



Dual-Use Regulation 428/2009 – Series (3) – Dual-use items of Annex IV

Apart of Annex I, there is another list of dual-use goods in Regulation 428/2009: Annex IV, which is listing the most sensitive and critical dual-use products. This is a subset of Annex I.

There are 2 parts in that Annex IV. Part I comprises items of stealth technology, items of EU strategic control, and items of MTCR technology (missiles).

Part II comprises items of the Chemical Weapons Convention (ricin, saxitoxin) and items of the NSG technology (among them all items of Category 0 of Annex I, meaning nuclear materials, plants and equipment).

Exports, transit, brokering and technical assistance of Annex IV items will continue to follow the same rules as same operations for Annex I items.

The only difference between the two lists concerns **intra-EU transfers**. The recast will not introduce any change hereto related. While transfers of Annex I items are not restricted, the intra-EU transfer of Items of Annex IV will continue to require an authorisation. Applications must be filed with the licensing authorities of the EU Member State from which the items are to be transferred. This requirement shall not involve the application of internal frontier controls with the EU customs territory. However, there may be controls performed as part of the normal control procedures applied in a non-discriminatory fashion throughout the EU customs territory.

National general authorizations for intra-EU trade are possible for Part I items, but not for Part II.

Note: This contribution is based on the full provisional agreement reached on 9 November 2020 on a final compromise text to amend the EU Dual-Regulation 428/2009 of 5 May 2009. The entry into force of this text is still subject to an approval by the Council and the Parliament and a publication in the EU Official Journal.

