2026 Update to the EU Dual-Use Control List

Trade Compliance

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2026 Update to the EU Dual-Use Control List

On 20 November 2026, the latest revision to Annex I of Regulation (EU) 2021/821 (the "Dual-Use Regulation") entered into force. Annex I, which is usually updated every year, lists items, including software and technology, that are classified as "dual-use" because they can be used for both civilian and military purposes. As a consequence of being listed in Annex I, these items are subject to an authorisation requirement when exported from the EU. The update introduces numerous new entries, in particular in the areas of semiconductor manufacturing and high-performance computing chips, while also raising certain control thresholds. The update is implemented through Delegated Regulation (EU) 2026/2288, which the European Commission had already adopted in September. After the Council and the European Parliament raised no objections, it has now been published in the Official Journal. A consolidated version should be available shortly.

Background to the Changes: International Agreements and the EU's Own Listings

Annex I of the Dual-Use Regulation primarily serves to implement international export control regimes. The regular update of Annex I is necessary to transpose into binding Union law the changes to the control lists agreed within these regimes - namely the Wassenaar Arrangement, the Australia Group, the Missile Technology Control Regime (MTCR), the Nuclear Suppliers Group (NSG), and the Chemical Weapons Convention (CWC). Decisions taken by these regimes are not binding under international law, but they do politically commit the participating states, and where applicable the EU, to implementing the security obligations and commitments they have entered into.

Entries in Annex I follow a uniform five-character alphanumeric system. The first character (0 to 9) denotes the category, and the following letter (A to E) denotes the type of item. The subsequent three-digit code further identifies the entry, with its first digit indicating the international control regime from which the relevant control derives: 0 for the Wassenaar Arrangement, 1 for the MTCR, 2 for the NSG, 3 for the Australia Group, and 4 for the CWC.

With the amendment to Annex I made by the 2025 update (Delegated Regulation (EU) 2025/2003), EU-specific controls for certain items were, for the first time, included in Annex I alongside the internationally agreed changes. These EU-specific listings are identified by a newly introduced 5xx code and relate in particular to so-called Emerging Technologies (EMT). The reason for this new export-

control practice was that the Wassenaar Arrangement takes its decisions by consensus, meaning individual participating states can block decisions on adding new items to the control list. The Wassenaar Arrangement has 42 participating states, including Russia. Since Russia's attack on the whole of Ukraine in February 2022, the regime's political capacity to act has been significantly impaired. Several Member States, including Germany, France, the Netherlands, and Spain, responded by introducing national controls on certain key technologies. In order to avoid fragmentation of export control within the internal market and to keep pace with partners such as the United States and the United Kingdom, the Commission is now transferring such items into Annex I, provided that their listing is supported by a broad majority of Member States and international partners.

Newly Listed Items

All item entries newly listed by the European Commission in its Delegated Regulation carry a 5xx code.

By far the largest focus of the changes, as in the 2025 update, is semiconductor manufacturing equipment. Numerous new sub-entries are being added to entry 3B501, in particular in the field of extreme ultraviolet lithography (EUV). In addition to the exposure process itself, further upstream and downstream process steps are now also covered. The aim is to specifically close control gaps along the entire manufacturing line for modern chips. The following are newly listed in Annex I:

- Equipment for the atomic layer deposition of molybdenum and ruthenium (3B501.n.1.d), as well as equipment for the ion beam deposition or physical vapour deposition of a multilayer reflector for EUV masks (3B501.t);
- Equipment for coating, depositing, baking, or developing photoresists for EUV lithography (3B501.o), as well as equipment for pattern shaping using EUV lithography (3B501.s);
- Inspection equipment for detecting defects in, or particles on, EUV mask blanks or patterned EUV masks (3B501.p);
- Equipment for single-wafer wet cleaning with drying by surface modification (3B501.q), as well as for single-wafer cleaning using supercritical CO_2 or sublimation drying (3B501.r);
- Software for the use of equipment under entries 3B501.o to 3B501.r (extension of 3D002).

In addition to chip manufacturing, high-performance computing chips themselves are also affected by the update. The newly reworded entry 3A501.a.16 specifically targets high-performance integrated circuits with a digital processing unit, of the kind typically used in AI training clusters or high-performance data centres. A new note clarifies that not every high-performance chip is to be covered, but specifically those used for data centres. Further item listings concern precision sensors (rotary input type absolute position inductive encoders; 3A501.f) and power electronics (solid-state power semiconductor switches, diodes, or modules; 3A501.h), including software for such equipment (extension of 3D001).

Outside of Category 3 ("General Electronics"), equipment for producing multiple parallel silicon carbide fibres by "laser"-driven CVD (1B501.d.2.), as well as equipment for the additive manufacturing ("3D printing") of explosive, pyrotechnic, or propellant devices (1B504), are newly included in the control list. Software for such equipment is also covered (extension of 1D001). In addition, the control list is being expanded to include the chemical 1,1,3,3-tetraethylguanidine (1C350.91) and ceramic-ceramic composite materials with a glass or oxide matrix reinforced with continuous mullite fibres (1C507.c.1.a.); technology for the repair of this material will also be covered going forward (extension of 1E002.f).

Also newly added are libraries specially developed or adapted for use with equipment for the defeat of unconventional explosive and incendiary devices under entry 5A001.h (5E501.f), as well as technology for the development of axial compressors in gas turbine engines (9E503.l.).

Raised Thresholds

Updates to Annex I do not serve exclusively to expand the Dual-Use Regulation. Existing control parameters are also adjusted to reflect technological progress, which can mean that items previously listed are no longer covered going forward. For example, the control-relevant energy density for secondary cells (3A001.e.1.b) is being raised from 350 to 500 Wh/kg. For single-mode lasers (6A005.a.6.a.1), the power threshold is being raised from 1 kW to 2 kW, and for multimode lasers (6A005.a.6.b.2) from 2 kW to 3 kW. For companies, an annual review of item classification is therefore advisable in both directions: it can reveal not only new authorisation requirements but also help avoid unnecessary authorisation procedures.

Authorisation Requirement in the Case of a Listing

Under Article 3(1) of the Dual-Use Regulation, exporting items listed in Annex I, i.e., supplying them to a third country outside the EU, always requires an export authorisation. This may take the form of an EU General Export Authorisation (EU001 to EU008 under Annex II of the Dual-Use Regulation) or a National General Export Authorisation. If no such authorisation can be used, an individual authorisation must first be obtained from the competent national authority - in Germany, Bundesamt für Wirtschaft und Ausfuhrkontrolle ("BAFA"). Anyone who exports a listed item without authorisation risks, in cases of negligence, fines of up to EUR 500,000 against the individuals involved and up to EUR 40 million against the company. Intentional conduct may give rise to criminal liability.

Companies should therefore assess the extent to which they are affected by the changes and, where necessary, inform suppliers and customers accordingly. In such cases, authorisation applications and compliance documentation must be updated promptly.

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