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EU - New Dual-Use Items List to be published

According to Regulation (EU) 2021/821 of the European Parliament and of the Council1 dual-use items - items that can be used for both civilian and military purposes or can contribute to the proliferation of weapons of mass destruction - are to be subject to effective control when they are exported from or transit through the European Union, or are delivered to a third country as a result of brokering services.

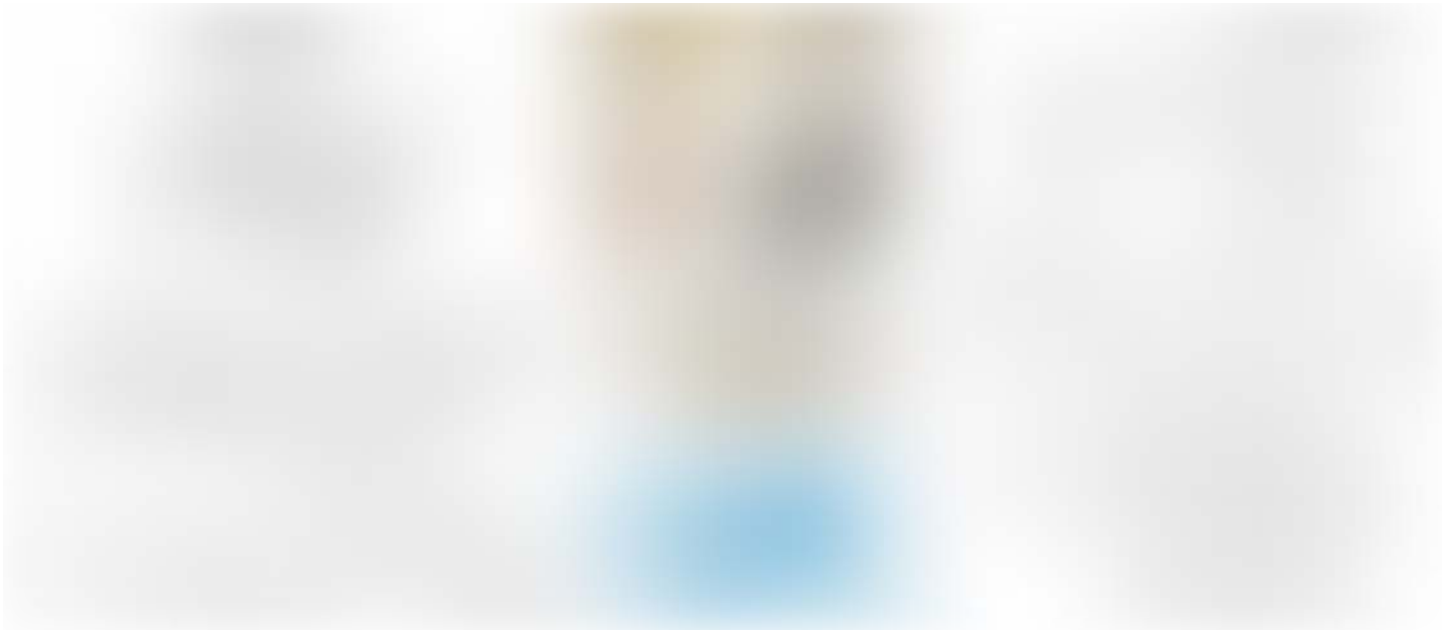
Annex I to Regulation (EU) 2021/821 of the European Parliament and of the Council establishes a common list of dual-use items subject to controls in the Union. Decisions on the items subject to controls are taken within the framework of the international non-proliferation regimes and export control arrangements, namely the Australia Group, the Missile Technology Control Regime , the Nuclear Suppliers Group, the Wassenaar Arrangement and the Chemical Weapons Convention.

The list of dual-use items set out in Annex I to Regulation (EU) 2021/821 needs to stay current in order to ensure full compliance with international security obligations, guarantee transparency, maintain the Union's competitiveness and facilitate references for export control authorities and economic operators. This requires timely updates of Annex I in light of the decisions of multilateral export control regimes.

The EU Commission has now published the draft Commission Delegated Regulation amending Regulation (EU) 2021/821 as regards the list of dual-use items.

The current list of dual-use items was last updated by Commission Delegated Regulation (EU) 2023/667 , taking account of the control list changes adopted by the international non-proliferation regimes and export control arrangements during 2021. At its Plenary meeting in July 2022, the Australia Group subsequently agreed on further changes to the control lists to respond to risks associated with certain items e.g. that could be exploited for biological weapons purposes. In particular, the updated EU control list includes 4 new entries for marine toxins, namely brevetoxins, gonyautoxins, nodularins and palytoxin. .

Marine toxins, which are poisonous when ingested, are a threat to human health. Toxins may be produced in large amounts by marine microorganisms, including phytoplankton (dinoflagellates, cyanobacteria, and diatoms) and bacteria. Algal and bacterial toxins are ingested by various species, such as filter-feeding shellfish, zooplankton, and herbivorous fishes. They are accumulated in those organisms and transferred to higher trophic levels along food chains.



Source: Outbreaks, toxicology, and analytical methods of marine toxins in seafood
Author links open overlay panel, by Heitor Daguer, Rodrigo Barcellos Hoff, Luciano Molognoni, Cristian Rafael Kleemann, Lucas Vieira Felizardo

The consumption of seafood with marine toxins can cause intoxications of varied severity and often-fatal symptoms which may appear in few minutes. Marine toxins are resistant to cooking and freezing, posing a serious hazard to public health. They are usually classified as paralytic, neurotoxic, amnesic, or diarrheic shellfish poisoning.

Brevetoxins are a group of similar neurotoxic compounds which are tasteless and odorless. Although toxicity can result from inhalational, dermal, or oral exposure, the most common route of exposure is by oral ingestion of contaminated shellfish.

Gonyautoxins (**GTX**) are a few similar toxic molecules that are naturally produced by algae. They are part of the group of saxitoxins,

Nodularins are potent toxins produced by the cyanobacterium *Nodularia spumigena* which is often responsible for algal blooms in brackish waters world-wide. Blooms of *Nodularia spumigena* can be amoung the largest cyanobacterial mass occurrences in the world.

Palytoxin (PTX) is a very dangerous toxin produced by several marine species. PTX originally was isolated in 1971 in Hawaii from the seaweed-like coral 'Limu make o hana' (Seaweed of Death from Hana). Zoanthids (Anthozoa, Hexacorallia) are colonial anemones that contain this toxin.

Subject to the Council and the European Parliament raising no objections within a period of 2 months, the Commission Delegated Regulation will be published and will enter into force on the day following that of its publication.

Source: EU Commission, document C(2023) 1164 of 23 February 2023