

2001 No. 1344

CUSTOMS AND EXCISE

**The Dual-Use Items (Export Control) (Amendment)
Regulations 2001**

Made - - - - - *2nd April 2001*
Laid before Parliament *5th April 2001*
Coming into Force - - *26th April 2001*

The Secretary of State, being a Minister designated^(a) for the purposes 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 items, including the transmission of software and technology in intangible form, in the 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 Items (Export Control) (Amendment) Regulations 2001 and shall come into force on 26th April 2001.

(2) In these Regulations the “principal Regulations” are the Dual-Use Items (Export Control) Regulations 2000^(c).

2. In regulation 2 of the principal Regulations under the definition of “the Regulation” after the words “22nd June 2000” insert the following:

“as amended by Council Regulation (EC) No. 2889/2000 of 22 December 2000^(d) and Council Regulation (EC) No. 458/2001 of 6 March 2001^(e)”.

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

(2) For entry 8A990 substitute the following:

“8A990 The export of “items” specified in this entry is prohibited to any destination in Iran or Iraq.

Vessels and inflatable craft and related equipment and components, as follows, other than those specified in Annex I:

- a. Marine vessels (surface or underwater) and inflatable craft;
- b. Equipment and components designed for vessels or inflatable craft specified in 8A990a. as follows:
 - (1) Hull and keel structures and components;
 - (2) Propulsive engines designed or modified for marine use and specially designed components therefor;
 - (3) Marine radar, sonar and speed log equipment, and specially designed components therefor.”.

(a) S.I. 1983/1706 and S.I. 2000/1813.
(b) 1972 c. 68.
(c) S.I. 2000/2620.
(d) OJ L336 of 30/12/2000 p. 14.
(e) OJ L65 of 07/03/2001 p. 19.

(3) For entry 9A990 substitute the following:

“9A990 The export of “items” specified in this entry is prohibited to any destination in Iran or Iraq.

Aircraft and related equipment and components, as follows, other than those specified in Annex I:

- a. Aircraft having a maximum all-up weight of 390kg or more;
- b. Equipment and components designed for aircraft specified in 9A990a. as follows:
 - (1) Airframe structures and components;
 - (2) Aeroengines and specially designed components therefor;
 - (3) Avionics and navigation equipment and specially designed components therefor; and
 - (4) Landing gear and specially designed components therefor, and aircraft tyres.”.

4.—(1) The following amendments shall be made in Schedule 3 Part 1 of the principal Regulations:

(a) At the end of (3) the word “and” shall be deleted; and

(b) At the end of (4) the following shall be inserted:

“;

(5) Subject to (7) any cryptography development software in entry 5D002 of Annex 1, other than software having the characteristics, or performing or simulating the functions, of equipment designed or modified to perform cryptanalytic functions;

(6) Subject to (7) any cryptography development technology in entry 5E002, other than technology for the development, production or use of:

- (a) equipment designed or modified to perform cryptanalytic functions, or
- (b) software having the characteristics, or performing or simulating the functions, of equipment designed or modified to perform cryptanalytic functions;

(7) The provisions in sub-paragraphs (5) and (6) are limited to cases in which the item is for use by the exporter, or by any subsidiary or parent undertaking of the exporter, or by a business or academic collaborator of the exporter, in his or their own commercial cryptographic product development activities but only insofar as they are activities pursuant to the agreement establishing the collaboration; and

(8) In paragraph (7) “business or academic collaborator” and “parent undertaking” and “subsidiary undertaking” shall have the following meanings:

- (a) “business or academic collaborator” means a person who is either working by way of business in research and development of cryptography or cryptographic products or is teaching, or undertaking research as a member of or at a university or institution of higher education into, cryptography or cryptographic products and with whom an exporter has previously entered into an agreement for the carrying out of work comprising or related to research into or development of cryptography or cryptographic products;
- (b) “parent undertaking” and “subsidiary undertaking” have the meanings assigned by sections 258 and 259 of the Companies Act 1985 (as substituted by sections 21 and 22 of the Companies Act 1989).”.

2nd April 2001

Kim Howells
Parliamentary Under Secretary of State
for Competition and Consumer Affairs
Department of Trade and Industry

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make the following changes to the Dual-Use Items (Export Control) Regulations 2000 made in implementation of and pursuant to Council Regulation (EC) No. 1334/2000 setting up a community regime for the control of exports of dual-use items and technology (OJ L159 of 30/06/00, p.1):

- (a) Extending the definition of “the Regulation” to include Council Regulation (EC) 2889/2000 (OJ L336 of 30/12/00 p.14) and Council Regulation (EC) No 458/2001 of 6 March 2001 (OJ L65 of 07/03/01 p.19);
- (b) Removing the general prohibition on exports of all items that relate to marine, aircraft, space vehicles, propulsion systems and related equipment to Iran and Iraq. The controls are narrowed to apply only to those items that are essential to the operational use of an aircraft or vessel; and
- (c) Extending the items in relation to which the notification requirements set out in regulation 9(3) are not applicable. Schedule 3 Part 1 is extended with qualification to cryptography development software and technology.

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£1.75

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Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E0991 5/2001 618344 19585

ISBN 0-11-029401-7



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