



ESIA

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THE VOICE OF THE
SEMICONDUCTOR
INDUSTRY
IN EUROPE

Export Control Forum
2019

Brussels,
13 December 2019

Semiconductor Industry's priorities - Harmonization and Level playing-field

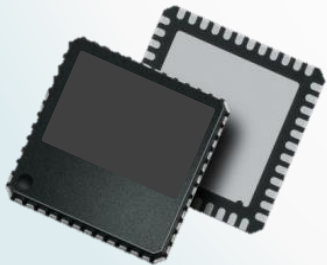
Aude Jalabert
European Semiconductor Industry Association



European Semiconductor Industry Association

The Semiconductor Voice of Europe

- Key enabling technology for Europe
- They are at the core of the digital & manufacturing transformation
- Top leaders for AI, IoT, connected and automated mobility, industry 4.0, etc
- Important for EU to maintain competitive advantage and value chains
- Global industry and global supply chain
- Cutting-edge technology & products, many of which classified as Dual Use



Semiconductor Industry's priorities

1. Global Level Playing-Field
2. Harmonization within the EU

Global Level-Playing Field

A matter of competitiveness & predictability

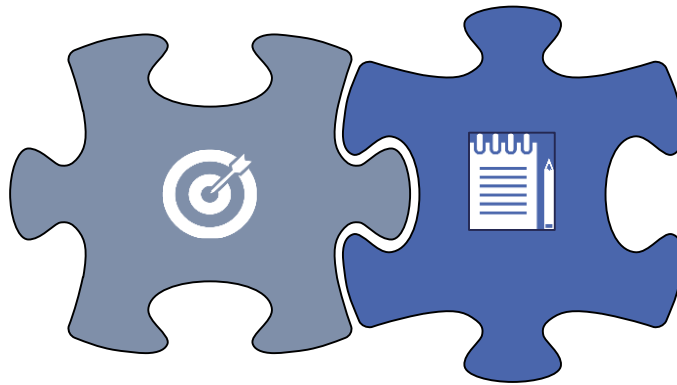
Potential new controls on Emerging & foundational technologies: Difficulties to manage several different product lists



Global approach is welcome, e.g. via Wassenaar

License (exceptions) & Faciliations

Advantageous trade tools not (yet) available in the EU:

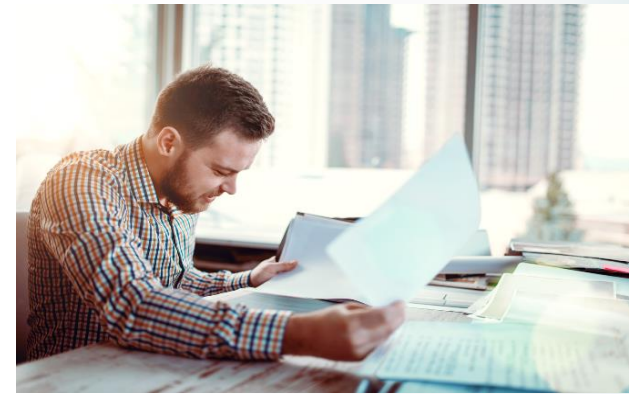


Encryption
General License

Trade facilitations for
intra-company transfers

Third countries Exporters benefit from advantages EU exporters do not enjoy

Practical consequences of extraterritoriality for EU exporters:



- Hire specific staff
- Implement specific IT infrastructure
- Supervise additional export system
- Train your employees
- Secure facility's areas
- Face new risks & sanctions

