

INFORMATION SHEET 1 FOR LOGISTIC SERVICE PROVIDERS:

WHAT IS DUAL USE?

This information sheet provides a general introduction on dual-use goods, focusing on the relevant legislation which is used and provides an overview of the different categories of dual-use goods.

Key words dual use - Regulation 428/2009 - categories of goods

In General

Goods that can be used for two applications, better known as dual-use goods, are products that are mainly used in civilian industry but are prone to proliferation. They can be used for the development, production or proliferation of conventional military equipment, nuclear weapons, chemical and biological weapons and the missiles used to deliver such weapons of mass destruction to their target. Software and technology (technical data and technical assistance) can also be dual use. Because of the security risks associated with the trade in such goods, their export is subject to an export authorisation. Some goods even require an authorisation for transfer within the European Union (EU). In some cases, an authorisation is also required for the transit and brokering of these goods.

Dual-use goods are not synonymous with strategic goods but are part of them. In addition to dual-use goods, civil firearms, military goods and law enforcement equipment also belong to the group of strategic goods. However, this information sheet is limited to dual-use goods and does not discuss the other strategic goods any further. You can find more information on the Strategic Goods Control Unit of the Flemish public administration. <https://www.fdfa.be/nl/vrede-veiligheid/controle-strategische-goederen>

Legal framework

The control of trade in dual-use goods is regulated at the European level and has been practically carried out at the regional level in Belgium since 2003. This means that the Government of Flanders is only competent for the control of the trade in dual-use goods for companies established in the Flemish Region. Businesses established in the Brussels-Capital Region or the Walloon Region must apply for an authorisation from the competent authority.

Regulation (EC) No 428/2009 sums up the different obligations that apply when dual-use products are traded. The main part of the control relates to the export of dual-use goods outside the EU customs territory. The definition of export is very broad and includes the transfer of software and technology via electronic media. If the goods are only exported temporarily, a separate authorisation is required for this.

Regulation (EC) n° 428/2009 also contains the EU list of dual-use items. This list is a compilation of technical descriptions made in multilateral export control regimes. It is important to always

consult the latest consolidated version, as the EU dual-use checklist is updated annually (usually in mid-December). If the product in question meets a technical description in the EU Dual-Use Control List, it shall be subject to authorisation irrespective of the country of end-use, the end-user or the declared end-use.

Some goods are not subject to dual-use legislation but are proliferation-sensitive due to their technical possibilities. These goods can be stopped by the customs on exportation. Goods exported to countries subject to sanctions or embargoes are also more frequently checked and stopped by customs..

Categories of dual-use goods

The EU dual-use control list is divided into 10 categories:

Category 0 Nuclear goods

Category 1 Special materials and related equipment

Category 2 Materials processing

Category 3 Electronics

Category 4 Computers

Category 5 Telecommunications and “information security”

Category 6 Sensors and lasers

Category 7 Navigation and avionics

Category 8 Maritime affairs and ships

Category 9 Aerospace and propulsion

These categories are further divided into items. Each item has a dual-use control number. It is this number that is used on the authorisation. The dual-use control number is not the same as the goods code. Classification of items according to the EU dual-use checklist based on goods codes is useless. This can only be done on the basis of the technical specifications of the items.

[REGULATION \(EC\) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, as amended.](#)

[Besluit van de Vlaamse Regering van 14 maart 2014 tot regeling van de uitvoer, doorvoer en overbrenging van producten voor tweërlei gebruik en het verlenen van technische bijstand](#)