



SVERIGES EXPORTKONTROLLFÖRENING
SWEDISH EXPORT CONTROL SOCIETY

To
European Commission

15 October 2026

Open Consultation: Dual-use export controls – evaluation of the Dual-Use Regulation

Statement from The Swedish Export Control Society.

The Swedish Export Control Society was founded in 1994 and has as its purpose to support persons in companies, authorities and organisations responsible for compliance of national and international export controls regulations. The Society represents Swedish companies and organisations dealing with export control products, both military and dual use items. Our members have direct, operational experience of applying the Regulation since its entry into force in September 2021. The Society also organizes training courses, conferences and seminars for education and exchange of experiences. The comprehensive training program for “Certified Export Control Manager” has been carried out since 2006 and is organised with support of the Swedish control authority Inspectorate of Strategic Products. The Society has 800 members. See also the website www.exportkontrollforeningen.se.

The Swedish Export Control Society welcomes the opportunity to respond to the Commission's Call for information regarding the evaluation of Regulation (EU) 2021/821 (the "Dual-Use Regulation" or the "Regulation").

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Our position can be summarised in three priorities, which are set out in turn below: (i) the review should prioritise closing the level playing field gap, both within the EU and vis-à-vis third countries; (ii) the review should materially reduce the administrative burden on companies and organisations, and it is therefore of the outmost importance that the control according to the Regulation is limited to what is really necessary, and as far as possible is consistent with the control internationally; and (iii) the review should expand the numbers of EU General Export Authorisation, and expand EU001 and add like-minded destinations, including South Korea, consistent with Member States' foreign and security policy alignment with those countries.

Increase the level playing field both within the EU and globally

To better follow the fast technological and other developments it could, in the Society's opinion, be considered to update the control list more frequently than once a year. In the work with updating the list, it must then always be of high priority to delete items and areas where control no longer is necessary. It is also important to keep in mind that the Regulation is a Dual-Use Regulation and thus not expand the control to other areas that could not be regarded as dual-use. Already the expansion in 2021 to cyber surveillance items was and can be questioned from that point of view.

The Society recognises the importance of controls addressing serious human-rights and security risks associated with cyber-surveillance items. Its concern is that the scope and application of such controls should be clearly defined, supported by practical guidance and subject to regular review to ensure legal certainty, proportionality and consistent implementation across Member States.

The Society agrees with the Commission's assessment, as set out in its White Paper on Export Controls of from 2024, that the current framework does not deliver a level playing field for EU exporters. Although the Regulation is directly applicable in all Member States, the Regulation allows divergence in national implementation, in particular through diverging national control lists as well as the use of catch-all controls. Such divergences risk forum shopping between Member State, as an exporter established in one Member State may be denied authorisation to export an item to a given destination, while a competitor established in another Member State receives an export license for a transaction which is materially the same.

The Society supports stronger coordination and transparency regarding national implementation, including national control lists and catch-all controls. Companies and organisations operating across multiple Member States face significant uncertainty where materially similar transactions may be subject to different requirements depending on the

Member State involved. Greater harmonisation, transparency, information sharing and consistency in the interpretation of key concepts under the Regulation would improve legal certainty and reduce unintended competitive distortions within the internal market.

The Society therefore encourages the Commission to establish stronger prior consultation, notification and information-sharing mechanisms between Member States before materially divergent national control lists or catch-all controls are introduced or applied. Relevant national measures, interpretations and licensing practices should be published and made accessible to exporters in a timely and transparent manner.

The level playing field challenge is not confined to the internal market and EU entities lose market share to competitors operating from jurisdictions with more permissive or more predictable control regimes, without any corresponding gain in the EU's security objectives. The evaluation must also ensure that the global level playing field for EU based partners are not hampered by the Regulation.

Where controls are introduced outside multilateral export control regimes, their impact on the competitiveness of EU industry should be carefully assessed. Such measures should be subject to regular review to ensure that they remain necessary, effective and proportionate and do not place EU based entities at a persistent competitive disadvantage without a corresponding security benefit.

