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STATUTORY INSTRUMENTS

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**2017 No. 697**

**The Export Control (Amendment) (No. 3) Order 2017**

**Amendments to the Export Control Order 2008**

2.—(1) Schedule 2 to the Export Control Order 2008(1) is amended as follows.

(2) Under the Definitions heading—

(a) at the appropriate place, insert—

““airship” means a power-driven airborne vehicle that is kept buoyant by a body of gas (usually helium, formerly hydrogen) which is lighter than air;”;

(b) for the definition of “laser”, substitute—

““laser” means an item that produces spatially and temporally coherent light through amplification by stimulated emission of radiation;”;

(c) for the definition of “lighter-than-air vehicles”, substitute—

““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;”;

(d) for “pyrotechnic(s)” at the definition of that word, substitute “pyrotechnics”;

(e) omit the definition of “software”.

(3) For entry ML1.d., including the note to that entry, substitute—

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“d. Sound suppressors or moderators, “special gun-mountings”, optical weapon-sights and flash suppressors, for firearms specified in ML1.a., ML1.b. or ML1.c.

*Note:* ML1.d. does not control:

a. *Optical weapon-sights without electronic image processing (i.e. using only lenses to view the target), with a magnification of 9 times or less, provided they are not specially designed or modified for military use.”.*

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(4) After entry ML8.a.39., insert—

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“40. BTNEN (Bis(2,2,2-trinitroethyl)-nitramine) (CAS 19836-28-3);

*Note:* ML8.a. includes ‘explosive co-crystals’.

*Technical Note:* An ‘explosive co-crystal’ is a solid material consisting of an ordered three dimensional arrangement of two or more explosive molecules, where at least one is specified in ML8.a.”.

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(5) For entry ML8.c.1., excluding the note to that entry, substitute—

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*Status: This is the original version (as it was originally made).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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“1. “Aircraft” fuels specially formulated for military purposes;”.

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(6) For entry ML8.c.5., including the notes to that entry, substitute—

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“5. Metal fuels, fuel ‘mixtures’ or “pyrotechnic” mixtures, in particle form whether spherical, atomised, spheroidal, flaked or ground, manufactured from material consisting of 99% or more of any of the following:

- a. Metals as follows and ‘mixtures’ thereof:
1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60µm;
  2. Iron powder (CAS 7439-89-6) with particle size of 3µm or less produced by reduction of iron oxide with hydrogen;
- b. ‘Mixtures’ containing any of the following:
1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60µm;
  2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85% purity or higher and particle sizes of less than 60µm;

*Note 1: ML8.c.5.b.2 does not control boron and boron carbide enriched with boron-10 (20% or more of total boron-10 content).*

*Note 2: ML8.c.5.b. only controls metal fuels in particle form when they are mixed with other substances to form a ‘mixture’ formulated for military purposes such as liquid “propellant” slurries, solid “propellants” or “pyrotechnic” mixtures.*

*Note 3: ML8.c.5. controls “explosives” and fuels, whether or not the metals or alloys are encapsulated in aluminium, magnesium, zirconium or beryllium.*

*NB: See also IC of Annex I to “the dual-use Regulation”.*

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(7) For entry ML10.c., substitute—

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“c. Unmanned “aircraft” and related equipment, as follows, and specially designed components therefor:

1. “UAVs” Remotely Piloted Air Vehicles (RPVs), autonomous programmable vehicles and unmanned “lighter-than-air vehicles”;
  2. Launchers, recovery equipment and ground support equipment;
  3. Equipment designed for command and control;”.
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(8) For entry ML10.e.2., substitute—

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“2. Unmanned “aircraft” specified by ML10.c;”.

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(9) For entry ML10.f., excluding the notes to that entry, substitute—

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“f. ‘Ground equipment’ specially designed for “aircraft” specified by ML10.a. or aero-engines specified by ML10.d.;”.

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(10) For entry ML10.h.1., substitute—

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“l. Parachutes, other than those which form part of items controlled elsewhere in this Schedule;”.

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(11) For entry ML17.o., substitute—

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“o. “Laser” protection equipment (e.g. eye and sensor protection) specially designed for military use;”.

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(12) For entry ML17.p., substitute—

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“p. “Fuel cells”, other than those which form components of items controlled elsewhere in this Schedule, specially designed or modified for military use.”.

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