# EU Dual-Use Regulation - Overall Evaluation

**THE QUESTION**

Does the existing EU Dual-Use Regulation provide an effective framework for controlling security and human-rights risks associated with dual-use exports?

**THE VERDICT**

# No.

The Court answered the question in the negative.

### Supported, with dissent

2 of 3 lenses · read from the Court record

**WHAT TO DO**

### Based on the Court record, the final recommendation is to advocate for a structural overhaul of the EU dual-use export regime rather than relying on the current framework to mitigate security and human-rights risks.

**THE WEIGHT OF THE JUDGES**

13 of 18 judge votes against (72%)

Lens 1 · 1-5 · against

Lens 2 · 4-2 · for

Lens 3 · 0-6 · against

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Record 4 · Sealed on 25 September 2026

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## The decision's context, as the institution stated it

Assess the decision question using the available evidence and clearly distinguish verified facts, claims, inferences, uncertainties, and unresolved issues. Consider both supporting and opposing arguments. Do not assume that a policy claim is established merely because it is stated in an argument.

# Why this verdict

## The recommendation

Based on the Court record, the final recommendation is to advocate for a structural overhaul of the EU dual-use export regime rather than relying on the current framework to mitigate security and human-rights risks. The prevailing side demonstrated that the regulation’s reliance on national discretion facilitates harmful "forum shopping" and regulatory arbitrage, which directly undermines the stated goal of a harmonized defense. Furthermore, the Court confirmed that the current regulatory process is inherently reactive to technological shifts rather than anticipatory, rendering it insufficient for managing emerging risks. This position was reinforced by the final tally of 2-1 in favor of the case against, supported by a decisive judge-vote distribution of 13 to 5. The effectiveness of this recommendation is qualified by the lack of empirical data regarding export license denial statistics for human rights reasons and the fact that the extent to which 'catch-all' clauses are utilized across different member states remains unverified.

## Open questions the judges recorded

• Unverified efficacy of human-rights criteria in preventing the misuse of dual-use technology. (Raised by 8 judges)

• Lack of empirical data regarding export license denial statistics for human rights reasons. (Raised by 6 judges)

• Extent of regulatory arbitrage between EU member states due to decentralized enforcement. (Raised by 5 judges)

• Extent to which national implementation variations actually result in significant security failures. (Raised by 2 judges)

• The extent to which 'catch-all' clauses are utilized across different member states remains unverified. (Raised by 1 judge)

• The effectiveness of the Dual-Use Coordination Group in ensuring uniform application of human-rights criteria lacks empirical verification. (Raised by 1 judge)

# The judges

## Lens 1: Security and Human-Rights Protection

1-5

**Judge 1 · Evidence · against**

**Judge 2 · Facts · against**

**Judge 3 · Reasoning · against**

**Judge 4 · Context · for**

**Judge 5 · Counterargument · against**

**Judge 6 · Overall judgment · against**

## Lens 2: Effectiveness of Export Controls in Practice

4-2

**Judge 1 · Evidence · against**

**Judge 2 · Facts · against**

**Judge 3 · Reasoning · for**

**Judge 4 · Values · for**

**Judge 5 · Counterargument · for**

**Judge 6 · Overall judgment · for**

## Lens 3: Adaptability to Emerging Technologies and Changing Risks

0-6

**Judge 1 · Evidence · against**

**Judge 2 · Facts · against**

**Judge 3 · Reasoning · against**

**Judge 4 · Context · against**

**Judge 5 · Counterargument · against**

**Judge 6 · Overall judgment · against**

# Sources


### 1. Regulation (EU) 2021/821 - EU Dual-Use Export Controls (Institution · official)

eur-lex.europa.eu

https://eur-lex.europa.eu/eli/reg/2021/821/2024-11-08/eng

### 2. Exporting Dual-Use Items - European Commission (Institution · official)

policy.trade.ec.europa.eu

https://policy.trade.ec.europa.eu/help-exporters-and-importers/exporting-dual-use-items_en

### 3. 2026 Update of the EU Control List of Dual-Use Items (Institution · official)

policy.trade.ec.europa.eu

https://policy.trade.ec.europa.eu/news/2026-update-eu-control-list-dual-use-items-2026-09-14_en


## Method

Argument: cross-examination debate, with an assigned devil's advocate. Adjudication: independent aggregated judgment, as in the Good Judgment Project (IARPA ACE programme). Report: ICD 203 analytic standards; the recommendation is set out in Toulmin's structure of argument.