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STATUTORY INSTRUMENTS

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**2019 No. 135**

**The Venezuela (Sanctions) (EU Exit) Regulations 2019**

**PART 5**

Trade

**CHAPTER 1**

Interpretation

**Definitions relating to “restricted goods” and “restricted technology”**

**19.—**(1) The following definitions apply for the purposes of regulation 18—

“interception and monitoring goods” means any item mentioned in sub-paragraph (a) or (b), provided that it may be used for interception and monitoring services—

- (a) a relevant Schedule 3 item;
- (b) any tangible storage medium on which interception and monitoring technology is recorded or from which it can be derived;

“interception and monitoring technology” means any thing—

- (a) which is described as software in paragraph 2 of Schedule 3, provided that it may be used for interception and monitoring services, and
- (b) which is described as software or other technology in paragraph 3 of Schedule 3,

(but see paragraph (3));

“internal repression goods” means—

- (a) any thing specified in Schedule 2, other than—
  - (i) any thing which is internal repression technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 to the Export Control Order 2008<sup>(1)</sup>, or
    - (bb) Annex # of the Dual-Use Regulation, and
- (b) any tangible storage medium on which internal repression technology is recorded or from which it can be derived;

“internal repression technology” means any thing which is described in Schedule 2 as software or technology, within the meaning of that Schedule;

“military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, other than any thing which is military technology, and

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<sup>(1)</sup> [S.I. 2008/3231](#). Schedule 2 was substituted by [S.I. 2017/85](#) and subsequently amended by [S.I. 2017/697](#); [S.I. 2018/165](#); and [S.I. 2018/939](#). There are other instruments which amend other parts of the Order, which are not relevant to these Regulations.

- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;

“military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology.

(2) For the purpose of paragraph (1), “a relevant Schedule 3 item” means any thing described in Schedule 3, other than—

- (a) any thing which is interception and monitoring technology, or
- (b) any thing for the time being specified in—
  - (i) Schedule 2 to the Export Control Order 2008, or
  - (ii) Annex I of the Dual-Use Regulation.

(3) The definition of “interception and monitoring technology” does not apply to software which is—

- (a) generally available to the public, or
- (b) in the public domain.

(4) For the purpose of paragraph (3)—

- (a) software is “generally available to the public” if—
  - (i) the software is sold from stock at retail selling points without restriction, by means of—
    - (aa) over the counter transactions,
    - (bb) mail order transactions,
    - (cc) electronic transactions, or
    - (dd) telephone order transactions, and
  - (ii) the software is designed for installation by the user without further substantial support by the supplier;
- (b) software is “in the public domain” if the software has been made available without restrictions upon its further dissemination (and for this purpose copyright restrictions do not constitute a restriction upon its further dissemination).