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STATUTORY INSTRUMENTS

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**1996 No. 1736**

**CUSTOMS AND EXCISE**

**The Dual-Use and Related Goods (Export Control) (Amendment No. 2) Regulations 1996**

<i>Made</i>	- - - -	<i>4th July 1996</i>
<i>Laid before Parliament</i>		<i>4th July 1996</i>
<i>Coming into force</i>	- -	<i>1st August 1996</i>

The Secretary of State, being a Minister designated(1) for the purposes of section 2(2) of the European Communities Act 1972(2) in relation to the control of the export of goods and measures relating to trade in dual-use goods, in 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 and Related Goods (Export Control) (Amendment No. 2) Regulations 1996 and shall come into force on 1st August 1996.

(2) In these Regulations, “the principal Regulations” means the Dual-Use and Related Goods (Export Control) Regulations 1995(3).

**2.—**(1) Regulations 1(3), 3(1)(a), (2)(b)(ii) and (5) and 14(2)(b) of the principal Regulations shall have effect as if Schedule 1 to the principal Regulations were amended as provided in the Schedule hereto.

(2) Regulation 3(1)(b) of the principal Regulations shall have effect as if Schedule 2 to the principal Regulations were amended by leaving out entry 4A003.b.

**3.—**(1) In entry 1E950 of Schedule 3 to the principal Regulations, for the word “equipment” there shall be substituted the word “mixtures”.

(2) At the end of entry 5A990 of Schedule 3 to the principal Regulations, there shall be added the words “and specially designed components therefor.”

**4.** Part III of Schedule 1 to the Export of Goods (Control) Order 1994(4) shall have effect as if for Groups 2 and 3 there were substituted Schedules 1 and 3 to the principal Regulations, both amended as aforesaid.

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(1) S.I.1983/1706 and 1994/2791.

(2) 1972 c. 68.

(3) S.I. 1995/271; the relevant amending instruments are S.I. 1995/1424 and 1996/1124.

(4) S.I. 1994/1191; relevant amending instruments are S.I. 1994/1632, 2518 and 2711, 1995/271 and 1424 and 1996/1124.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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4th July 1996

*Phillip Oppenheim,*  
Parliamentary Under Secretary of State for  
Company Affairs,  
Department of Trade and Industry

## SCHEDULE

Regulation 2(1)

### Amendments to Schedule 1 to the principal Regulations.

1. The list of definitions under the heading “Definitions of Terms in this Annex” is amended as follows:

(i) after definition 70 the following is inserted:

“**199.** “Immunotoxin” (1) means a conjugate of one cell-specific monoclonal antibody and a “toxin” or “sub-unit of toxin”, that selectively affects diseased cells.”

(ii) after definition 161 the following is inserted:

“**200.** “Sub-unit of toxin” (1) means a structurally and functionally discrete component of a whole “toxin”.”

(iii) after definition 183 the following is inserted:

“**201.** “Vaccine” (1) means a medicinal product which is intended to stimulate a protective immunological response in humans or animals in order to prevent disease.”

2. The entries in Schedule 1 are amended as follows:

1C115.a.2 substituted by the following:

“**2.** metal fuels, other than that specified in the Military Goods Controls, in particle sizes of less than 500 micrometres, whether spherical, atomized, spheroidal, flaked or ground, consisting 97% or more by weight of any of the following:

- (a) zirconium;
- (b) beryllium;
- (c) boron;
- (d) magnesium; or
- (e) alloys of the metals specified in a. to d.”

“**2.** bartonella quintana (rochalimaea quintana, rickettsia quintana);”

“**8.** burkholderia mallei (pseudomonas mallei);”

“**9.** burkholderia pseudomallei (pseudomonas pseudomallei);”

“(d) “Toxins”, as follows, and “sub-units of toxins” thereof:

- (1) botulinum toxins;
- (2) clostridium perfringens toxins;
- (3) conotoxin;
- (4) ricin;
- (5) saxitoxin;
- (6) shiga toxin;
- (7) staphylococcus aureus toxins;
- (8) tetrodotxin;
- (9) verotoxin;
- (10) microcystin (cyanginosin);

except: any goods specified in 1C351 in the form of a “vaccine” or “immunotoxin”.”

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“11. porcine enterovirus type 9 (swine vesicular disease virus);”

“(a) genetically modified “microorganisms” or genetic elements that contain nucleic-acid sequences associated with pathogenicity of organisms specified in 1C351.a. to c., 1C352 or 1C354;”

“(b) genetically modified “microorganisms” or genetic elements that contain nucleic-acid sequences coding for any of the “toxins” specified in 1C351.d. or “sub-units of toxins” thereof.”

“1. colletotrichum coffeanum var. virulans (colletotrichum kahawae);”

“Equipment capable of use in handling biological materials, as follows:”

“(b) fermenters capable of cultivation of pathogenic “microorganisms”, viruses or capable of toxin production, without the propagation of aerosols, and having a total capacity of 100 litres or more;

*Technical Note:*

Fermenters include bioreactors, chemostats and continuous-flow systems.”

2B352.g: “pathogenic” left out.

7A103.a: the following added at end:

“Note:

7A103.a. does not specify equipment containing accelerometers specified in 7A001 where such accelerometers are specially designed and developed as MWD (Measurement While Drilling) sensors for use in downhole well service operations.”.

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## EXPLANATORY NOTE

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

The Dual-Use and Related Goods (Export Control) Regulations 1995 (“the principal Regulations”) contain provisions arising from Council Regulation (EC) No. 3381/94 (O.J. No. L367, 31.12.94, p.1) on the control of exports of dual-use goods, which in turn makes provision in respect of (amongst other things) the goods listed in Annexes I and IV to Council Decision 94/942/CFSP (O.J. No. L367, 31.12.94, p.8) on the joint action concerning the control of exports of dual-use goods. Schedules 1 and 2 to the principal Regulations reproduce Annexes I and IV.

Annexes I and IV have been amended by Council Decision 96/423/CFSP (O.J. No. L176, 13.7.96 pp 1—4). These Regulations make equivalent amendments to Schedules 1 and 2 to the principal Regulations.

These Regulations also amend Schedule 3 to the principal Regulations.