



EUROPEAN COMMISSION

Ursula von der Leyen  
The President

Brussels, **08. 02. 2022**  
Ares (2021) 7878886

*Dear Honourable Member,*

*I would like to thank you, and your cosignatories, for your letter in which you raise concerns regarding the respect of human rights and the compliance with European law of certain exports of cyber surveillance tools to Egypt.*

*I am deeply committed to ensuring the respect of human rights in the EU and abroad and compliance with European law.*

*I would like to recall that the Commission has long supported the modernisation of EU export control policy and regulations on trade in dual-use items, including cyber-surveillance items, with a view to striking the right balance between considerations of foreign and security policy and respect for human rights.*

*In particular, as you recall in your letter, in 2014, the Commission has taken action under the previous Regulation on dual-use items (EC) No 428/2009 to introduce new controls on specific cyber-surveillance items, such as intrusion software and internet surveillance technologies, thereby keeping up with technological developments and addressing risks associated with those technologies.*

*The new regulation on dual-use items (Regulation (EU) No 2021/821), that entered into force on 9 September 2021, strengthens the EU's ability to control exports of cyber-surveillance items and introduces new provisions in this respect. The Regulation explicitly stipulates that: 'With regard to cyber-surveillance items, the competent authorities of the Member States should consider in particular the risk of them being used in connection with internal repression or the commission of serious violations of human rights and international humanitarian law.'*

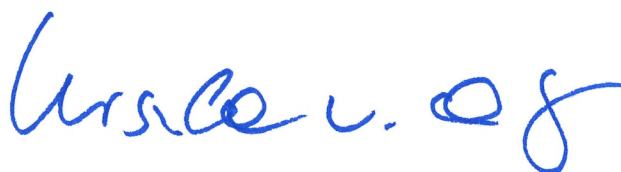
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*However, these policy and regulatory developments do not change the fact that, under these successive EU Regulations, the competent dual-use authorities of the Member States are responsible for deciding on a case-by-case basis whether or not to grant an authorisation for the export of a specific item, and that the Commission is not involved in such decisions. Nevertheless, considering the Commission's responsibility for the correct application of EU legislation, my services are in contact with the French competent authority to clarify the circumstances of these cases and their compliance with EU export regulations.*

*Yours faithfully,*

A handwritten signature in blue ink, appearing to read 'Ursula v. d. L.', with a stylized flourish at the end.

*Ursula von der Leyen*