
DRAFT STATUTORY INSTRUMENTS

2020 No.

The Export Control (Amendment) (EU Exit) Regulations 2020

PART 4

**Amendment of the Trade etc. in Dual-Use Items and
Firearms etc. (Amendment) (EU Exit) Regulations 2019**

Amendment of the Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019

8. The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019⁽¹⁾ are amended in accordance with this Part.

Amendment of regulation 2 (amendment of the Export Control Act 2002)

9. In regulation 2,—

(a) for paragraph (2), substitute—

“(2) In section 5 (general restriction on control powers), omit subsection (3).”;

(b) for paragraph (3), substitute—

“(3) In section 11 (interpretation), for the definition of “EU provision”, substitute—

““EU provision” means a provision of an EU instrument as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;”;

(c) omit paragraphs (4) to (8).

Amendment of regulation 5 (transitional provision relating to the dual-use Regulation)

10. In regulation 5,—

(a) in each instance, for “exit day”, substitute “IP completion day”; and

(b) in paragraph (8),—

(i) omit the definition of “retained Dual-Use Regulation”;

(ii) before the definition of “retained general export authorisation”, insert—

““replacement dual-use Regulation”, in relation to—

(a) England and Wales and Scotland, means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items⁽²⁾;

(b) Northern Ireland, means Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer,

(1) S.I. 2019/771.

(2) EUR 2009/428, amended by S.I. 2019/771.

brokering and transit of dual-use items⁽³⁾ as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;
“retained authorisation for brokering services” means an authorisation granted by the Secretary of State on or after IP completion day under Article 10 of the replacement dual-use Regulation;” and

(iii) in each instance, for “retained Dual-Use Regulation”, substitute “replacement dual-use Regulation”.

Amendment of regulation 6 (transitional provision relating to the firearms Regulation)

11. In regulation 6,—

(a) in each instance, for “exit day”, substitute “IP completion day”; and

(b) in paragraph (3),—

(i) before the definition of “retained firearms export authorisation”, insert—

““replacement firearms Regulation”, in relation to—

(a) England and Wales and Scotland, means [Regulation \(EU\) No 258/2012](#) of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition⁽⁴⁾;

(b) Northern Ireland, means [Regulation \(EU\) No 258/2012](#) of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations’ Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition⁽⁵⁾ as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;”;

(ii) for the definition of “retained firearms export authorisation”, substitute—

““retained firearms export authorisation” means an export authorisation within the meaning given by Article 2(14) of the replacement firearms Regulation granted by the Secretary of State on or after IP completion day under Article 4 of the replacement firearms Regulation;” and

(iii) omit the definition of “retained Firearms Regulation”.

(3) OJ No. L 134, 29.5.2009, p. 1; relevant amending instruments are OJ No. L.326, 8.12.2011, p. 26, OJ No, L 173, 12.6.2014, and OJ No. L 428, 30.12.2019, p. 1.

(4) [EUR 2012/258](#), amended by [S.I. 2019/771](#).

(5) OJ No. L 94, 30.3.2012, p. 1.