Can the EU improve the effectiveness and proportionality of its Dual-Use Regulation (EU) 2021/821 by

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 suspend claims that Regulation (EU) 2021/821's architecture is sound or effective until the evidentiary foundation for those claims can be established.

THE WEIGHT OF THE JUDGES

10 of 18 judge votes against (56%)

Lens 1 · 2-4 · against

Lens 2 · 1-5 · against

Lens 3 · 5-1 · for

Record 5 · Sealed on 11 October 2026

Fingerprint: f7ae7425f26a515416e43b0190e4b1a496cf5fdacc315dc19bc02ef99626a749

The decision's context, as the institution stated it

Conduct an evidence-driven review using verifiable primary and secondary sources. Distinguish established facts from assumptions and hypotheses. Identify apparent contradictions and determine whether they reflect genuine inconsistencies or differences in scope, definitions, or context. Explore potentially novel, falsifiable hypotheses, but do not claim novelty without checking existing literature. Do not invent evidence, statistics, or causal relationships. Explicitly identify uncertainty, alternative explanations, and missing data. The objective is to produce independently verifiable insights, not merely a persuasive argument or consensus.

Why this verdict

The recommendation

Based on the Court record, the final recommendation is to suspend claims that Regulation (EU) 2021/821's architecture is sound or effective until the evidentiary foundation for those claims can be established. The Court's validated findings confirm that aggregate EU-level effectiveness cannot be reliably assessed due to fragmented data collection across member states and inconsistent national reporting methodologies, meaning any assertion that the regulation is working as intended lacks verifiable support; as the Court found, if effectiveness is unmeasurable, compliance with the regulation's own effectiveness criteria cannot be confirmed. Equally, no transaction-level data, denial rates, or abandonment statistics exist in the record to establish a quantified link between compliance burden and export outcomes, leaving the causal chain underpinning proportionality claims undemonstrated. These findings carried the case against to a 10-8 judge-vote majority and a 2-1 goal result, reflecting the weight of the evidentiary gaps rather than a marginal dispute. The qualification that must be preserved is this: all seven claims remain unverified, the actual licensing divergence statistics and rejection rates are absent from the frozen the record, and the substantive content of the Overall Evaluation is unavailable beyond its title, meaning the central factual dispute between a correctable gap and a structural defect remains unresolvable on the present record.

Open questions the judges recorded

• All six claims remain unverified; no accuracy scores could be assigned to any argument on either side due to insufficient evidence in the record. (Raised by 18 judges)

• No empirical data on SME dual-use export license denial rates, abandonment rates, or compliance cost as a percentage of revenue is present in the record, leaving four claims without factual grounding. (Raised by 1 judge)

The judges

Lens 1: Examine whether the regulation achieves its security and non-proliferation objectives. Identify evidence of effectiveness, implementation gaps, enforcement limitations, and potential unintended conseq

2-4

Judge 1 · Evidence · for

Judge 2 · Facts · for

Judge 3 · Reasoning · against

Judge 4 · Values · against

Judge 5 · Counterargument · against

Judge 6 · Overall judgment · against

Lens 2: Examine the relationship between regulatory compliance burdens and legitimate exports, innovation, research collaboration, and competitiveness. Identify whether certain sectors, company sizes, or rese

1-5

Judge 1 · Evidence · for

Judge 2 · Facts · against

Judge 3 · Reasoning · against

Judge 4 · Context · against

Judge 5 · Counterargument · against

Judge 6 · Overall judgment · against

Lens 3: Integrate evidence across regulatory evaluations, economic studies, enforcement reports, and stakeholder perspectives to identify overlooked relationships, unresolved contradictions, or gaps in existi

5-1

Judge 1 · Evidence · for

Judge 2 · Facts · for

Judge 3 · Reasoning · for

Judge 4 · Context · for

Judge 5 · Counterargument · against

Judge 6 · Overall judgment · for

Sources

1. Guidelines for Data Collection and Preparation of the EU Annual Report on Dual-Use Export Controls (Institution · official)

policy.trade.ec.europa.eu

https://policy.trade.ec.europa.eu/consultations/guidelines-data-collection-and-preparation-eu-annual-report-dual-use-export-controls-under_en

2. Overall Evaluation of Regulation (EU) 2021/821 (Institution · official)

policy.trade.ec.europa.eu

https://policy.trade.ec.europa.eu/consultations/open-public-consultation-and-call-evidence-overall-evaluation-regulation-eu-2021821_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.