

1997 No. 1008

CUSTOMS AND EXCISE

**The Export of Goods (Control)
(Amendment No. 2) Order 1997**

Made *19th March 1997*

Coming into force *29th April 1997*

The Secretary of State, in exercise of powers conferred by section 1 of the Import, Export and Customs Powers (Defence) Act 1939(a) and now vested in him(b), hereby makes the following Order:

1. This Order may be cited as the Export of Goods (Control) (Amendment No. 2) Order 1997 and shall come into force on 29th April 1997.

2. In entry ML7 in Part III of Schedule 1 to the Export of Goods (Control) Order 1994(c) there shall be substituted for the words from "Toxicological agents" (where they first appear) to "chemical warfare (CW) agents" the words—

" Toxicological agents, toxic chemicals, "tear gases", related equipment, components, materials and "technology" as follows:

(a) Toxicological agents and toxic chemicals, as follows:

1. Biological agents and radioactive materials "adapted for use in war" to produce casualties in humans or animals, degrade equipment or damage crops or the environment, and chemical warfare ("CW") agents;
2. The chemicals listed in items (1) to (6) of the Schedule to the Chemical Weapons Act 1996(d), read with notes 2 and 3 of that Schedule, whether or not they are CW agents within entry ML7.;
3. 3-Quinuclidinyl benzilate (BZ) [CAS 6581-06-02];".

19th March 1997

Anthony Nelson,
Minister for Trade,
Department of Trade and Industry

(a) 1939 c. 69.

(b) S.I. 1970/1537.

(c) S.I. 1994/1191; the relevant amending Order is S.I. 1996/2663.

(d) 1996 c. 6.

- The Chemicals Weapons Act 1996, which implements in the UK all the provisions of the Convention except the trade controls.
- The Chemical Weapons Act 1996 (Commencement) Order 1996 (SI 1996/2054), which brought the Chemical Weapons Act into force from 16 September 1996.
- The Chemical Weapons (Notification) Regulations 1996 (SI 1996/2503), which require those who need to submit declarations under Schedules 2 and 3 of the Convention, and as producers of discrete organic chemicals, to identify themselves to the National Authority. (Schedule 1 producers are not covered because of the separate licensing provisions under § 20 of the Act).
- The Chemical Weapons (Notification) (Amendment) Regulations 1996 (SI 1996/2669), which make a technical amendment to the Notification Regulations.
- The Chemical Weapons (Licence Appeal Provisions) Order 1996 (SI 196/3030), which provide for appeals against the refusal to grant or amend a licence for Schedule 1 chemicals under § 20 of the Act.
- Amendment No 148 to the Open General Import Licence dated 4 December 1987 (also enclosed), which has the effect of subjecting Schedule 1 chemicals to import licensing control with effect from 29 April 1997.
- The Dual-Use and Related Goods (Export Control) Regulations 1996 (SI 1996/2721) and the Dual-Use and Related Goods (Export Control) (Amendment No 2) Regulations 1997 (SI 1997/1007), which implement the controls on the export of dual-use goods contained in European Council Decisions 96/613/CFSP and 97/100/CFSP (also enclosed).
- The Export of Goods (Control) Order 1994 (SI 1994/1191).
- The Export of Goods (Control) Amendment No 2) Order 1997 (SI 1997/1008), which amends the Export of Goods (Control) Order 1994 to bring within some scope from 29 April 1997 those Schedule 1 and Schedule 2 chemicals not elsewhere covered by export controls.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes two additions to entry ML7.a in Part III of Schedule 1 to the Export of Goods Control Order 1994.

The first addition is of items (1) to (6) in the Schedule to the Chemical Weapons Act 1996. That Schedule lists all the chemicals the export of which to all countries is controlled under the Chemical Weapons Convention 1993 (Cm. 2331). Items (7) (saxitoxin) and (8) (ricin) are to be controlled by Council Regulation (EC) 3381/94 on the control of exports of dual-use goods (O.J. L 367, 31.12.94, p. 1): see Council Decision 97/100/CFSP (O.J. L 34, 4.2.97, p. 1). Items (9) to (12) (precursors) are already expressly listed in entry ML7.b. Items (1) to (6) are already covered by the general words of entry ML7.a but not expressly listed.

The second addition is of the toxic chemical known as "BZ". Its export to non-parties is controlled under the Chemical Weapons Convention. It is the only chemical so controlled which is not yet expressly listed in entry ML7 nor controlled or to be controlled under the Council Regulation.

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CORRECTION

Page 1, at the end of Article 2(a), paragraph 2:

for "ML7.;"

substitute "ML7.a.;".

April 1997

LONDON: THE STATIONERY OFFICE