

2007 No. 1863

CUSTOMS

The Export and Trade Control Order 2007

<i>Made - - - - -</i>	<i>26th June 2007</i>
<i>Laid before Parliament</i>	<i>28th June 2007</i>
<i>Coming into force - -</i>	<i>19th July 2007</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 and Trade Control Order 2007 and shall come into force on XXth July 2007.

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

Amendment of Schedules 1 and 2 to 2003 Order

2.—(1) In Schedule 1 to the 2003 Order, after the definition of “energetic materials” insert—
““explosive signatures” are features which are characteristic of explosives in any form prior to their initiation, as detected using technology including, but not limited to, ion mobility spectrometry, chemiluminescence, fluorescence, nuclear, acoustic or electromagnetic techniques;”.

(2) Part 1 of Schedule 1 to the 2003 Order is amended as set out in Part 1 of Schedule 1 to this Order.

(3) Part 2 of Schedule 1 to the 2003 Order is amended as set out in Part 2 of Schedule 1 to this Order.

(4) Schedule 2 to the 2003 Order is amended as set out in Schedule 2 to this Order.

(5) References in—

(a) the Trade in Goods (Control) Order 2003(c), and

(b) the Trade in Controlled Goods (Embargoed Destinations) Order 2004(d)

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

Miscellaneous amendments

3.—(1) In Schedule 5 to the 2003 Order, for “Council Regulation (EC) No. 1504/2004 of 19 July 2004 (O.J. L 281, 31.08.2004, p1).” substitute “Council Regulation (EC) No. 394/2006 of 27 February 2006 (O.J. L 74 , 13.3.2006, p.1).”.

(a) 2002 c. 28.

(b) S.I. 2003/2764; relevant amending instruments are 2004/2561, 2006/1331, 2006/1696.

(c) S.I. 2003/2765, amended by 2006/1696; there are other amending instruments but none is relevant.

(d) S.I. 2004/318, amended by 2006/1696; there are other amending instruments but none is relevant.

(2) In article 3 of the Export Control (Lebanon, etc.) Order 2006(a), for “paragraph (1A)” substitute “paragraph 3(1A)”.

26th June 2007

Malcolm Wicks
Minister of State for Science and Innovation
Department of Trade and Industry

(a) S.I. 2006/2683.

AMENDMENT OF SCHEDULE 1 TO 2003 ORDER

PART 1

1. In entry ML2.a.—
 - (a) after “military flame throwers,” insert “rifles,” and
 - (b) after “recoilless rifles,” insert “smooth-bore weapons.”
2. In entry ML3, omit the words “, for the weapons in ML1, ML2 or ML12” where they first appear.
3. In entry ML8.a.4., for “CAS 13528590-4” substitute “CAS 135285-90-4”.
4. In entry ML11.a., after “specially designed” insert “or modified”.
5. For entry ML13.c. substitute—

“c. Helmets manufactured according to military standards or specifications, or comparable national standards;”

 leaving the note to that entry unchanged.
6. In entry ML19.e., omit the words “and related test results”.
7. In entry ML21.b.1.c., omit the words “, other than those controlled in ML14”.
8. In entry ML21.b.3., for “ML5, ML7.g., ML9, ML10.e., ML11, ML14, ML15, ML17.i. or ML18” substitute “this Part of this Schedule”.

PART 2

9. In entry PL8001.a., for “or” where it first appears substitute “and”.
10. For entry PL8001.a.1. and the note to that entry substitute—

“1. Electronic equipment designed to detect “explosives” or “explosive signatures”;
Note: PL8001.a.1. does not control equipment requiring operator judgment to establish the presence of “explosives” or “explosive signatures”.”
11. In entry PL8001.a.3., for “, igniters and detonating cord” substitute “and igniters”.
12. In the note to entry PL8001.a.3.—
 - (a) at the end of paragraph a., omit “and”, and
 - (b) at the end insert—

“and
 c. *Detonating Cord.*”.
13. In the note to entry PL8001.a.4., after “*bomb blankets,*” insert “*mechanical handling equipment for manoeuvring or exposing “improvised explosive devices,”*”.

AMENDMENT OF SCHEDULE 2 TO THE 2003 ORDER

1. After the definition of “explosives” insert—

““lighter-than-air vehicles” means balloons and airships that rely on hot air or on lighter-than-air gases such as helium or hydrogen for their lift;”
2. In entry PL9009.a.1., for “having a maximum all up weight of 390 kg or more” substitute “, “lighter-than-air vehicles” and steerable parachutes”.
3. In entry PL9009.a.2.—
 - (a) for “in PL9009.a.1.” substitute “and “lighter-than-air-vehicles,””, and
 - (b) at the end insert—
 - “e. Propellers and rotors;
 - f. Transmissions and gearboxes, and specially designed components therefor;
 - g. Unmanned aerial vehicle (UAV) recovery systems;”.
4. Omit entry PL9009.b..
5. In entry PL9009.c. omit the words “or PL9009.b.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the lists in the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 (“the 2003 Order”) that determine what goods and technology are subject to export controls. The content of these lists derives partly from an international regime known as the Wassenaar Arrangement. The Wassenaar Arrangement control lists were amended in December 2006 and article 2 of, and the Schedules to, this Order reflect the changes. They also correct minor drafting errors in entries ML3 and ML8 and amend some purely national controls, including those relating to dual-use goods and technology bound for Iran.

Our legislation on trade controls, that is controls that affect the movement of goods between States other than the UK, operates by reference to the lists in the 2003 Order. Article 2(5) of this Order puts beyond doubt that references in the relevant legislation to Schedule 1 to the 2003 Order are to the amended Schedule 1.

Article 3 of the Order updates the 2003 Order so that it refers to the most recent amendments to Council Regulation (EC) No 1334/2000^(a) (often called the “dual-use Regulation”) and corrects an error in the Export Control (Lebanon, etc.) Order 2006.

A full regulatory 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.

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