An issue with the regulation is how the basic-research exception is formulated. In Sweden, the exception only includes TRL 1 and 2, which is theoretical levels. It is not clear why TRL 3 or 4 is not included in the basic research exception – at such levels it is still unclear whether the product at hand even works.

If the formulation and interpretation of the basic-research exception in the EU-regulation would be similar to the US basic-research exception, it would both internationally harmonize EU researchers' possibility to publish their results, and the exception would become more understandable from an academic perspective. However, instead of conditioning the exception on whether there are commercial interests involved, it may be clearer to cap the exception's applicability to TRL 4, or, even better, explicate that the border for applicability is at the point in development where the product has proven functionality.

The problems arising from lacking harmonization within EU will be intensified, diplomacy within research projects will be more complicated more often and increase administrative costs.

Decrease in companies' administrative burden

The Society welcomes the Commission's confirmation that the evaluation will assess "possible disproportionate administrative burden and complexity" and will "explore the potential for simplification".

Our members report that compliance costs associated with the Regulation, and in particular with the reporting and registration conditions attached to EUGEAs has increased. Our view is that, apart from EU001, the EUGEAs are not used in the extent intended when they were adopted as a result of the reporting requirements.

Members' experience indicates that duplicative registration and reporting requirements can make certain EUGEAs more administratively burdensome than global licences, thereby reducing their practical use. Simplification should therefore focus on eliminating duplicative requirements while retaining information that is necessary for effective regulatory oversight.

The principal advantage of a EUGEA over an individual or global licence is that it removes the need for a prior, case-by-case application. In practice, however, this advantage is significantly eroded by the registration, notification and periodic reporting obligations that attach to the use of EUGEAs.

The evaluation should also examine opportunities to improve the predictability and efficiency of licensing processes and to further digitalise and standardise registration, notification and reporting requirements across the Union. While national security considerations must remain paramount, excessive processing times and diverging administrative practices can create commercial disadvantages without necessarily improving security outcomes. A more harmonised digital approach would reduce compliance costs while maintaining effective regulatory oversight, particularly for companies and organisations operating integrated global supply chains.

Compliance requirements should be proportionate to the risk presented by the relevant item, destination, end user and end use. A more risk-based approach would allow competent authorities and exporters to focus resources on higher-risk transactions while simplifying established low-risk trade.

Expand EUGEA 001 and adopt new EUGEAs

EU001 currently permits the export of specified dual-use items to a defined list of destinations without a prior individual licence, reflecting the Commission's and Member States' assessment that those destinations present a materially lower risk profile. It is submitted that the countries to this list could be expanded to include additional countries with foreign, security and export control policies are closely aligned with those of the EU and its Member

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States. South Korea is a clear candidate for inclusion, and we can e.g. note that South Korea has adopted sanctions as a response to Russia's war of aggression against Ukraine reflecting a similar approach to export controls on sensitive items adopted by the EU. South Korea is also a long-standing member of the multilateral export control regimes relevant to dual-use trade and a close security and economic partner of the EU and the large majority of its Member States.

The Society therefore encourages the Commission to establish a periodic, criteria-based review of the destinations and items covered by EU001 and to develop additional EUGEAs for recurring low-risk transactions. Any expansion should be based on objective factors, including alignment with EU foreign and security policy, participation in the multilateral export control regimes, effective national implementation and the relevant diversion risk. Regulatory changes should be accompanied by clear guidance and reasonable implementation periods, enabling updating of classification, screening, licensing and internal compliance processes before new requirements take effect. The Commission should also ensure structured consultation with industry before significant changes are made to controls, reporting obligations or the conditions for using EUGEAs, so that practical implementation impacts can be identified at an early stage.

The Society encourages the Commission to use the evaluation to achieve a more harmonised, predictable and proportionate EU export control framework. Effective security controls and the competitiveness of EU industry should be treated as mutually reinforcing objectives. The Society remains available to provide further practical input based on its members' experience of implementing the Regulation.

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