



EUROPEAN  
COMMISSION

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the delegation of power to adopt delegated acts conferred on the Commission  
pursuant to Regulation (EU) 2021/821 of the European Parliament and of the Council of  
20 May 2021 setting up a Union regime for the control of exports, brokering, technical  
assistance, transit and transfer of dual-use items (recast)**

## **1. INTRODUCTION**

Regulation (EU) 2021/821<sup>1</sup> (hereinafter ‘the Dual-Use Regulation’ or ‘the Regulation’) was adopted on 20 May 2021. It repeals Council Regulation (EC) No 428/2009<sup>2</sup>, and upgrades the EU dual-use export control framework to address technological advancements, to enhance the human rights and security dimensions and to ensure a more unified approach across EU Member States with the objective of responding to an evolving geopolitical landscape.

Annex I to the Dual-Use Regulation lists dual-use items that Member States must subject to export controls, aligning the Regulation with the decisions taken in the multilateral export control regimes<sup>3</sup>. Certain items, considered particularly sensitive, are included in Annex IV requiring authorisation for intra-EU transfers. Annex II sets out the Union general export authorisations for the export of certain items to certain destinations.

Pursuant to Article 17 of the Dual-Use Regulation, the Commission is empowered to adopt delegated acts in accordance with the conditions laid down in Article 18 in order to amend the list of dual-use items set out in Annexes I and IV and to amend Annex II by removing items and by adding or removing destinations from the scope of Union general export authorisations.

The power to adopt delegated acts is conferred on the Commission for a period of five years from 9 September 2021.

## **2. LEGAL BASIS**

Article 18(2) of the Dual-Use Regulation requires the Commission to draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period.

## **3. EXERCISE OF THE DELEGATION OF POWER TO ADOPT DELEGATED ACTS**

Between 9 September 2021 and 9 December 2025, the Commission exercised its authority to adopt delegated acts on seven occasions to ensure that the EU list of dual-use items remained aligned with decisions taken within multilateral export control regimes, and with commitments undertaken by Member States, as members of the Wassenaar Arrangement, to control additional items uniformly.

Additionally, in response to the Russian Federation’s illegal war of aggression against Ukraine, the Commission adopted a delegated act to exclude the Russian Federation from the scope of Union general export authorisations.

In accordance with Article 18(4) of the Dual-Use Regulation, the Commission consulted experts designated by each Member State in accordance with the principles laid down in the

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<sup>1</sup> Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast), OJ L 206 11.6.2021, p.1.

<sup>2</sup> Council 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, OJ L 134, 29.5.2009, p.1.

<sup>3</sup> The main multilateral regimes under which most EU export controls are agreed are the Australia Group, the Missile Technology Control Regime, the Nuclear Suppliers Group and the Wassenaar Arrangement. The EU is a member of one of the existing multilateral export control regimes (the Australia Group) and an observer in the Nuclear Suppliers Group.

Interinstitutional Agreement of 13 April 2016 on Better Law-Making before adopting the delegated acts.

The Commission adopted the following seven delegated acts:

- Commission Delegated Regulation (EU) 2025/2003 of 8 September 2025 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items<sup>4</sup>
- Commission Delegated Regulation (EU) 2024/2547 of 5 September 2024 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items<sup>5</sup>,
- Commission Delegated Regulation (EU) 2023/2616 of 15 September 2023 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items<sup>6</sup>,
- Commission Delegated Regulation (EU) 2023/996 of 23 February 2023 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items<sup>7</sup>
- Commission Delegated Regulation (EU) 2023/66 of 21 October 2022 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items<sup>8</sup>,
- Commission Delegated Regulation (EU) 2022/699 of 3 May 2022 amending Regulation (EU) 2021/821 of the European Parliament and of the Council by removing Russia as a destination from the scope of Union general export authorisations<sup>9</sup>,
- Commission Delegated Regulation (EU) 2022/1 of 20 October 2021 amending Regulation (EU) 2021/821 of the European Parliament and of the Council as regards the list of dual-use items<sup>10</sup>.

#### **4. CONCLUSION**

Given the explanation provided in Section 3, the Commission considers that there is a clear need for a tacit extension of the delegation of power provided for in Article 17 of the Dual-Use Regulation for a further period of five years.

The Commission invites the European Parliament and the Council to take note of this report.

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<sup>4</sup> C/2025/5947, OJ L, 2025/2003, 14.11.2025.

<sup>5</sup> C/2024/6093, OJ L, 2024/2547, 7.11.2024.

<sup>6</sup> OJ L, 2023/2616, 15.12.2023.

<sup>7</sup> C/2023/1164, OJ L 138, 25.5.2023, pp.1-252.

<sup>8</sup> C/2022/7424, OJ L 9, 11.1.2023, pp. 1-252.

<sup>9</sup> C/2022/2885, OJ L 130l, 4.5.2022, pp. 1-3.

<sup>10</sup> C/2021/7424, OJ L 3, 6.1.2022, pp. 1-260.