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STATUTORY INSTRUMENTS

2019 No. 806

**EXITING THE EUROPEAN UNION
CUSTOMS**

**The Trade etc. in Dual-Use Items and Firearms
etc. (Amendment) (EU Exit) (No. 2) Regulations 2019**

Approved by both Houses of Parliament

<i>Made</i>	- - - -	<i>at 2.15 p.m. on 4th April 2019</i>
<i>Laid before Parliament</i>		<i>at 4.15 p.m. on 4th April 2019</i>
<i>Coming into force in accordance with regulation 1</i>		

The Secretary of State, in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018⁽¹⁾, makes the following Regulations.

The Secretary of State is of the opinion that, by reason of urgency, it is necessary to make these Regulations without a draft of the instrument being laid before, and approved by a resolution of, each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) (No. 2) Regulations 2019 and come into force immediately before exit day.

Amendment of the Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019

2.—(1) The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 are amended as follows.

(2) For regulation 3(5)(f) substitute—

“(f) in paragraph 8, for the words from “the right” to the end substitute “Article 10 of Regulation (EU) 2015/479”.”.

(3) For regulation 3(15) substitute—

“(15) For Article 15 (updating of list of dual-use items) substitute—

“1. The Secretary of State may by regulations update the list of dual-use items set out in Annex I in conformity with the relevant obligations and commitments, and any modification thereof, that the United Kingdom has accepted as a member of the international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties.

2. Where the updating of Annex I under paragraph 1 concerns dual-use items which are also listed in Annexes IIa to IIg or IV, regulations under paragraph 1 may also make provision for updating Annexes IIa to IIg or IV.”.

(4) After regulation 3(21) insert—

“(21A) After Article 28, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

(5) For regulation 3(22)(h)(ii) substitute—

“(ii) in paragraph 9A003.b, for “either non- *EU Member States or Wassenaar*” substitute “non-*Wassenaar*”.

(6) For regulation 3(32) substitute—

“(32) In Annex IV (items of stealth technology, strategic control, cryptography etc.)—

(a) in the words before Part I, omit “(List referred to in Article 22(1) of this Regulation)”;

(b) in Part I, in the words before the first table, omit “(possibility of National General Authorisation for intra-Community trade)”;

(c) in Part I, in the heading to the second table, omit “the Community”;

(d) in Part I, in the heading to the third table, omit “the Community”;

(e) in Part I, in the section headed “Exemptions”—

(i) in the words before paragraph (1), for “control” substitute “apply to”;

(ii) in paragraph (2), for “a Member State’s” substitute “the United Kingdom’s”;

(iii) in paragraph (3), for “Community” substitute “United Kingdom” and for “two” substitute “the United Kingdom and one”;

(iv) omit paragraph (4);

(f) in Part II, in the words before the first table, omit “(no National General Authorisation for intra-Community trade)”.

(7) After regulation 4(17) insert—

“(17A) After Article 22, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States.”.

Graham Stuart
Parliamentary Under-Secretary of State for
Investment
Department for International Trade

At 2.15 p.m. on 4th April 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers conferred by section 8(1) of the European Union (Withdrawal) Act 2018 (c. 16) in order to address failures of EU law to operate effectively and other deficiencies (in particular under paragraphs (a), (b) and (g)) arising from the withdrawal of the United Kingdom from the European Union.

These Regulations make amendments to legislation in the field of customs, specifically to make corrections to the Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.