SCHEDULE

Article 3

AMENDMENTS TO THE 2008 ORDER

1. In article 2(1) (interpretation)—

(a) for the definition of "the Community General Export Authorisation" substitute—

""the Community General Export Authorisation" has the same meaning as in Article 2(9) of the dual-use Regulation;";

(b) for the definition of "the dual-use Regulation" substitute—

""the dual-use Regulation" means Council Regulation (EC) No 428/2009 as amended from time to time;";

(c) after the definition of "military", insert—

""non-community goods" means non-community goods described in Article 4(8) of Council Regulation (EEC) No 2913/1992 as amended from time to time until its repeal by Council Regulation (EC) No 450/2008 and then non-community goods described in Article 4(19) of the latter Regulation as amended from time to time,".

(d) for the definition of "transfer by electronic means", substitute—

""transfer by electronic means", in relation to software and technology, means transmission by facsimile, telephone or other electronic media, and includes the transmission of technology by describing it orally over the telephone;".

2. For article 8, substitute—

"**8.**—(1) Subject to articles 17 and 26, no person shall export goods listed in Annex I to the dual-use Regulation where the goods in question are non-community goods which are entering and passing through the customs territory with a final destination outside the customs territory.

(2) Paragraph (3) applies where a person ("the exporter")—

(a) has been informed by a competent authority that dual-use goods are or may be intended, in their entirety or in part, for purposes referred to in Article 4(1) of that Regulation (WMD purposes end-use control); or

(b) is aware that dual-use goods specified are or may be intended, in their entirety or in part, for purposes referred to in Article 4(1) of that Regulation (WMD purposes end-use control);

and the dual-use goods in question are non-community goods which are not listed in Annex I to the dual-use Regulation and which are entering and passing through the customs territory with a final destination outside the customs territory.

(3) Subject to article 26, the exporter shall not export the goods in question.".

3. In article 26—

(a) in paragraph (4), for "Article 6" substitute "Article 9"; and

(b) in paragraph (5), for "Article 21(1)" substitute "Article 22(1)".

4. In article 28(1), for "Article 16(1)" substitute "Article 20(1)".

5. In article 29(4), for "Article 21(5)" substitute "Article 22(8)".

6. In article 31—

(a) in paragraph (1), for "under Article 16 (record-keeping) or 21(5) (records of exportation and transfer of listed items within the customs territory) of the dual-use Regulation"

substitute "under Article 20 (record-keeping) or 22(8) (records of exportation and transfer of listed items within the customs territory) of the dual-use Regulation";

(b) in paragraph (2)(b), for "under Article 16 or 21(5)" substitute "under Article 20 or 22(8)".

7. In article 32(2), for "under Article 9(2) (suspension, revocation, etc. of authorisations) of the dual-use Regulation" substitute "under Article 13(1) (suspension, revocation, etc. of export authorisations) or (4) (suspension, revocation, etc. of authorisations for brokering services) of the dual-use Regulation".

8. In article 35—

(a) in paragraph (1), for "21(1)" substitute "22(1)";

(b) in paragraph (2), after "Article 4(1) (WMD purpose end-use control)" insert "or Article 5(1) (brokering services)";

(c) in paragraph (4), for "or 21(1)" substitute ", 5(1) or 22(1)";

(d) in paragraph (6), for "Article 9(1) (provision of relevant information for licence applications)" substitute "Article 9(2) (provision of relevant information for export authorisation applications) or 10(2) (provision of relevant information for authorisation applications for brokering services)";

(e) for paragraph (7) substitute—

"A person who fails to comply with Article 20 (record-keeping), 22(8) (records of exportation and transfer of listed items within the customs territory) or 22(10) (requirement in relation to commercial documents for exportation and transfer of listed items within the customs territory) of the dual-use Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.".

9. In article 40(2), for "Article 12(4)" substitute "Article 16(4)".

10. In Part 1 of Schedule 2—

(a) in entry ML10.e., for ""use"", substitute "use";

(b) in entry ML10.f., for ""use"", substitute "use";

(c) in entry ML17.d., for ""use"", substitute "use";

(d) in entry ML22, for "technology" where it last appears substitute ""technology"".

11. For Part 2 of Schedule 2, substitute —

"PART 2

EXPLOSIVE-RELATED GOODS AND TECHNOLOGY

PL8001 Explosive-related "goods" and "technology", as follows:

a. Equipment and devices, other than those in Part I of this Schedule or in 1A004.d., 1A005, 1A006, 1A007, 1A008, 3A229, 3A232 or 5A001.h. in Annex I to "the dual-use Regulation", for detection of or use with "explosives" or for dealing with or protecting against "improvised explosive devices", as follows, and specially designed components therefor:

1. Electronic equipment designed to detect "explosives" or "explosive signatures";

N.B.: *See also 1A004.d. in Annex I to "the dual-use Regulation".*

Note: *PL8001.a.1. does not control equipment requiring operator judgment to establish the presence of "explosives" or "explosive signatures".*

2. Electronic jamming equipment specially designed to prevent the detonation by radio remote control of "improvised explosive devices";

N.B.: *See also 5A001.h. in Annex I to "the dual-use Regulation".*

3. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, (eg, firing sets, detonators and igniters);

N.B.: *See also 1A007, 1A008, 3A229 and 3A232 in Annex I to "the dual-use Regulation".*

Note: *PL8001.a.3. does not control:*

a. *Equipment and devices specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the initiation or creation of explosions;*

b. *Pressure controlled equipment specially designed for down-hole oilfield equipment applications and which are incapable of use at atmospheric pressure; and*

c. *Detonating cord.*

4. Equipment and devices, including, but not limited to: shields and helmets, specially designed for the disposal of "improvised explosive devices";

N.B.: *See also 1A005, 1A006 and 5A001.h. in Annex I to "the dual-use Regulation".*

Note: *PL8001.a.4. does not control bomb blankets, mechanical handling equipment for manoeuvring or exposing "improvised explosive devices", containers designed for holding "improvised explosive devices" or objects suspected of being such devices or other equipment specially designed to temporarily protect against "improvised explosive devices" or objects suspected of being such devices.*

b. Linear cutting explosive charges other than those listed at entry 1A008 of Annex I to "the dual-use Regulation";

c. "Technology" "required" for the "use" of "goods" in this Part of this Schedule."

N.B. *See article 18 of this Order for exceptions from the controls on "technology"."""*

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12. In Schedule 3—

(a) in entry PL9005, after ""goods"" where it first appears, omit ""software"";

(b) in entry PL9005.b., for "technology" where it last appears substitute ""technology"";

(c) in entry PL9008.c., for "technology" where it last appears substitute ""technology"";

(d) in entry PL9009.c., for "technology" in both places where it appears substitute ""technology"".