



Dual-Use Regulation 428/2009 – Series (6) – Types of authorisations

Export control is mainly implemented through administrative authorisations required for certain sensitive items, operations and end-use(r)s. Until now, EU Regulation 428/2009 (article 9.4.) foresees individual and global authorisations on the level of the competent Member States, and general authorisations on the level of the EU and the competent Member States.

All these different types shall be maintained in the new text to be adopted. They shall as well continue to be valid throughout the EU customs territory. The competent issuer is the licensing authority in the EU Member State where the exporter is resident or established. For the third country exporter, competence will stay with the Member State where the dual-use items are located.

The new text accomplishes a step towards digitisation of the administrative process, requiring, whenever possible, authorisations to be issued by electronic means.

A new concept arises out of the new text, about large project authorisations. These are authorisations, of an individual or global type, granted to one specific exporter, in respect of a type or category of dual-use items, and valid for exports to one or more specified end users in one or more specified third countries, for the purpose of a specified large scale project. The advantage of such authorisations will reside in the flexibility as well as the duration of validity of up to 4 years, where the “normal” individual or global authorisations are valid only for up to 2 years, unless decided differently by the administration.

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.

