Toxin Weapons Convention (BTWC), the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and most notably under UN Security Council Resolution 1540.

Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export (...)

UNSC Resolution 1540(2004), Operative Paragraph 3.d.

United Nations Security Council Resolution 1540 (2004) requires all States to refrain from providing any form of support to non-State actors with regards to nuclear, chemical or biological weapons and their means of delivery. All States are obliged to adopt and enforce appropriate laws to this effect as well as other effective measures to prevent the proliferation of weapons of mass destruction (WMD).

UNSCR 1540 pays due attention to balance security and trade development considerations, as such control measures in the European Union are designed in a way that avoids hampering international trade exchanges between States for peaceful purposes.

The partnerships established through the EU P2P Programme actively contribute to the fight against the proliferation of WMD, in line with UNSCR 1540, by focusing on strengthening trade controls of dual-use materials, equipment and technology, and also contribute to the global efforts of the EU to mitigate chemical, biological, radiological and nuclear (CBRN) risks and threats.

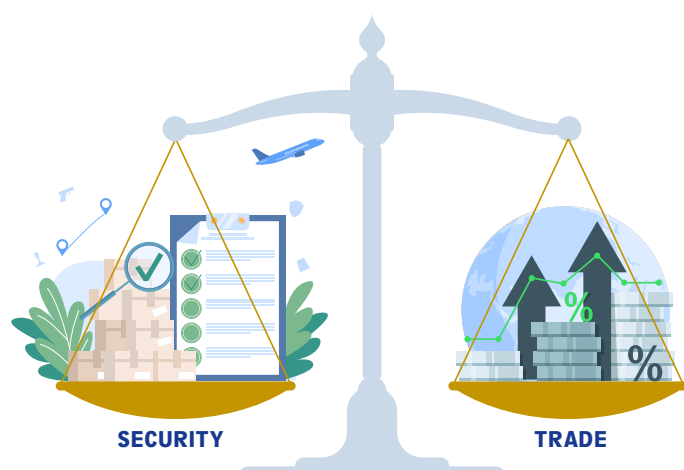
THE EUROPEAN UNION DEFINITION OF 'DUAL-USE ITEMS'

Within the EU regulatory framework, 'dual-use items' means:

items, including software and technology, which can be used for both civil and military purposes, and includes items which can be used for the design, development, production or use of nuclear, chemical or biological weapons or their means of delivery, including all items which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices. ▮

(Regulation (EU) No 2021/821, Article 2).

BALANCING SECURITY AND TRADE DEVELOPMENT



Export controls of dual-use items refer to States authorizing cross-border trade flows of strategic goods and technologies before they leave their jurisdiction. Most commonly, the related legal frameworks stipulate, among others, the criteria to be considered before deciding to approve or deny such a trade activity. The basic elements reflect in particular:

- the sanctions imposed by the United Nations Security Council (on States, individuals or organizations),
- national security interests,
- the end use and the risk of diversion.

All available information, nonetheless, are to be considered, which requires the setting up of mechanisms for information exchange between the different stakeholders at the national level. These usually include the licensing (trade control) authorities and the enforcement agencies (e.g. customs, border control, police and intelligence).



Implementing a strategic trade control system contributes to foreign investments' attractiveness.

To deter violations, legislations establish effective, appropriate and proportionate penalties, generally based on the nature and severity of the offence, from administrative to penal infringements.



End-user assessment question: does the recipient/destination country apply a trade control system?

The existence of a strategic trade control system contributes to the increase in economic exchanges between trading partners. When deciding on licence applications, trade control authorities in supplier countries usually take into consideration whether the recipient country applies a strategic trade control system that allows exercising controls over possible re-exports and over the declared end use of dual-use items. Countries without effective trade control systems may present risks of diversion, which could prevent supplier countries from issuing export licences to those destinations.

Attractiveness of a country for foreign investments is directly linked to the existence of an effective strategic trade control system. Dual-use trade allows for transfers of know-how, equipment and technology that contribute to the development of innovation and production of high value goods for the economic prosperity of a country.

Modern trade control systems ensure that legitimate and peaceful trade is not hampered by providing ample tools and possibilities to balance security and trade development.

CONTROL EXEMPTIONS

National strategic trade control legislations may also consider licensing exemptions for certain types of cross-border trade and/or for specific countries that apply similar dual-use trade control standards and criteria, because these may be considered as non-sensitive in terms of risk of diversion or legitimacy of end-use.

TRADE FACILITATION

Strategic trade control systems may offer different types of authorisations, besides individual ones, for adjusting the control regime to the volume or nature of the trade, such as:

General authorisations

- Published by the relevant authority
- No need to file an application
- Can be used by all exporters that meet the stated conditions

Global authorisations

- An application needs to be filed
- May cover different supplies, types of items and end-users and/or countries of destination

THE EUROPEAN UNION LEGAL FRAMEWORK



The EU Export control regime is governed by Regulation (EU) No 2021/821, which provides for common EU control rules, a common EU list of dual-use items as well as coordination and cooperation to support consistent implementation and enforcement throughout the EU. The Regulation is binding and directly applicable in all EU Member States, which need to take certain complementary measures for implementing some of its provisions, e.g. in relation to enforcement and applicable penalties. An overview of national measures is published at regular intervals by the European Commission. The EU list of dual-use items is amended every year to include the most recent additions to the control lists set by the multilateral control regimes.

