

2008 No. 3161

CUSTOMS

**The Export of Goods, Transfer of Technology and Provision of
Technical Assistance (Control) (Amendment) (No. 2) Order
2008**

<i>Made</i> - - - -	<i>10th December 2008</i>
<i>Laid before Parliament</i>	<i>12th December 2008</i>
<i>Coming into force</i> - -	<i>2nd January 2009</i>

The Secretary of State, in exercise of the powers conferred by sections 1, 2, 4, 5 and 7 of the Export Control Act 2002(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) (Amendment) (No. 2) Order 2008 and shall come into force on 2nd January 2009.

(2) In this Order, “the 2003 Order” means the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003(b).

Amendments

2.—(1) In Schedule 1 to the 2003 Order—

- (a) in paragraph g. of the note to entry ML1, after “processing” insert “(ie, using only lenses to view the target)”;
- (b) renumber the note to entry ML2 as “*Note 1*” and immediately after it insert—
“*Note 2: ML2.a. does not apply to hand-held projectile launchers specially designed to launch tethered projectiles, having no high explosive charge or communications link, to a range of 500m or less.*”;
- (c) after entry ML6, insert a new entry PL5035 as follows—
“Components that are both specially designed to provide ballistic protection and specially designed or modified for “vehicles” specified in ML6.b.
N.B.: See also ML13.a. for armoured plate.”;
- (d) in entry ML7, for “*N.B.*” where it first appears substitute “*Note*”;
- (e) in entry ML7.e., after “military use” insert “, designed or modified”;
- (f) in entry ML7.f.—

(a) 2002 c. 28.

(b) S.I. 2003/2764; relevant amending instruments are S.I. 2004/2561, 2008/1281.

- (i) for “and specially designed components therefor, and specially formulated chemical mixtures as follows:” substitute “components and chemical mixtures as follows:”;
- (ii) in paragraphs 1. and 2., omit “specially” where it first appears;
- (g) in entry ML7.g., after “military use,” insert “designed or modified”;
- (h) immediately before the note to entry ML7.g., insert—
 - “N.B.: See also 1A in Annex I to “the Regulation”.”;
- (i) in entry ML8, for “N.B.” where it first appears substitute “Note”;
- (j) insert the following technical note to ML17.e.3. immediately after it—
 - “*Technical Note:*
 - Electro-magnetic pulse does not refer to unintentional interference caused by electromagnetic radiation from nearby equipment (eg, machinery, appliances or electronics) or lightning.”;*
- (k) in entry ML21.b.4., after ““Software”” insert “that is both specially designed for military use and”;
- (l) in entry PL5001.e., for “specifically” substitute “specially”;
- (m) in entry PL8001.a., after “1A005,” insert “1A006, 1A007.”;
- (n) immediately before the note to entry PL8001.a.3., insert—
 - “N.B.: See also 1A007, 3A229 and 3A232 in Annex I to “the Regulation”.”;
- (o) immediately before the note to entry PL8001.a.4., insert—
 - “N.B.: See also 1A005 and 1A006 in Annex I to “the Regulation”.”.

(2) In Schedule 5 to the 2003 Order, for “Council Regulation (EC) No. 1183/2007 of 18 September 2007 (O.J. L 278, 22.10.2007, p.1)” substitute “Council Regulation (EC) No. 1167/2008 of 24 October 2008 (O.J. L 325, 3.12.2008, p.1).”.

(3) References in—

- (a) the Trade in Goods (Control) Order 2003(a), and
- (b) the Trade in Controlled Goods (Embargoed Destinations) Order 2004(b)

to Schedule 1 to the 2003 Order shall be construed as references to that Schedule as amended by this Order.

10th December 2008

Ian Pearson
Economic and Business Minister
Department for Business, Enterprise and Regulatory Reform

(a) S.I. 2003/2765, amended by S.I. 2008/1805; there are other amending instruments but none is relevant.
 (b) S.I. 2004/318, amended by S.I. 2008/1805; there are other amending instruments but none is relevant.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 (“the 2003 Order”) arising from the most recent amendments to Council Regulation (EC) No 1334/2000^(a) (often called the “dual-use Regulation”). The amendments were made by Council Regulation (EC) No. 1167/2008 of 24 October 2008 (the “new Regulation”).

Part 2 of Schedule 1 to the 2003 Order lists explosive-related goods and technology that are subject to national controls. As a result of the new Regulation, some of these items are now controlled by the dual-use Regulation so article 2(1)(m) of this Order removes the relevant national controls. Article 2(1) also makes various amendments arising from this year’s Plenary Meeting of the Wassenaar Arrangement on export controls for conventional arms and dual-use goods and technologies, introduces a new control on components designed to provide ballistic protection for all-wheel drive vehicles and makes some unrelated, minor drafting changes.

Article 2(2) ensures that references in the 2003 Order to the dual-use Regulation are to that Regulation as amended by the new Regulation.

Article 2(3) puts beyond doubt that references in the legislation on trade controls (that is, controls that affect the movement of goods between States other than the UK) to Schedule 1 to the 2003 Order are to the amended Schedule 1.

A full impact assessment has not been produced for this instrument as minimal or no impact on the private or voluntary sectors is foreseen.

(a) OJ No L 159, 30.6.2000, p. 1.

STATUTORY INSTRUMENTS

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