



# Dual-Use Regulation 428/2009 – Series (7) – New conditions for authorisations

## Part 7 – New conditions for authorisations

The new text will keep the distinction between 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.

What will change?

**Validity.** Individual and global authorisations shall be valid for up to 2 years, unless decided differently by the competent authority. This means that Luxembourg law would have to be amended, as it currently foresees for global licenses a validity period of 3 years, with a potential renewal for another 18 months. It seems that this 2 year-period indicated in the recast may only be extended (or shortened) by the licensing authority in specific cases, and that the law itself may not foresee any duration of validity larger than 2 years.

**End-use statement.** While the current text of Regulation 428/2009 declares that the authorisation may be subject, if appropriate, to an end-use statement, the recast will keep this possible requirement only for global authorisations. Any individual authorisation shall in the future be subject to an end-use statement. Licensing authorities may however exempt certain applications from that obligation.

**ICP.** The current text does not use the wording “Internal Compliance Program”. It only speaks about “proportionate and adequate means and procedures to ensure compliance with the provisions and objectives” of the Dual-Use Regulation and the license, which the licensing authority must take into account when assessing an application for a global authorisation. The new text obliges exporters using global licenses to implement an ICP, unless this is considered unnecessary by the national authority. ICP requirements shall be defined by the EU Member States for the account of their respective exporters.

The definition of an ICP is however cleared. It means “ongoing effective, appropriate and proportionate policies and procedures adopted by exporters to facilitate compliance. This includes, according to the definition, inter alia, due diligence measures assessing risk related to the export of the items to end users and end uses.

