

COMPLIANCE

# DUAL USE REGULATION IN ITALY

*A PRACTICAL GUIDE TO EXPORT COMPLIANCE*

## AUTORI

avv. MAURIZIO MARULLO  
marullo@lawp.it

avv. CLAUDIA MARONGIU  
marongiu@lawp.it

dott. PASQUALE AMBROSIO CEPPARULO  
ambrosio@lawp.it

## **Dual Use Regulations in Italy: a practical guide to export compliance**

The export of dual-use items is governed by Regulation (EU) 2021/821 (the “**Regulation**”), which sets out the rules on export, transit, brokering, and transfer to ensure a balance between international security and the Union’s industrial competitiveness.

On September 8, 2025, the European Commission adopted a Delegated Regulation updating Annex I to include new controlled goods, notably quantum technologies, semiconductor manufacturing equipment, advanced integrated circuits, and additive manufacturing machinery.

### **What are dual – use items?**

Pursuant to the Regulation, dual-use items are defined as products, including technologies and software, that can be used **for both civilian and military applications**.

These also include materials and tools that can contribute to the development, production or use of nuclear, chemical or biological weapons.

The definition of dual-use items is deliberately broad and not limited to the list set out in Annex I to the Regulation — as last amended by the Delegated Regulation adopted on September 8, 2025 — but extends to any product, technology, or software with potential dual use. Each export therefore requires a careful case-by-case assessment to determine whether it falls within the scope of the Regulation.

### **Export authorizations and “catch-all” clause**

The export outside the customs territory of the European Union of the dual-use items listed under Annex I of the

Regulation, is subject to the **issuance of a prior authorization** by the Unit for the Authorizations of Armament Materials (UAMA), the national competent authority on the subject, established at the Ministry of Foreign Affairs and International Cooperation.

However, the Regulation is not limited to requiring authorization solely for the export of the "listed" items contained in Annex I.

Article 4 of the Regulation introduces the **so-called "catch-all" clause**, which extends the authorization obligation also to dual-use items not included in Annex I, if the **exporter knows, or has reason to suspect**, that such dual-use items may be used for:

- the **production or development of weapons of mass destruction**;
- **military use in countries subject to international embargoes or restrictions**.

This provision imposes an enhanced duty of care on exporting companies, which translates into the need to verify, accurately, the identity of the end - user as well as the declared effective use of the exported goods.

### **The Internal Compliance Program (ICP): a key tool for compliance**

In line with the Regulation and the Recommendations of the European Commission, companies involved in export activities should have an Internal Compliance Program (the "PIC"), calibrated to the size and risk level of the organization.

A well-structured PIC allows to:

1. systematically manage the **classification of products**;
2. carry out an **assessment of the risks** associated with the transaction;
3. define clear and documented **internal procedures and responsibilities**.

Key points of an effective PIC include, among others:

- commitment of the top management, through the adoption of an **official compliance policy**;
- **clear organizational structure**, including the appointment of a compliance officer for the export of dual-use items;
- **periodic training** for personnel involved in export processes;
- **verification procedures** concerning the classification of items, end-user assessment and authorization management;
- **internal audit** mechanisms and continuous monitoring tools, including reporting channels (whistleblowing) for any violations.

### **Red flags and risk indicators**

The European Commission has identified a series of risk indicators ("*red flags*") that companies should consider in their due diligence. The most relevant include:

- the presence of **technical anomalies**: requests for unusual customizations or technical characteristics not justified by the market;
- the presence of **incomplete information on the end**

**user:** new customers or with incomplete information, or companies that declare civilian use but are connected to the military sector;

- the request for **atypical shipping methods**: requests for untraceable shipments, specific packaging or misleading labelling;
- the presence of **suspicious economic conditions**: full advance payments, cash or refusal of after-sales services.

### **Practical insights**

A useful tool to verify whether a product can fall into the category of dual use items is the **Taric database**, made available by the Italian Customs and Monopolies Agency, available at the following link: [TARIC - ADM](#). This tool provides useful information on the possible presence of the item in the dual-use lists.

Furthermore, the European Union provides access the **CIRCABC portal**, accessible at the link: [CIRCABC](#), where it is possible to consult the most recent version of the Dual Use Correlation Table, which includes a correlation scheme between the combined nomenclature codes and the dual use codes.

Requests for export authorization must be submitted electronically through the **E Licesing portal**: [E Licensing](#).

### **Sanctioning profiles: criminal and administrative responsibilities**

The Italian sanctioning framework in the event of **violations of the Dual Use Regulation** is outlined by Legislative Decree 221/2017, which provides:

- **imprisonment of up to six years;**

- a fine of up to 250,000 euros;
- the **mandatory confiscation** of the assets used to commit the offence.

Furthermore, if the violation of the Regulation constitutes a case of triggering for the commission of so-called “predicate offences”, the **administrative liability of the entity** may be activated **pursuant to Legislative Decree 231/2001**, with the consequent application of financial penalties and disqualifications governed by this legislation.

### Conclusions

The regulation of dual-use goods requires careful and conscious management of exports, even when the products do not have an apparent military purpose.

In this context, effective internal compliance not only protects the company from heavy penalties but also represents a distinctive element in terms of the reliability and responsibility of the company.

\*\*\*

Please do not hesitate to contact our firm for any clarification or assistance.