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COVER NOTE

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Subject: COMMISSION DELEGATED REGULATION (EU) .../... amending
Regulation (EU) 2021/821 of the European Parliament and of the
Council as regards the list of dual-use items

Delegations will find attached document C(2025) 5947 final.

Encl.: C(2025) 5947 final



Brussels, 8.9.2025
C(2025) 5947 final

COMMISSION DELEGATED REGULATION (EU) .../...

of 8.9.2025

amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Pursuant to Regulation (EU) 2021/821 of the European Parliament and of the Council¹ ('the Dual-Use Regulation'), dual-use items – i.e. items that can be used for both civilian and military purposes or can contribute to the proliferation of weapons of mass destruction - are subject to authorisation and export control when they are exported from or transit through the European Union, or are delivered to a third country through brokering services or technical assistance.

Annex I to the Dual-Use Regulation establishes a common list of dual-use items subject to controls in the Union: the 'list of dual-use items'. Decisions on the items subject to controls are taken within the framework of the international non-proliferation regimes and export control arrangements, namely the Australia Group², the Missile Technology Control Regime³, the Nuclear Suppliers Group⁴, the Wassenaar Arrangement⁵ and the Chemical Weapons Convention⁶.

The list of dual-use items set out in Annex I needs to be updated in order to ensure full compliance with current international security obligations, to guarantee transparency, to maintain the Union's competitiveness and to facilitate references for export control authorities and economic operators. This requires prompt updates of Annex I in line with international commitments.

In this regard, Article 17(1) of the Dual-Use Regulation provides that '*the Commission is empowered to adopt delegated acts ... in order to amend the list of dual-use items set out in Annexes I and IV'... 'in conformity with the relevant obligations and commitments, and any modifications thereof, that Member States and, where applicable, the Union have accepted as members of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties'.*

The current list of dual-use items was last updated by Commission Delegated Regulation (EU) 2024/2547⁷, taking account of the control list changes adopted in 2023 by the Nuclear Suppliers Group, the Australia Group, the Missile Technology Control Regime and the Wassenaar Arrangement. The international non-proliferation regimes and export control arrangements adopted changes to the control lists in 2024. These changes were restricted in number because of difficulties in making decisions and reaching agreement as a result of the behaviour of Russia following its war

¹ OJ L 206, 11.6.2021, p. 1.

² The Australia Group (AG) is an informal forum of countries which, through the harmonisation of export controls, seeks to ensure that exports do not contribute to the development of chemical or biological weapons. Further information is available at: <http://www.australiagroup.net/>

³ The Missile Technology Control Regime (MTCR) is an informal political understanding among states seeking to limit the proliferation of missiles, complete rocket systems, unmanned air vehicles and related technology. Further information is available at: <http://mtcr.info/>

⁴ The Nuclear Suppliers Group (NSG) is a group of nuclear supplier countries that seeks to contribute to the non-proliferation of nuclear weapons through the implementation of two sets of guidelines: for nuclear exports and for nuclear-related exports. Further information is available at: <http://www.nuclearsuppliersgroup.org/>

⁵ The Wassenaar Arrangement (WA) was established in order to contribute to regional and international security and stability, by promoting transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies, thus preventing destabilising accumulations. Further information is available at: <https://www.wassenaar.org/>

⁶ The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the Chemical Weapons Convention or CWC) aims to eliminate an entire category of weapons of mass destruction by prohibiting the development, production, acquisition, stockpiling, retention, transfer or use of chemical weapons by States Parties. Further information is available at: <https://www.opcw.org/chemical-weapons-convention>

⁷ Commission Delegated Regulation (EU) 2024/2547 of 5.9.2024 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items (OJ L, 2024/2547, 7.11.2024, ELI: http://data.europa.eu/eli/reg_del/2024/2547/oj).

of aggression against Ukraine. In addition, Member States informed the Commission on 23 May 2025 that they have all accepted, also as members of the Wassenaar Arrangement, further commitments in order to control additional items. Annex I to Regulation (EU) 2021/821 should therefore be amended accordingly with the adoption of a delegated act. The *White Paper on Export Controls* of 24 January 2024 already anticipated the need to introduce such controls in Annex I in order to have simultaneous uniform public controls throughout all 27 Member States.⁸

This delegated act therefore presents amendments to the EU list of dual-use items concerning the control parameters, the technical definitions and descriptions, and the addition and removal of dual-use items.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

In line with paragraph 4 of the common understanding on delegated acts between the European Parliament, the Council and the European Commission⁹, appropriate and transparent consultations, including at expert level, have been carried out in the preparation of this delegated act. The relevant documents were transmitted in a timely and appropriate manner to the European Parliament and to the Council on 5 June 2025. The Dual-Use Coordination Group was duly consulted on 12 June 2025.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 17(1) and 17(2) of the Dual-Use Regulation empower the Commission to adopt delegated acts concerning the amendment of the lists of dual-use items set out in Annex I, Annex II and Annex IV. This includes certain commitments that Member States have made as members of the Wassenaar Arrangement, but have not yet been added to the control list of the export control arrangement.

⁸ White Paper on Export Controls of 24 January 2024, COM/2024/25 final

⁹ See Annex to the Interinstitutional Agreement of 13 April 2016 between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1).

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items¹, and in particular Article 17(1), point (a) thereof,

Whereas:

- (1) Pursuant to Regulation (EU) 2021/821 dual-use items are to be subject to authorisation and export control when they are exported from or in transit through the Union, or are delivered to a third country as a result of brokering services provided by a broker resident or established in the Union.
- (2) Annex I to Regulation (EU) 2021/821 establishes the common list of dual-use items that are subject to controls in the Union. Decisions regarding the items subject to such controls are taken within the framework of internationally agreed dual-use controls.
- (3) The list of dual-use items set out in Annex I to Regulation (EU) 2021/821 needs to be updated regularly in order to ensure full compliance with international security obligations and commitments which the Member States and, where applicable, the Union have accepted as members of the Australia Group², the Missile Technology Control Regime³, the Nuclear Suppliers Group⁴, the Wassenaar Arrangement⁵ and the Chemical Weapons Convention⁶. In this regard, the control lists adopted by the international non-proliferation regimes and export control arrangements have been changed during 2024. In addition, Member States have informed the Commission on 23 May 2025 that they have all accepted, also as members of the Wassenaar Arrangement, further commitments in order to control additional items. Annex I to Regulation (EU) 2021/821 should be amended accordingly. In order to facilitate references for export control authorities and economic operators, Annex I to Regulation (EU) 2021/821 should be replaced.
- (4) In order to ensure full compliance with international security obligations as soon as possible, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (5) Regulation (EU) 2021/821 should therefore be amended accordingly,

¹ OJ L 206, 11.6.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/821/oj>.

² <http://www.australiagroup.net>

³ <http://mtrc.info/>

⁴ <http://www.nuclearsuppliersgroup.org/>

⁵ <https://www.wassenaar.org/>

⁶ <https://www.opcw.org/chemical-weapons-convention>

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2021/821 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 8.9.2025

For the Commission
The President
Ursula VON DER LEYEN