

DUAL-USE ITEMS

By dual-use items we mean means items, including software and technology, which may have both civilian and military use as defined in Article 2(1) of Regulation (EC) 428/2009. These items are listed in detail in Annex I to that Regulation.

The export, transfer, brokering, technical assistance and transit of dual-use items is subject to State control and requires an authorisation issued by the competent Authority, which is the Ministry for Foreign Affairs and International Cooperation, successor to the Ministry of Economic Development by virtue of Article 2 of Decree Law No. 104 of September 21, 2019 (converted by Law no. 132 of November 18, 2019).

Ministerial authorizations may take up the forms indicated below.

Specific individual authorizations

They are issued upon the advice of an inter-Ministerial Advisory Committee, issued from time to time, and regard individual export-related transactions that are not eligible for other facilitated procedures. The application must be accompanied by a copy of the reference contract and a end use statement (EUS) (See Art. 10 of Legislative Decree 221/2017).

General individual authorizations

They are issued on the basis of the opinion of an inter-Ministerial Advisory Committee, issued from time to time, to a single, non-occasional exporter, on the basis of a preliminary assessment of his reliability, for all types or categories of dual-use items and for one or more specific destination countries (See Art. 11 of Legislative Decree 221/2017).

General authorisations of the European Union (AGEU, EU001 to EU006)

They are valid for specific destination countries , under the conditions and requirements of use listed in Annexes II *bis* to II *septies*, as established by art. 1, paragraph 3, of Reg. (EU) 1232/2011, amending art. 9(1) of Reg. (EC) 428/2009, and for the following items: all dual-use items specified in the categories set out in Annex II *bis* to *septies* of Reg. (EU) 1232/2011, except as provided for in Annex II *octies* of the same Reg. (EU) 1232/2011.

In order to use this type of authorization, a prior notification to the competent Authority is required (within 30 days prior to the first export to be made). Said Authority issues a letter of receipt of notification (as per circular letter 79931/12), after entering the exporter in the appropriate Register, provided for by art. 12, par. 2, of Legislative Decree 221/2017. It is mandatory to send - even if negative - a six-monthly report - within thirty days since the end of each semester - to communicate all exports made with any type of AGEU.

National General Authorisations (NGAs)

They are valid only for the destination countries indicated in the Decree of the Ministry of Productive Activities of August 4, 2003 (Antarctica -Italian Base-, Argentina, South Korea and Turkey), for all dual-use items specified in the categories listed in Annex I of Reg. (EC) 428/2009, with the exception of:

- a) the provisions of Annex II *octies* of the same Reg. (EU) 1232/2011;
- b) the items/countries included in the AGEU (see Annex II *bis* to *septies*, Reg. (EU) 1232/11).

In order to use this type of authorization, a prior notification to the competent Authority (within 30 days prior to the first export to be made) is required. Said Authority issues a letter of receipt of notification (as per circular letter 79932/12), after entering the exporter in the appropriate Register, provided for by art. 13, par. 3, of Legislative Decree 221/2017. It is necessary to send - even if negative - a six-monthly report - within thirty days since the end of each semester - to communicate all exports made with AGN.