
EXPLANATORY NOTE

(This note is not part of the Order)

This Order implements Directive (EU) 2016/970 amending [Directive 2009/43/EC](#) of the European Parliament and of the Council as regards the list of defence related products (OJ L 163, 21.6.2016, p.1) (the “amending Directive”). [Directive 2009/43/EC](#) (OJ L 146, 10.6.2009, p.1) simplifies the terms and conditions of transfers within the European Union of defence related products listed in the Annex which corresponds to the list in the Common Military List of the European Union adopted by the Council on 19th March 2007 (the “CML”). The CML was updated in 2015 and the amending Directive makes the necessary changes to the Annex to [Directive 2009/43/EC](#) to incorporate these changes.

This Order replaces Schedule 2 to the Export Control Order 2008 ([S.I. 2008/3231](#)) (“the Order”) which lists military goods, software and technology which are subject to export controls (“the UK list”). The content of the UK list derives partly from an international export control regime known as the Wassenaar Arrangement adopted in the EU through the CML, as well as from domestic controls. The substituted text of the Schedule reflects the changes made by the amending Directive. This Order also makes other amendments to the Order to: ensure that a UK licence authorises the export or transfer of minimum technology required for the installation, etc., of goods and software listed in Schedules 2 and 3 to the Order; remove the registration and record keeping reporting requirements for information security items together with consequential amendments; and make other minor amendments to Schedule 2 and to the national provisions controlling firearms contained in Schedule 3 to the Order.

An Impact Assessment has not been prepared in respect of this Order as minimal or no impact on the private or voluntary sectors is foreseen. An Explanatory Memorandum and a transposition note are available alongside the instrument on the www.legislation.gov.uk website. Copies have also been placed in the Libraries of both Houses of Parliament.