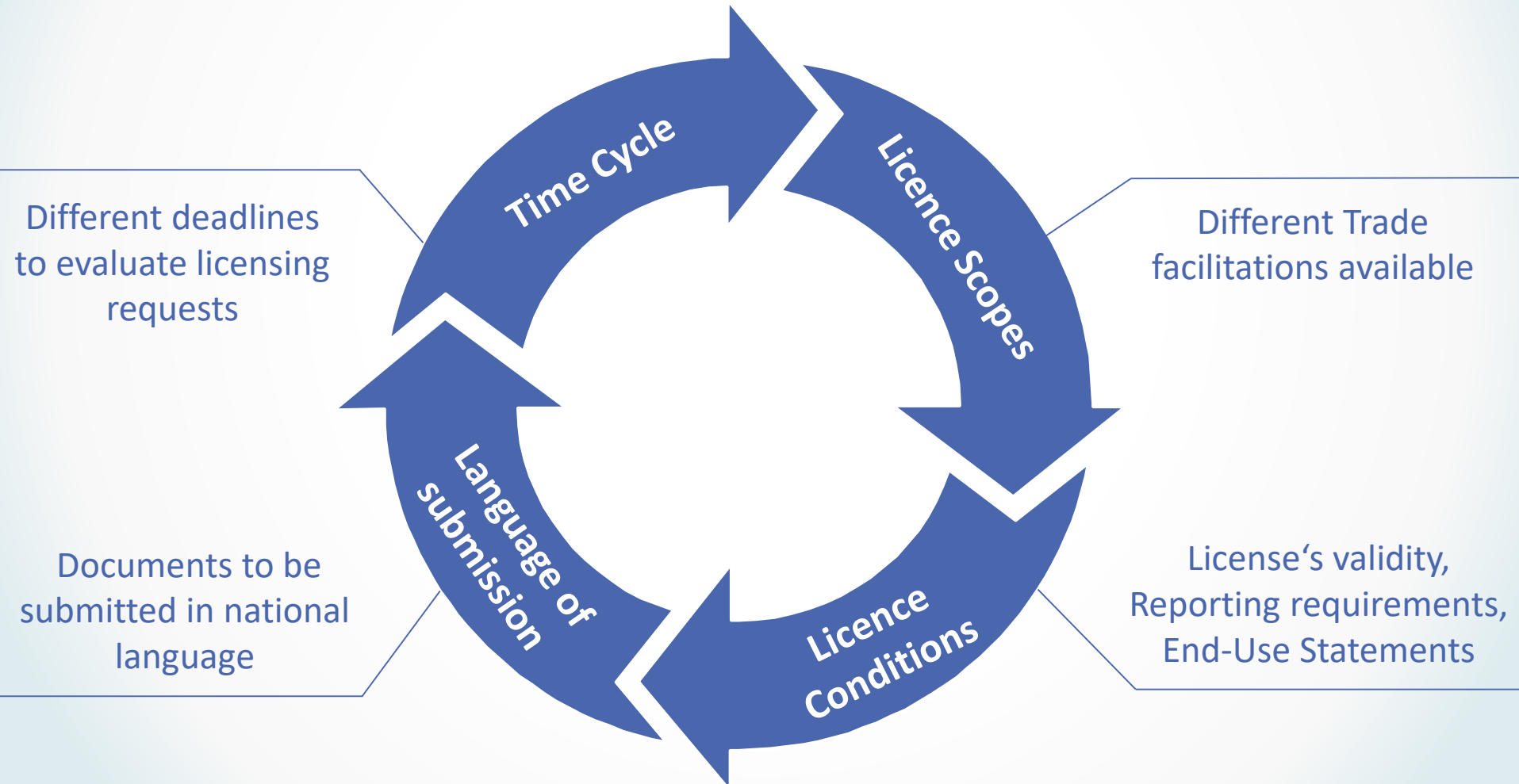
EU Institutions to share best practices

with countries developing their own export control system by means of outreach activities

Harmonization within the EU

A matter of fairness & efficiency

Fragmentation across EU Member States



Examples of time-periods for national authorities to process license requests according to national legislations & agreements:

Netherlands: up to **8 weeks**

(Art. 4:13 sub 2 Awb)

Belgium (Flanders): up to **42 to 84 days**

(Service Level Agreement between Competent Minister and the Department for Foreign Affairs)

