

Annex

Guidance on Specially Designed for Military Use (SdfMU) update, February 2022

PREAMBLE

This document shall provide guidance to those seeking help in interpreting whether items may be considered as “specially designed for military use” in the sense of the respective Member State’s national control lists, as derived from the EU Common Military List and the Annex of the Directive EC/2009/43, wherever the term is used.

This guidance shall not impact national sovereignty when classifying whether specific items are or are not considered to be military. Therefore, if the respective national authority has determined an item’s classification according to the Member State’s national control list, the following guidance is immaterial.

Likewise, if the guidance leads to the conclusion that an item is not to be considered as “specially designed for military use,” it does not preclude the possibility of the item being controlled under other EU or national regulations.

GUIDANCE

When considering whether an item is “specially designed for military use”, the determining factors will be the specifications, characteristics, capabilities or functions, which as a result of development, distinguish them as being suitable for the military intent described in the controls.

This approach is applied to controls on systems, platforms, equipment, components, accessories, software, and technology using this terminology within the respective Member State’s national controls.

Items are not considered “specially designed for military use” if one of the following conditions is fulfilled:

- 1 They are simple mechanical, electrical, electronic or optical components having all of the following:
 - a. They are single purpose; and
 - b. Their production does not require any technology, as defined in the current reading of the EU Common Military List, or equipment that give them particular military features.

or

- 2 They are chosen from a product line of items not specified in the respective Member State’s national control lists, but when tested meet military standards.

Note 1:

For the purposes of paragraph 1, examples of:

- *simple mechanical components are fasteners, screws, bolts, nuts, nut plates, studs, inserts, clips, rivets, pins, washers, spacers, insulators, grommets, bushing, springs, wire and solder;*
- *simple electrical components are cables, resistors, thermistors, transistors, amplifiers, capacitors, diodes, fuses, coils;*
- *simple optical components are mirrors, separators, polarizers.*

Note 2:

For the purposes of sub-paragraph 1.a., examples of components not considered to be single purpose are:

- explosive bolts and shear pins, as they intend to both secure and allow a controlled release;*
- electric connectors designed to operate at great depth, as they achieve specific watertightness performances, in addition to their standard electrical function;*
- radiation hardened transistors, as they are designed to sustain specific electromagnetic environment, in addition to their standard function;*
- IR shortpass filter, used on firearm sights or episcopes for example, as they are designed to protect against lasers in addition to their resistance to specific environmental constraints.*