



Notification Number: 2003/53/UK

Export of Goods, Transfer of Technology And Provision of Technical Assistance (Control) Order

Date received : 12/02/2003

End of Standstill : 13/05/2003

Issue of comments by : Commission

Message

Message 001

Communication from the Commission - SG(2003) D/50341

Directive 98/34/EC

Notifikation - Notifizierung - Γνωστοποίηση - Notification - Notificación - Notifica - Kennisgeving -
Notificação - Ilmoitus - Anmälan : 2003/0053/UK.

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el
plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei
ala tästä - Inleder ingen frist.

(MSG: 200300341.EN)

1. Structured Information Line

MSG 001 IND 2003 0053 UK EN 13-05-2003 12-02-2003 UK NOTIF 13-05-2003

2. Member State

United Kingdom.

3. Department Responsible

Department of Trade and Industry: Standards and Technical Regulations Directorate

3. Originating Department

Department of Trade and Industry

4. Notification Number

2003/0053/UK – X00M

5. Title

Export of Goods, Transfer of Technology And Provision of Technical Assistance (Control) Order



6. Products Concerned

- (i) Technology or software listed on the UK's 'Military List' and certain explosives-related technology which is transferred electronically from the UK to any destination outside the UK.
- (ii) The communication of technology, by any means (including electronically, orally or by means of personal demonstration) which the transferor knows or has been informed by the UK Government is or may be intended for use in a weapons of mass destruction programme or missiles capable of their delivery.
- (iii) The provision or facilitation of technical assistance by a person in the UK to outside the UK where they know or are informed by Government that is or may be intended for use in connection with weapons of mass destruction or missiles capable of their delivery.

7. Notification Under Another Act

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8. Main Content

- (i) The Order brings control on the export of military technology into line with the EC dual-use provisions (Council Regulation (EC) No 1334/2000 setting up a community regime for the control of dual-use items and technology.) by introducing a new control on the electronic transfer of military technology and software on the UK Military List from the UK to any overseas destination. This would include transfers by email, fax and telephone.
- (ii) The Order provides for controls on the transfer, by any means, of technology where the transferor either knows or is informed by Government that the technology is, or may be, intended for use in connection with programmes to develop weapons of mass destruction or missiles capable of their delivery. This includes, but is not limited to, transfers orally or by means of personal demonstration. The new controls apply to transfers within the UK where the technology may be used outside the EC, transfers by a UK person or a person in the UK to another EC Member State where there is reason to believe it may be used outside the EC, and transfers within or to any other country outside the EC.
- (iii) The Order provides for controls on the provision of technical assistance or services in circumstances where the provider knows or is informed by the Government that it is, or may be, intended for use in connection with programmes to develop weapons of mass destruction or missiles capable of their delivery.
- (iv) The order also reproduces existing UK and EC controls on the export of goods on the UK Military List and on the physical and electronic export of dual-use items.

The UK will fulfil its obligation under Article 12 of Directive 98/34/EC (as amended) when these Regulations are officially published.

9. Brief Statement of Grounds

To update the controls on the export of military technology by electronic means to ensure their continuing effectiveness by bringing UK controls on the transfer of military technology into line with EC controls on the electronic transfer of dual-use technology.

To contribute to non proliferation, national and international security through effective controls on the transfer of weapons of mass destruction, WMD end-use technology and the provision of assistance technical assistance in



connection with weapons of mass destruction. This measure implements (and goes beyond) the Council Joint Action of 22 June 2000 concerning the control of technical assistance (2000/401/CFSP).

10. Reference Documents - Basic Texts

a) Consultation Document: Draft Secondary Legislation Export Control Act 2002 (Relevant parts: Executive Summary, Introduction, Chapter Three, Annexes A Regulatory Impact Assessment, E and F). The Consultation Document is also available on the internet at www.dti.gov.uk/export.control

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

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13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

Impact Assessment is attached.

16. TBT and SPS aspects

TBT and SPS Aspects

TBT Aspect

a) NO

The draft does not have a significant effect on international trade.

SPS Aspect

a) NO

The draft is not a sanitary or phytosanitary measure in the sense of Annex A of the SPS Agreement.

David O'Sullivan
General Secretary
European Commission

sent to :



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