



Brussels, 21 March 2019

NOTICE TO STAKEHOLDERS

WITHDRAWAL OF THE UNITED KINGDOM AND EU RULES IN THE FIELD OF DUAL USE EXPORT CONTROLS

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that as from 30 March 2019, 00:00h (CET) ('the withdrawal date')¹ the United Kingdom will be a 'third country'.²

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the Withdrawal Agreement,³ as of the withdrawal date, the EU rules on dual-use export controls, and in particular, Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items⁴ (the "Regulation") will no longer apply to the United Kingdom. This has in particular the following consequences:⁵

1. DUAL-USE EXPORTS TO THE UNITED KINGDOM

The Regulation provides for the control of the export, brokering and transit of dual-use items. As of the withdrawal date, controls under the Regulation will apply in relation to the United Kingdom as third country.

¹ In accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

² A third country is a country not member of the EU.

³ Cf. Part four of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community (OJ, C 66 I, 19.2.2019, p. 1).

⁴ OJ L 134, 29.5.2009, p. 1.

⁵ This notice complements the "Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of import/export licences for certain goods" of 25 January 2018.

Please note: Considering that the United Kingdom is a party to relevant international treaties and a member of international non-proliferation regimes, and applies proportionate and adequate controls, the European Commission adopted on 19 December 2018 a proposal for an amendment to the Regulation adding the United Kingdom to the list of destinations covered by EU General Authorisation (EU001).⁶

The proposal, once adopted by the co-legislators, will simplify exports of most dual-use items to the United Kingdom, while ensuring a uniform and consistent application of controls throughout the EU and preserving international and EU security.

2. EXPORT LICENSES ISSUED BY THE UNITED KINGDOM AS AN EU MEMBER STATE

As of the withdrawal date, export licences issued by the United Kingdom as an EU Member State under the Regulation are no longer valid for exports of dual-use items from the EU-27 to third countries.⁷ Rather, such exports of dual-use items from the EU-27 to third countries are going to require, as of the withdrawal date, a licence issued by a competent authority of one of the EU-27 Member States, in accordance with Article 9 of the Regulation.

3. INTRA-EU TRANSFER LICENCES TO THE UNITED KINGDOM ISSUED BEFORE THE WITHDRAWAL DATE

According to Article 22 of the Regulation, certain very sensitive dual-use items, listed in Annex IV to the Regulation, are subject to intra-EU transfer controls. As of the withdrawal date, the export of these items will be subject to authorisation under the terms and conditions of the Regulation.

However, intra-EU transfer licences issued by one of the EU27 Member States for transfers to the United Kingdom issued before the withdrawal date should be considered as valid licences for exports to the United Kingdom as of the withdrawal date, and until the validity of the licence expires.

The website of the Commission (<http://ec.europa.eu/trade/import-and-export-rules/export-from-eu/dual-use-controls/>) provides general information concerning dual-use export control. These pages will be updated with further information, where necessary.

European Commission
Directorate-General Trade

⁶ COM(2018) 891 final.

⁷ See also section 2 of the “Notice to stakeholders - Withdrawal of the United Kingdom and EU rules in the field of import/export licences for certain goods” of 25 January 2018.