



Federal Office
for Economic Affairs
and Export Control

Joint Industry Outreach Seminar on Strategic Trade Management 2021

Developments in Strategic Trade Regulations and Controls

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Modernization of the EU Export Controls





Main points / Impact

➤ Catch-all clause for non-listed cyber-surveillance items

Art. 5 (1) and (2) Regulation 2021/821 read as follows:

(1) An authorisation shall be required for the export of **cyber-surveillance items not listed** in Annex I if the exporter has been informed by the competent authority that the **items in question are or may be intended**, in their entirety or in part, for use in connection with **internal repression** and/or the commission of **serious violations of human rights and international humanitarian law**.

(2) Where an **exporter is aware**, according to its **due diligence findings**, that cyber-surveillance items which the exporter proposes to export, not listed in Annex I, are intended, in their entirety or in part, for any of the uses referred to in paragraph 1 of this Article, **the exporter shall notify the competent authority**.....



Main points / Impact

➤ ICP / due diligence findings

Art. 2 (21) Regulation 2021/821 read as follows:

*‘internal compliance programme’ or ‘ICP’ means ongoing **effective, appropriate and proportionate** policies and procedures adopted by exporters to facilitate compliance with the provisions and objectives of this Regulation and with the terms and conditions of the authorisations implemented under this Regulation, **including, inter alia, due diligence measures assessing risks related to the export of the items to end-users and end-uses***



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Main points / Impact

➤ Further changes

Procedural simplifications

Technical assistance

New Definitions

Adaptation of national law



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