**D14.1**

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Executive Summary

Details on potential implications of the project and risk-mitigation strategies related the DU – DUAL USE **ethics issue category are detailed.**

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# Introduction

Some activities performed in SPARTA makes the project susceptible to develop, produce, or use items close to dual-use aspects (in the sense of the Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items). This deliverable presents the rules for:

* potential dual-use implications;
* risk-mitigation strategies;

to be followed in SPARTA in relation with the DU – DUAL USE ethics issue category.

# Potential dual-use implications

## Identification of dual-use items

According to the Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, specific measures can be taken by each EU State (see Information Note: Information on measures adopted by Member States in conformity with Articles 5, 6, 8, 9, 10, 17 and 22 of Council Regulation (EC) No 428/2009). Dual-use items are defined as items, including software and technology, which can be used for both civil and military purposes, and shall include all goods which can be used for both non-explosive uses and assisting in any way in the manufacture of nuclear weapons or other nuclear explosive devices (Article 2(1) of Regulation No 428/2009).

Each partner developing, producing, or using a dual-use item will be responsible for ensuring the regulations and that the applicable national laws are met, including declarations and/or applications to its national competent authorities. In cases where the required licenses or authorizations would not be granted by the competent authorities, the export (including the mere electronic provision) of the corresponding Items, Software, and Technology would be restricted accordingly to comply with applicable laws.

The partners will be supported in this task by the Ethics Committee and also constitutes part of the perimeter of Task 2.5 (Internal ethical, legal, and societal aspects (ELSA) auditing and supervision).

## Implications of dual-use outputs identification

When it turns out that SPARTA is developing, producing, or using any dual-use item:

* the Security Advisory Board will be notified;
* the Ethics Committee will be notified;
* the chair of the Dissemination Committee will be notified;
* the risk-mitigation strategies from Chapter 3 will be applied.

# Risk-mitigation strategies

In case items to be developed, produced, or used in SPARTA are deemed to be dual-use items (in the sense of Council Regulation (EC) No 428/2009) and the relevant national authorities do not grant the required authorization, the following strategies will be considered:

* In case an *export authorization* is not granted, solutions to perform the development, production, or use of the items without exporting it will be explored;
* In case a *brokering authorization* is not granted, solutions to find a substitute item allowing to carry out the plan will be explored;
* In case *additional restrictions* are required, case-by-case solutions will be studied once the mentioned restrictions are explored;
* In case an *authorization to publish* research findings is not granted, solutions to remove or embargo the information while maintaining the scientific essence will be explored;
* In case a *transit restriction* applies, alternative transit roads will be explored.

These generic risk-mitigation strategies will be refined as needed to apply to concrete occurrences. It is not possible to propose concrete risk-mitigation at this date because no development, production, or use of dual-use items has been identified.

# Summary and Conclusion

This deliverable presented the rules to be followed in SPARTA in relation with the DU – DUAL USE ethics issue category. In addition to the above and to ensure that the regulatory framework is met, Ethics related issues will be addressed in WP2 “Responsible innovation: Ethical, Legal and Societal Aspects” and their outcomes will be reported in its deliverables. The Ethics Committee and the Ethics Adviser will monitor the execution of SPARTA and manage new ethical issues related to DU – DUAL USE if they appear after the start of the project.