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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (b), (c), (d) and (g) of subsection (2)) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends primary legislation. In particular regulation 2 amends and omits provisions of the Export Control Act 2002 (c.28) which will have no practical application once the United Kingdom has withdrawn from the EU. Regulation 2(2) omits the power to make provision in connection with any controls that may be imposed by a directly applicable EU provision on the exportation of goods. Regulation 2(3) omits the power to make provision in connection with any controls that may be imposed by a directly applicable EU provision on the transfer of technology. Regulation 2(4) omits the power to make provision in connection with technical assistance controls that may be imposed by a directly applicable EU provision. Regulation 2(5) omits the power to make provision in connection with trade controls that may be imposed by a directly applicable EU provision. Section 5 of the Export Control Act 2002 provides that there are no restrictions on the kinds of controls that may be imposed to give effect to international obligations and Regulation 2(6) makes amendments to remove obligations arising from the United Kingdom's membership of the EU from the scope of international obligations in this context.

Part 3 amends retained EU legislation. Regulation 3 makes amendments in relation to the control of exports, transfer, brokering and transit of “dual-use” items. Dual-use items are items which can be used for both civil and military purposes. In particular this regulation amends Council Regulation (EC) No 428/2009 of 5 May 2009, which set up a Community regime for the control of exports, transfer, brokering and transfer, brokering and transit of dual-use items.

Regulation 4 makes amendments in relation to the illicit trafficking of firearms and in particular amends Regulation (EU) No 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition.

Part 4 makes transitional provision. Regulation 5 does so in relation to Council Regulation (EC) No 428/2009 of 5 May 2009 and regulation 6 does so in relation to Regulation (EU) No 258/2012. An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

**Changes to legislation:**

There are currently no known outstanding effects for the The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019.