

2000 No. 994

CUSTOMS AND EXCISE

**The Dual-Use and Related Goods (Export Control)
(Amendment) Regulations 2000**

<i>Made - - - -</i>	<i>5th April 2000</i>
<i>Laid before Parliament</i>	<i>6th April 2000</i>
<i>Coming into force</i>	<i>1st May 2000</i>

The Secretary of State, being a Minister designated(a) for the purpose of section 2(2) of the European Communities Act 1972(b) in relation to the control of the export of goods and measures relating to trade in dual-use goods, in exercise of the powers conferred on him by that section, hereby makes the following Regulations:

1.—(1) These Regulations may be cited as the Dual-Use and Related Goods (Export Control) (Amendment) Regulations 2000 and shall come into force on 1st May 2000.

(2) In these Regulations, “the principal Regulations” means the Dual-Use and Related Goods (Export Control) Regulations 1996(c).

2. At the end of the definition of the “the Decision” in regulation 2 of the principal Regulations, there shall be inserted the words—

“which was itself amended by Council Decision No. 2000/243/CFSP of 20th March 2000(d)”.

3.—(1) The following amendments shall be made in Schedule 2 to the principal Regulations.

(2) In Category 1 Materials, Chemicals, Microorganisms & Toxins:—

(a) entries 1B915 and 1E915 shall be deleted, and

(b) entry 1C950 shall be replaced by the following:—

“1C950 The export of goods specified in this entry is prohibited to any destination except to Member States.

Chemical mixtures, as follows:—

- a. Mixtures containing one or more of the chemicals specified in entries 1C350.1, .3, .5, .11, .12, .13, .17, .18, .21, .22, .26, .27, .28, .31, .32, .33, .34, .35, .36 and .54 and entries 1C450.b.1, .b.2, .b.3, .b.4, .b.5 and .b.6 of “Annex I”, where the chemical constitutes more than 10% by weight of the mixture;

(a) S.I. 1983/1706 and 1994/2791.

(b) 1972 c. 68.

(c) S.I. 1996/2721; the relevant amending instruments are 1997/2759 and 324, 1999/984, 1778 and 2091.

(d) OJ No. L82, 1.4.00, p. 1.

- b. Mixtures containing one or more of the chemicals specified in entries 1C350.2, .6, .7, .8, .9, .10, .14, .15, .16, .19, .20, .24, .25, .30, .37, .38, .39, .40, .41, .42, .43, .44, .45, .46, .47, .48, .49, .50, .51, .52 and .53 of “Annex I”, where the chemical constitutes more than 25% by weight of the mixture;
- c. Mixtures containing one or both of the chemicals specified in entries 1C450.a.1 and .a.2 of “Annex I”, where the chemical constitutes more than 1% by weight of the mixture;
- d. Mixtures containing one or more of the chemicals specified in entries 1C450.a.4, .a.5, .a.6, .a.7, .b.7 and .b.8 of “Annex I”, where the chemical constitutes more than 30% by weight of the mixture;

Except:

Goods which include any of the controlled chemicals or mixtures, and which are put up for retail sale and are intended for individual personal use or consumption.”.

(3) In Category 5—Telecommunications and Information Security, the heading of each of entries 5A990 and 5E990 shall be replaced by the following new heading:—

“The export of goods specified in this entry is prohibited to any destination in Iran or Iraq.”.

5th April 2000

Kim Howells,
Parliamentary Under Secretary of State for
Consumers and Corporate Affairs,
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Dual-Use and Related Goods (Export Control) Regulations 1996 (the “principal Regulations”), made in implementation of and pursuant to Council Regulation (EC) No. 3381/94 on the control of exports of dual-use goods (OJ No. L367, 31.12.94, p. 1), contain references to Council Decision No. 94/942/CFSP on the joint action adopted by the Council of the European Union on the basis of Article J.3 of the Treaty on the European Union (now, after amendment, Article 13: Articles J to J.11 of the Treaty of European Union have been replaced by Articles 11 EU to 28 EU) concerning the control of exports on dual use goods (OJ No. L367, 31.12.94, p. 8), amended by Council Decision No. 99/193/CFSP (OJ No. L73, 19.3.99). Council Decision No. 99/193/CFSP has now itself been amended by Council Decision No. 2000/243/CFSP (OJ No. L82, 1.4.00, p. 1).

Regulation 2 amends the principal Regulations so that references to Decision 94/942/CFSP are to that Decision as amended by Decision No. 99/193/CFSP, itself amended by Council Decision No. 2000/243/CFSP.

Regulation 3(2)(a) removes national controls specified in Schedule 2 on the export of certain materials, chemicals, microorganisms or toxins, and, on the export of technology for the development, production or use of these, as the controls are now specified in Annex I of Council Decision No. 2000/243/CFSP, and

Regulation 3(2)(b) amends the list of chemicals specified in entry 1C950 of Schedule 2 of the principal Regulations.

Regulation 3(3) removes the prohibition on the export of specified goods to Libya. Regulation 3(2)(b) and Regulation 3(3) do not implement any new Community obligation but make amendments to a pre-existing national control which are permitted to remain in force by Article 5 of the EC Regulation (EC) No. 3381/94 as a matter of national discretion.

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