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# Update of the EU List of Dual Use Items

Trade Compliance

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Annex I of Regulation (EU) 2021/821 ("Dual-Use Regulation"), which lists goods, including software and technologies, that are to be classified as "dual-use" - meaning they are fit for civil as well as military use - and which are therefore always subject to an authorization requirement when exported from the EU, is usually updated once a year. On September 5, 2025, the European Commission published the draft of a Delegated Regulation amending Annex I (C(2025) 5947 final). The announced update brings numerous new technical entries, particularly in the areas of semiconductor technology, cryotechnology, and quantum computing. Companies that export goods to third countries **should** familiarize themselves with the changes **shortly**. The legal act is expected to enter into force at the end of 2025.

## 1. Origin of the changes: International Agreements and their Implementation in EU Law

Annex I of the Dual-Use Regulation does not contain goods autonomously listed by the EU but serves to implement international export control regimes. Central to the current amendment is the Wassenaar Arrangement, a multilateral export control agreement of 42 states, including most EU member states, the USA, Canada, Japan and Australia, but also Russia and India. The aim of the agreement is to control conventional military goods as well as dual-use relevant goods and technologies.

In December 2024, within the framework of the Wassenaar Arrangement, a series of new listings and technical clarifications, particularly regarding so-called Emerging Technologies, were decided. These decisions are not legally binding but politically oblige the member states to implement them on the national level. The complete integration into EU law ensures harmonized implementation between the EU member states.

## 2. Content Focus: Focus on High Technology

The revised version of Annex I brings numerous innovations, particularly in high-risk technological areas. The affected product groups reflect current security policy and economic developments - such as the increasing strategic importance of quantum computers, advanced semiconductor technology and cryogenic systems. The most important innovations at a glance:

- The area of **cryogenic technology** is a particular focus of the new goods list. Added items include, among others:

- Cryogenic cooling systems and pulse tube coolers that are necessary for quantum computers and sensors (3A504)
- Parametric signal amplifiers for use at extremely low temperatures (3A501.b.13.)
- Cryogenic wafer test systems needed for the development of superconducting chips and qubits (3B504)

These systems are technologically demanding and security-policy sensitive, as they are used in the development of high-precision sensors, quantum communication or novel computing architectures.

- Certain components of **quantum computers**, such as superconducting circuits, have also been explicitly listed in the new list. Software for controlling quantum mechanical processes is also subject to future control, provided it meets certain technical criteria (e.g. 4A506).
- New materials, particularly **high-temperature coatings** and thermal barriers for turbine or rocket engines, are also affected. The EU is thus following the trend of increasingly placing critical technologies for the space sector under control (e.g. 2E503.g.).
- New entries also concern equipment and materials for **additive manufacturing** ("3D printing") of high-performance metals - particularly inoculants that can influence microstructures (e.g. 1C513).
- The **semiconductor industry** continues to be in focus. The new entries include:
  - Epitaxial deposition equipment (3B501.a.4.)
  - EUV pellicles and exposure optics (3B501.m.)
  - Masks and reticles with atomic resolution (3B001.g.)
  - Electron microscopes for atomic-precise structural analyses (3B503)
  - High-precision etching and structuring equipment (3B501.k.)

  This equipment is essential for the development of chips with structure sizes below 7 nanometers and is therefore strategically relevant for all industrial nations.

- In the area of biochemicals, additional devices have been captured, such as automated **peptide synthesizers** (2B352.j.), which are important both in pharmaceutical research and in the area of bioweapon prevention.

### 3. What does the listing mean in concrete terms? - Article 3 of the Dual-Use Regulation

According to Art. 3 para. 1 of the Dual-Use Regulation, an export authorization is always required for the export of goods listed in Annex I, i.e., for their delivery to a third country outside the EU.

Such authorizations can exist in the form of General Authorizations (GA) that can either be issued by the EU (GA EU001 to EU008 in Annex II of the Dual-Use Regulation; these apply EU-wide), or by the competent member state authorities (these can only be used by legal and natural persons who have their seat in the relevant country or are resident there).

If no such GA can be used, an export authorization must be obtained in advance from the competent national authority, in Germany this is BAFA. Anyone who exports a listed good without authorization risks substantial fines and in serious cases even criminal consequences. Companies should therefore carefully examine their export goods to determine whether they fall entirely or partially under the technical parameters of the new entries.

### 4. Some entries already nationally regulated - Examples from Germany

The restrictions are not entirely new for German companies: Several of the goods now listed at EU level were previously already contained in the German export list (Part I Section B of the Foreign Trade and Payments Ordinance (*Außenwirtschaftsverordnung* - AWV)) as nationally controlled dual-use goods. With the 21st Ordinance amending the Foreign Trade and Payments Ordinance from July 23, 2024, Germany had already subjected the export of some of the goods listed above to an authorization requirement according to Sec. 8 para. 1 no. 2 AWV. These include, for example, parametric signal amplifiers, cryogenic cooling systems and quantum components / qubits. Other member states such as Spain had also already created comparable regulations. Through the transfer to Annex I of the Dual-Use Regulation, EU-wide uniformity of the regulations is now ensured.

### 5. Legal form and entry into force: Delegated Regulation with objection period

The current amendment of Annex I is implemented through a Delegated Regulation by the European Commission. The legal basis for the adoption of this Delegated Regulation is Art. 17 of the Dual-Use

Regulation. This allows the Commission to independently make technical adjustments to the goods list. Before the Delegated Regulation enters into force, however, it is provided to the European Parliament and the Council of the EU. These two organs then have a period of two months to possibly object to the legal act. If no objection is raised within this period, the regulation automatically enters into force. However, a veto by the Parliament or Council would prevent Delegated Regulation from entering into force. In certain cases, the period can be extended upon request. In practice, this means: The changes will probably become binding at the end of 2025 or at the latest at the beginning of 2026.

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