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STATUTORY INSTRUMENTS

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**2022 No. 1300**

**The Export Control (Amendment) (EU Exit) Regulations 2022**

**PART 2**

**Amendment of the Export Control Order 2008**

**Amendment of article 42R (offences in relation to Article 22 of the EU dual-use Regulation)**

17. For article 42R, substitute—

**“Offences relating to prohibitions and restrictions in the EU dual-use Regulation**

**42R.**—(1) Subject to paragraph (8), a person who contravenes a prohibition or restriction in Article 3(1) (controls on listed goods), 4(1)(b) (military end-use control) or (c) (end-use control relating to use in items exported or transferred without authorisation), 5(1) (cyber-surveillance end-use control), 8(1) (technical assistance end-use control), 10(1) (national control lists) or 11(1) (control on certain dual-use items) of the EU dual-use Regulation commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) A person who—

- (a) contravenes a prohibition or restriction in Article 4(1)(a) (WMD purposes end-use control) or Article 6(1) (control on brokering services) of the EU dual-use Regulation; or
- (b) fails to comply with a requirement in Article 4(2), 5(2), 6(2) or 8(2) of the EU dual-use Regulation (requirements to notify)

commits an offence and may be arrested.

(3) A person guilty of an offence under paragraph (2) shall be liable—

- (a) on summary conviction in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding two years, or to both.

(4) Subject to paragraph (8), a person knowingly concerned in an activity prohibited or restricted by Article 3(1), 4(1), 6(1) or 11(1) of the EU dual-use Regulation with intent to evade the relevant prohibition or restriction commits an offence and may be arrested.

(5) A person guilty of an offence under paragraph (4) shall be liable—

- (a) on summary conviction in Northern Ireland, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding six months, or to both; or
- (b) on conviction on indictment to a fine or to imprisonment for a term not exceeding ten years, or to both.

(6) A person who fails to comply with Article 12(4) or 13(3) of the EU dual-use Regulation (requirements to provide all relevant information for authorisation application)

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commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and any licence which may have been granted in connection with the application shall be void as from the time it was granted.

(7) A person who fails to comply with Article 11(9) or 27 of the EU dual-use Regulation (record-keeping requirements for export or transfer of certain dual-use items) commits an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(8) Paragraphs (1) and (4) do not create offences related to prohibitions or restrictions on the exportation of goods from the United Kingdom (as to which see CEMA).”.