

(English version)

**Question for written answer E-001285/26
to the Commission**

**Saskia Bricmont (Verts/ALE), Markéta Gregorová (Verts/ALE), Sandro Ruotolo (S&D), Veronika Cifrová Ostrihoňová (Renew), Raquel García Hermida-Van Der Walle (Renew), Daniel Freund (Verts/ALE), Hannah Neumann (Verts/ALE),
Jaume Asens Llodrà (Verts/ALE)**
(26 March 2026)

Subject: Evaluation of the Dual-Use Regulation and reform of the annual transparency report framework

Article 26 of Regulation (EU) 2021/821 ⁽¹⁾ (also known as the Dual-Use Regulation) legally mandates a review of this regulation and its specific cyber-surveillance provisions (Article 5). In its 2024 white paper on export controls, the Commission explicitly recommended bringing the evaluation forward to 2025 to address shortcomings in the regulation's effectiveness and the urgency of current security and human rights challenges.

However, significant concerns remain regarding the lack of disaggregated data in the annual transparency reports, which currently prevent meaningful oversight of spyware exports by masking destination countries and specific end-use risks under broad categories.

1. Timeline and consultation: can the Commission provide a definitive updated timeline for the evaluation process and confirm that public interest stakeholders, including civil society and human rights defenders, will be formally and transparently consulted?
2. Transparency reform: does the Commission intend to use this evaluation to reform the annual transparency report framework, specifically by requiring Member States to provide disaggregated data on licences for cyber-surveillance items, as defined in Article 2(20) of the Dual-Use Regulation?
3. Effectiveness of Article 5 of the Dual-Use Regulation: how does the Commission plan to address the inconsistent application of the article 5 'catch-all' clause, which continues to allow varying levels of scrutiny for spyware exports across different Member States, creating a 'race to the bottom' within the single market?

Submitted: 26.3.2026

Answer given by Mr Šefčovič on behalf of the European Commission
(13 May 2026)

The Commission takes note of the concerns linked to the implementation of the Dual-Use Regulation (EU) 2021/821 ⁽¹⁾ and notably those related to the Commission's annual reports.

The evaluation of the regulation, as mandated pursuant to its Article 26(4) will be launched in the course of May 2026, with the evaluation report to be published by early 2027 at the latest.

A public consultation targeting the general public and civil society will be opened in the summer of 2026 and run for 12 weeks. Various stakeholders, including civil society and human rights defenders, will thus be formally and transparently consulted and their views appropriately reflected in the Commission's overall assessment.

As part of the exercise, the Commission will assess the annual transparency reporting framework, including for cyber-surveillance items.

More generally, the evaluation will review the extent to which the regulation has been effective in providing sufficiently clear information on EU export controls on dual-use items, while keeping in line with the relevant confidentiality requirements.

The Commission will also examine the effectiveness of Article 5, that is, the EU 'catch-all' control on cyber-surveillance exports.

The effectiveness of the regulation in light of evolving cyber-surveillance technology will also be considered, ensuring that the EU's export control regime remains robust and adaptable.

¹ 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 (OJ L 206, 11.6.2021, p. 1, ELI: <http://data.europa.eu/eli/reg/2021/821/oj>).

(¹) <https://eur-lex.europa.eu/eli/reg/2021/821/oj/eng>.