

CVR-nr: 73438411
PR electronics A/S
Lerbakken 10, Følle, 8410 Rønne

20 March 2025
Case 2025- 2057
/MomPed

Att.: Lars Henrik Kahr

Please note that this is a courtesy translation of the Danish version of the decision and in case of discrepancies only the Danish version is valid.

Technical assessment – case no. 2025-2057

The Danish Business Authority (DBA) has on February the 24th 2025, received a request from PR electronics A/S for a technical assessment of the following product:

- 5437, ”2-tråds HART 7 temperaturtransmitter”

The Danish Defence Acquisition and Logistics Organization (DALO) has carried out a technical assessment of the product upon request from the DBA.

The overall assessment by DALO is that the product is not listed on annex I of Council Regulation (EC) No. 2021/821 with later amendments (the dual-use regulation).

In addition, it should be noted that the product is not assessed to be covered by section 6 of the Danish Weapons and Explosives Act.

However, DALO has assessed that the Ex-version of the product, which can be used in an environment with an explosive atmosphere, can be subject to the catch-all provisions in article 4, 1a and 1b of the dual-use regulation if there is a substantiated suspicion that the product in question is or might be intended, in entirety or in part, for a military end-use in a country subject to an arms embargo.

This means that an export license is needed if there is a reasonable suspicion for the product being used in connection with i.e. development or manufacturing of weapons of mass destruction or their delivery systems, cf. the catch-all provisions in article 4, 1a, of the regulation, or if there is knowledge or substantiated suspicion of the product being used to a military purpose in a country subjected to an arms embargo, cf. the catch-all provisions in article 4, 1b of the regulation.

THE DANISH BUSINESS AUTHORITY

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Note that the DBA also can request an export permit for export of a product not listed in annex I of Council Regulation (EC) No. 2021/821, if the Authority assesses that it would be appropriate cf. the catch-all provisions in article 4,2. You, as an exporter, are therefore required to notify the DBA of specific exports, if you are aware that the product or part of the product will be used in connection with e.g. development or manufacturing of weapons of mass destruction or their delivery systems cf. article 4, 1a, or for end-use in a country subject to an arms embargo such as incorporation into military products or the development, production or maintenance of military products as referred to in article 4, 1b.

Consultation of the interested parties

The DBA sent the consultation of the interested parties to PR electronics A/S on March 5th, 2025, where the DBA stated that it expected to make a decision in accordance with the DALO's technical assessment. PR electronics A/S has on March 18th 2025 in a written answer indicated that you wish, *"that it is clearly evident in the final decision that only the Ex-version of our product could be subjected to the catch-all provisions and that the standard version not is subjected."*

The DBA agrees with the company's remark about it only being the Ex-version of the product that could be subjected to the catch-all provisions, cf. article 4, 1a and 1b of the dual-use regulation, and the DBA has therefore modified its decision accordingly.

Complaint instructions

This settlement can be appealed to DBA based on the non-statutory right to appeal administrative decisions to higher authorities.

A possible appeal must be sent via the DBA to erst@erst.dk, or The Danish Business Authority, Langelinie Allé 17, 2100 København Ø. It can be informed that if the DBA upholds the decision, the Authority will forward the appeal and its documents to the Ministry of Industry, Business and Financial Affairs within 7 workdays.

If there are any questions, I am available, and further information about export controls can be found on the DBA's website.

Sincerely,

Morten Muff Pedersen

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