Germany: up to **3 months**

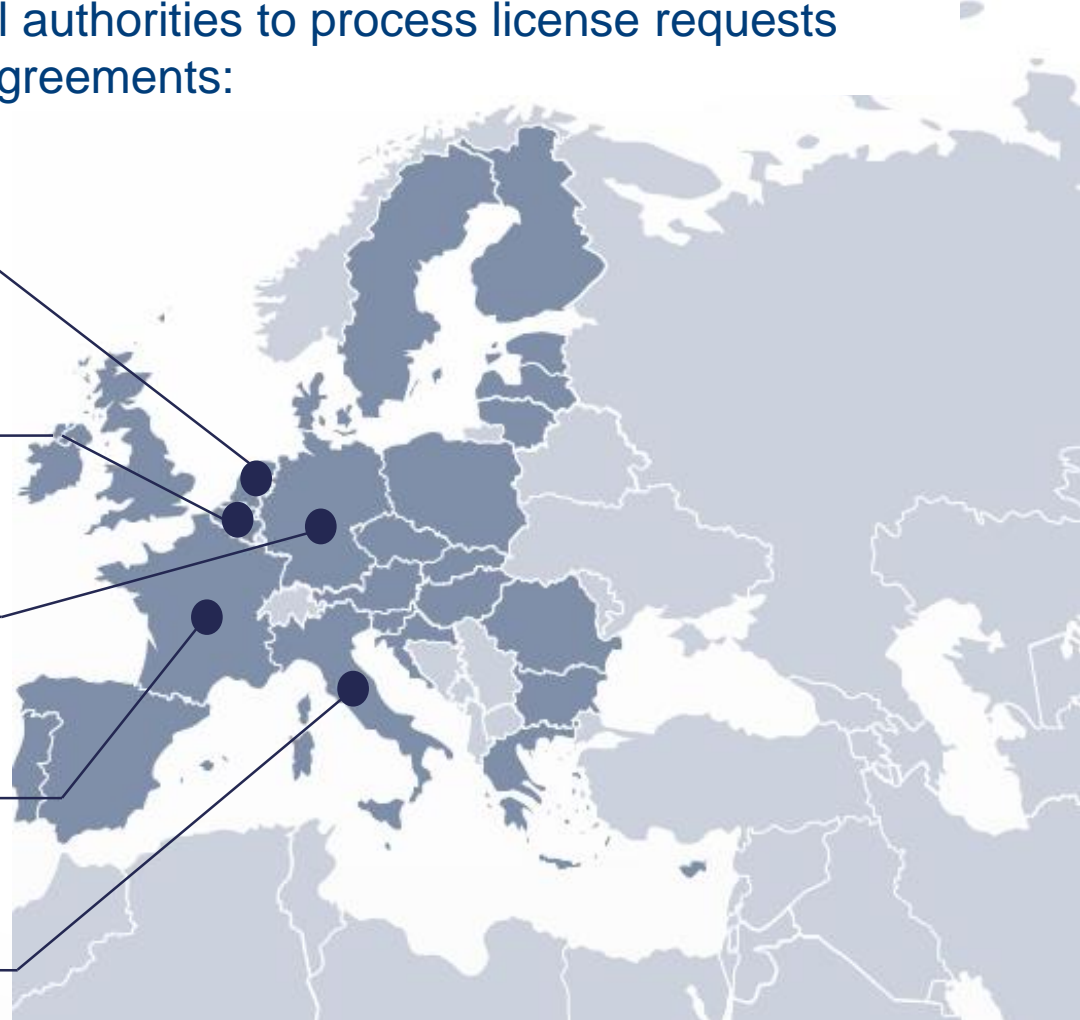
(Art. 75 VwGO)

France: up to **5 months**

(Art. 9 Décret n°2001-1192 du 13 décembre 2001)