LONG-TERM PARTNERSHIP

The EU P2P Programme implements roadmaps defined with partner countries to jointly tackle challenges through the delivery of technical assistance, hands-on trainings and exchanges of best practices. The Programme is intended to strengthen coordination with other international initiatives and cooperation programmes in the field of strategic trade controls as well as to promote a dialogue with the private sector (e.g. industry, academia). The Programme covers legal, licensing and enforcement aspects of strategic trade controls.

COORDINATION WITH OTHER COOPERATION PROGRAMMES

The search for synergies with other initiatives and programmes ensures an optimal use of resources and coordinated activities with partner countries, e.g. the EU P2P Programme supports national implementation of UNSC Resolution 1540 and uses World Customs Organisation guidance whenever appropriate. Considering their added value for the Programme, coordination and joint actions with other initiatives and programmes are often proposed to partner countries. The EU P2P Programme benefits from the structures (CBRN National Teams) and networks (technical experts) established through the EU CBRN Centres of Excellence Initiative in 64 partner countries around the world.

EU P2P COOPERATION ACTIVITIES

The EU P2P Programme offers awareness modules and themed events covering a broad range of issues regarding proliferation and trade control mechanisms and is designed to respond to the individual specific needs of partner countries. The European Union Common Training Toolkit (EUCOTT) includes various types of activities tailored to partner countries' priorities and levels of awareness: e-learning curricula, awareness-raising workshops, in-depth workshops, trainings (including «train-the-trainers»), case studies, table-top exercises, etc. The EU P2P also continues to provide tailor-made activities for countries facing specific challenges, notably where crises occur at borders. Together with partner countries, it also regularly designs, develops and proposes new activities to address international developments.

EUROPEAN UNION COMMON TRAINING TOOLKIT (EUCOTT)

23 AWARENESS MODULES

For staff and stakeholders who are new to export control issues.

Partner countries can create their own tailored course.

* This module is also available in e-learning format.

1. Introduction to strategic trade controls*
2. Definition and importance of strategic goods
3. International legal frameworks and regimes
4. Brokering controls*
5. Transit and transshipment controls*
6. Control lists*
7. «Catch-all» controls*
8. Intangible technology transfers (ITT) controls*
9. Internal compliance programme (ICP)*
10. Types of authorisations
11. Licensing process*
12. Licence application procedure
13. End-user verification
14. Assessment procedure
15. Decision-making process
16. Information sharing and reporting
17. Enforcement, investigation and prosecution*
18. Interdiction*
19. Industry engagement
20. Trends and methods of illicit trade*
21. Proliferation finance*
22. Joint Comprehensive Plan of Action on Iran (JCPOA)*
23. Drafting / updating national legislation

LICENSING

→ Case studies → Exercise

CUSTOMS*

→ Case studies → Exercise

COMMODITY IDENTIFICATION

→ Exercise

TRANSIT & TRANSSHIPMENT

→ Case studies → Exercise

BROKERING

→ Case studies

INDUSTRY OUTREACH EVENT

PROLIFERATION FINANCING

→ Case studies

INTERDICTION

→ Case studies → Exercise

*It is envisioned that these awareness modules and themed events will draw upon or link closely to the Strategic Trade Control materials of the World Customs Organisation (WCO).

8 TRAINING EVENTS

The objective of these “themed events” is to provide practitioners with a forum through which to expand their subject matter expertise while also understanding how other states tackle difficult topics. Each themed event will be tailored for the partner country and will include practical exercises, case studies as well as taught materials.

OTHER TAILORED ACTIVITIES

- Legal support and dialogue
- Train-the-trainers
- International conferences and dialogue events (with other international organisations, regimes and cooperation programmes)
- Outreach to academia and research actors
- Mapping of dual-use trade capacities
- Emerging technologies
- Proliferation financing risk assessment
- Foreign direct investment screening
- Technical reachback
- Intangible transfers of technology
- Investigation and prosecution
- Regional cooperation events
- Embedded experts in national authorities
- High-level authorities' awareness-raising seminars
- Case studies
- Inter-agency cooperation exercises

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Expertise France, the French agency for international cooperation, the German Federal Office for Economic Affairs (BAFA), and their partners, the French Dual-use Export Control Office (SBDU), the University of Liège (ULiège), King's College London (KCL), the University of Barcelona (UB) have been mandated to implement international cooperation projects under the EU P2P Export Control Programme for Dual-Use Goods. These projects are financed by the European Union's Global Europe: Neighbourhood, Development and International Cooperation Instrument (NDICI – GLOBAL EUROPE).

As the EU P2P Programme actively contributes to CBRN risk mitigation, it is closely associated with the EU's largest civilian external security programme EU CBRN Risk Mitigation Centres of Excellence Initiative (EU CBRN CoE).

EU P2P PROJECT 90**SOUTHEAST ASIA**

PROJECT DURATION : 36 months (2021 – 2024)

EU P2P PROJECT 89**MIDDLE EAST**

PROJECT DURATION: 30 months (2022 – 2024)

EU P2P PROJECT 103**GLOBAL**

PROJECT DURATION: 36 months (2024 – 2027)

EU P2P PROJECT 105**CENTRAL ASIA**

PROJECT DURATION: 36 months (2024 – 2027)



CBRN

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