

*This Statutory Instrument has been made in consequence of defects in the Export Control (Syria Sanctions) Order 2013 (S.I. 2013/2012) and the Export Control (Amendment) Regulations 2023 (S.I. 2023/695) and is being issued free of charge to all known recipients of those Statutory Instruments.*

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## STATUTORY INSTRUMENTS

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# 2023 No. 1048

## CUSTOMS TRADE

### The Export Control (Amendment) (No. 2) Regulations 2023

*Made - - - - 25th September 2023*

*Laid before Parliament 2nd October 2023*

*Coming into force - - 23rd October 2023*

The Secretary of State in exercise of the powers conferred by Article 15(1) of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast)(1) and by sections 1, 2, 4, 5 and 7 of the Export Control Act 2002(2) makes these Regulations.

#### **Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Export Control (Amendment) (No. 2) Regulations 2023 and come into force on 23rd October 2023.

(2) Regulations 1 and 2 extend to England and Wales, Scotland and Northern Ireland.

(3) Regulation 3 extends to England and Wales and Scotland.

#### **Amendment of the Export Control 2008 Order in relation to Syria**

2. In Part 2 of Schedule 4 to the Export Control Order 2008(3), omit “Syria”.

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(1) EUR 2009/428; Article 15 was substituted by the Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771).

(2) 2002 c. 28; see section 11 for defined terms used in these provisions. Sections 1, 2, 4, 5 and 7 were amended by the Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043); sections 5 and 11 were amended by the Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), as amended by the Export Control (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1502).

(3) S.I. 2008/3231, amended by S.I. 2011/1304; there are other amending instruments but none is relevant.

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*Status: This is the original version (as it was originally made).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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**Amendment of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast)**

3.—(1) Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast)(4) is amended as follows.

(2) In Annex I (list of dual-use items)—

- (a) in the section headed “Category 3 — Electronics”, in paragraph 3 of the Technical Notes in entry 3A001.b.12., after “*phase*” omit “*control for transmission and reception of signals.*” in the first place those words appear;
- (b) in the section headed “Category 7 — Navigation and Avionics”, in paragraph 2 of the Technical Notes for entry 7A003 omit—

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“c.	<i>Designed for “aircraft”, land vehicles or vessels, providing position without the use of ‘positional aiding references’, and having any of the following “accuracies” subsequent to normal alignment:</i>
1.	<i>0,8 nautical miles per hour (nm/hr) “Circular Error Probable” (“CEP”) rate or less (better);</i>
2.	<i>0,5 % distanced travelled “CEP” or less (better); or</i>
3.	<i>Total drift of 1 nautical mile “CEP” or less (better) in a 24 hr period;”.</i>

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Signed by authority of the Secretary of State

25th September 2023

*Johnson of Lainston*  
Minister of State  
Department for Business and Trade

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(4) EUR 2009/428; Annex I was amended by S.I. 2019/771, S.I. 2022/410 and S.I. 2023/302 and 695.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Schedule 4 to the Export Control Order 2008 ([S.I. 2008/3231](#)) (“the 2008 Order”) and Council Regulation ([EC](#)) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast) (EUR 2009/428) (“the retained Dual-Use Regulation”).

Regulation 2 omits Syria from the list in Part 2 of Schedule 4 to the 2008 Order. This change is to remedy an ambiguity in the 2008 Order as to the position of Syria in Schedule 4.

Regulation 3 amends Annex I to the retained Dual-Use Regulation, which lists dual-use goods, software and technology subject to export controls. These changes are to correct two drafting errors introduced by the Export Control (Amendment) Regulations 2023 ([S.I. 2023/695](#)) in which words already contained in the retained Dual-Use Regulation were inserted a second time.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum is available from the Export Control Joint Unit, Old Admiralty Building, London SW1A 2DY. An Explanatory Memorandum has also been published alongside the instrument at [www.legislation.gov.uk](http://www.legislation.gov.uk) and a copy has been placed in the Libraries of both Houses of Parliament.