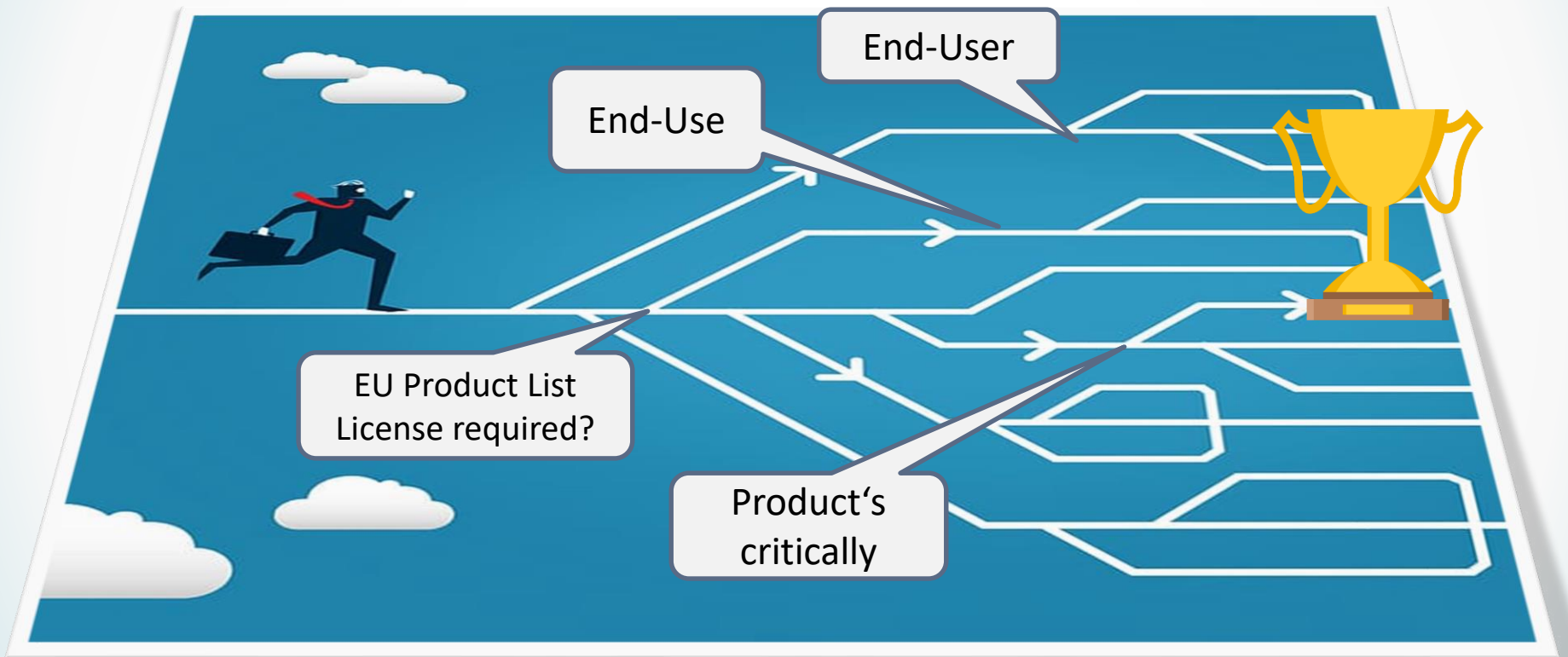
Italy: up to **180 days**

(Art. 8.6 Decreto Legislativo 15 dicembre 2017 n. 221)



**Legal framework for processing time is not uniform:
Reliable and predictable processing time is required for planning purposes**

Way to Export Licenses:



Result can be different depending on Member States' interpretations of the law and business case!



Bring EU harmonization to next level

- Further alignment of processing time for licensing
- Appropriate staffing in national licensing authorities to support national industry better
- Aligned level of control by national Authorities throughout the EU

- ESIA's Priority:
 - Improvement of global & EU level playing-field and global competitiveness
 - International alignment on export controls
 - Harmonisation of EU licensing environment

Thanks to the EU Commission, Parliament and the Member States for their efforts to modernize and improve our EU Export Control system!



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