STATUTORY INSTRUMENTS

2022 No. 792

The Russia (Sanctions) (EU Exit) (Amendment) (No. 11) Regulations 2022

Interpretation of Part 5

3.—(1) Regulation 21 is amended as follows.

(2) In paragraph (1), insert in the appropriate places—

""defence and security goods" means—

(a) interception and monitoring goods,

(b) internal repression goods, and

(c) goods relating to chemical and biological weapons; ";

""defence and security technology" means—

(a) interception and monitoring technology,

(b) internal repression technology, and

(c) technology relating to chemical and biological weapons; ";

""goods relating to chemical and biological weapons" means—

(a) any thing specified in Part 4 of Schedule 3C, other than technology relating to chemical and biological weapons (but see paragraph (4A))(**1**), and

(b) any tangible storage medium on which technology relating to chemical and biological weapons is recorded or from which it can be derived;";

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

(a) a relevant Part 2 item(**2**),

(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 Part 2 of Schedule 3C provided that it may be used for interception and monitoring services, and

(b) which is described as other software or other technology in paragraph 3 of Part 2 of Schedule 3C (but see paragraph (4C));";

""internal repression goods" means—

(a) any thing specified in Part 3 of Schedule 3C, other than—

(i) any thing which is internal repression technology,

(**1**) Inserted by paragraph (7) of this regulation.

(**2**) "Relevant Part 2 item" is defined in regulation 21(4B) which is inserted by paragraph (7) of this regulation.

(ii) any thing for the time being specified in Schedule 2 to the Export Control Order 2008(**3**), or

(iii) any thing for the time being specified in 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 Part 3 of Schedule 3C as software or technology;";

""maritime goods" and "maritime technology" mean respectively any goods and technology specified in Chapter 4 (Navigation Equipment) and Chapter 5 (Radio-Communication Equipment) of Annex 1 of the Merchant Shipping Notice 1874(**4**) but not including any thing in those Chapters for the time being specified in—

(a) Schedules 2 and 3 to the Export Control Order 2008,

(b) Annex I to the Dual Use Regulation, or

(c) Schedule 2A;";

""medical device" means—

(a) a medical device within the meaning given in regulation 2 of the Medical Devices Regulations 2002(**5**) in so far as those Regulations apply to England, Wales and Scotland, and

(b) a medical device within the meaning given in—

(i) article 2 of Regulation (EU) 2017/745 of the European Parliament and of the Council of 5 April 2017 on medical devices, amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009 and repealing Council Directives 90/385/EEC and 93/42/EEC, and

(ii) article 2 of Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on in vitro diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU,

in so far as those Regulations apply to Northern Ireland;;";

""technology relating to chemical and biological weapons" means any thing specified as technology or software in Part 4 of Schedule 3C, other than technology which is—

(a) the minimum necessary for—

(i) the installation, operation, maintenance and repair of any goods which are not subject to a prohibition under this Part, or

(ii) patent applications,

(b) in the public domain,

(c) a medical device, or

(d) used for basic scientific research;".

(3) In the definition of "critical-industry goods", in paragraph (a)(ii)—

(a) at the end of (aa) omit "or";

(b) at the end of (bb) for "and" substitute "or";

(c) after (bb) insert—

(**3**) S.I. 2008/3231.
(**4**) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1042678/MSN_1874_Amendment_5.pdf. Hard copies can be obtained from the Department for International Trade, Old Admiralty Building, London, SW1A 2BL.
(**5**) S.I. 2002/618.

"(cc) Part 3 of Schedule 3C, and".

(4) In the definition of "critical-industry technology"—

(a) at the end of paragraph (a) omit "or";

(b) at the end of paragraph (b) insert "or"

(c) after paragraph (b) insert—

"(c) Part 3 of Schedule 3C,".

(5) At the end of the definition of "restricted goods" insert—

"(g) defence and security goods;

(h) maritime goods;".

(6) At the end of the definition of "restricted technology" insert—

"(g) defence and security technology;

(h) maritime technology;".

(7) After paragraph (4) insert—

"(4A) The definition of "goods relating to chemical and biological weapons" does not apply to anything specified in Part 4 of Schedule 3C—

(a) which is—

(i) a pharmaceutical formulation designed for human administration in the treatment of a medical condition; and

(ii) pre-packaged for distribution as a medicinal product; or

(b) which is a medical device.

(4B) For the purpose of the definition of "interception and monitoring goods" in paragraph (1) "a relevant Part 2 item" means any thing described in Part 2 of Schedule 3C, 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 # of the Dual-Use Regulation.

(4C) 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.

(4D) For the purposes of this Part, the following terms have the meaning given to them in the Dual-Use Regulation—

"basic scientific research";

"in the public domain".