

**2022 No. 748**

**SANCTIONS**

**The Republic of Belarus (Sanctions) (EU Exit) (Amendment)  
Regulations 2022**

*Approved by both Houses of Parliament*

<i>Made</i>	- - - -	<i>30th June 2022</i>
<i>Laid before Parliament</i>		<i>4th July 2022</i>
<i>Coming into force</i>	- -	<i>5th July 2022</i>

The Secretary of State<sup>(a)</sup>, considering that the condition in section 45(2) of the Sanctions and Anti-Money Laundering Act 2018<sup>(b)</sup> is met, makes the following Regulations in exercise of the powers conferred by sections 1, 3(1)(b)(ii) and (iii), 3(1)(d)(ii) and (iii), 3(1)(e)(iii), 5, 6, 7(1) to (5), (8), (9), (11) and (14), 9(2)(a), 10(2), (3) and (4), 11, 12, 14, 15(2)(a) and (b), (3) and (6), 16, 17, 19, 20, 21(1), 45, 54(1) and (2) and 62(5) and (6), and paragraphs 2(a)(ii) and (b), 3(a) and (b), 4(b), (c) and (d), 5(a)(ii) and (b), 6(a)(ii) and (b), 7(a)(ii) and (b), 10, 11(a)(i), (ii) and (iii), 13(a), (b), (c), (h), (i), (k), (l), (m), (n), (p), (q) and (w), 14(a), (f) and (k), 17, 19 to 23 and 27 of Schedule 1 to that Act.

**PART 1**

**General**

**Citation and commencement**

**1.**—(1) These Regulations may be cited as the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022.

(2) These Regulations come into force on 5th July 2022.

**Amendment of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019**

**2.** The Republic of Belarus (Sanctions) (EU Exit) Regulations 2019<sup>(c)</sup> are amended as set out in regulations 3 to 44.

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(a) The power to make regulations under Part 1 of the Sanctions and Anti-Money Laundering Act 2018 (c. 13) is conferred on an appropriate Minister. Section 1(9)(a) of the Act defines an “appropriate Minister” as including the Secretary of State.

(b) 2018 c. 13. Section 17(5)(b)(i) (enforcement) is amended by the Sentencing Act 2020 (c. 17), Schedule 24, paragraph 443(1). Sections 1, 11, 12, 14 and 45 are amended by the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10), sections 57, 58, 59, 60 and 62.

(c) S.I. 2019/600, as amended by S.I. 2020/590; S.I. 2020/951; S.I. 2021/1146; and by the Sentencing Act 2020 (c. 17).

## **Interpretation**

**3.** In regulation 2 (interpretation)—

- (a) in paragraph (1), insert the following definitions in the appropriate places—
  - ““aircraft licence” means a licence under regulation 33A;”;
  - ““the Amendment Regulations 2022” means the Republic of Belarus (Sanctions) (EU Exit) (Amendment) Regulations 2022;”;
- (b) in paragraph (2), for “Part 5 (Trade) and Part 5A (Aircraft)”, substitute “Part 3 (Finance), Part 5 (Trade), Part 5A (Aircraft), Part 5B (Ships) and Part 6 (Exceptions and licences)”.

## **Application of prohibitions and requirements outside the United Kingdom**

**4.** In regulation 3 (application of prohibitions and requirements outside the United Kingdom)—

- (a) in paragraph (3)—
  - (i) for sub-paragraph (a), substitute—
    - “(a) regulation 9(2) (confidential information),”;
  - (ii) at the end of sub-paragraph (ca), omit “or”;
  - (iii) after sub-paragraph (ca), insert—
    - “(cb) by Part 5B (Ships), or”;
- (b) in paragraph (5), omit “or a requirement imposed by a direction under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft),”;
- (c) in paragraph (6)—
  - (i) in paragraph (a), for “that Part, or”, substitute “that Part,”;
  - (ii) in paragraph (b), for “Treasury licence or a trade licence”, substitute “Treasury licence, a trade licence or an aircraft licence”;
  - (iii) after paragraph (b), insert—
    - “(c) by a direction under regulation 29A(2) (direction by air traffic control to operator or pilot of Belarusian aircraft), or
  - (d) by a direction under regulation 29H (movement of ships).”.

# **PART 2**

## **Purposes and designation**

### **Purposes**

**5.** In regulation 4 (purposes)—

- (a) at the end of paragraph (c), omit “and”;
- (b) after paragraph (1)(d) insert—
  - “(e) cease actions destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including by supporting or facilitating Russia’s actions in respect of Ukraine, and
  - (f) refrain from any other action which undermines or threatens peace, security or stability in Europe.”.

### **Power to designate persons**

**6.** In regulation 5 (power to designate persons)—

- (a) in paragraph (1) (power to designate persons), for sub-paragraph (c) substitute—

- “(c) regulation 27N (technical assistance in relation to aircraft and ships);
- (d) regulations 29A and 29CA (aircraft);
- (e) regulations 29F, 29H, 29I and 29J (ships: prohibition on port entry etc.)”;
- (b) after paragraph (1) insert—
  - “(1A) The Secretary of State may provide that persons of a description specified by the Secretary of State are designated persons for the purposes of any of the following—
    - (a) regulations 11 to 15 (finance);
    - (b) regulation 17 (immigration);
    - (c) regulation 27N (technical assistance relating to aircraft and ships);
    - (d) regulations 29A and 29CA (aircraft);
    - (e) regulations 29F, 29H, 29I and 29J (ships: prohibition on port entry etc.)”;
- (c) in paragraph (2), after “paragraph (1)” insert “or (1A)”;
- (d) at the end insert—
  - “(3) For the purposes of these Regulations, persons “designated under regulation 5” for the purpose of a particular regulation means—
    - (a) persons who are designated by name under paragraph (1) for the purposes of that particular regulation, and
    - (b) where the Secretary of State makes provision under paragraph (1A) that persons of a specified description are designated persons for the purposes of that particular regulation, persons of that description.”.

### **Conditions for designation**

7. Before regulation 6 (designation criteria), insert—

#### **“Conditions for the designation of persons by name**

**5A.**—(1) The Secretary of State may choose whether to designate a person under regulation 5(1) (power to designate persons by name) in accordance with—

- (a) the standard procedure, or
- (b) the urgent procedure.

(2) Paragraph (3) applies where the Secretary of State chooses to designate a person mentioned in regulation 5(1) under the standard procedure.

(3) The Secretary of State may not provide that a person is a designated person under regulation 5(1) except where condition A is met.

(4) Condition A is that the Minister has reasonable grounds to suspect that that person is an involved person.

(5) Paragraphs (6) to (8) apply where the Secretary of State chooses to designate a person mentioned in regulation 5(1) under the urgent procedure.

(6) The Secretary of State may designate a person mentioned in regulation 5(1) where condition A is not met, but conditions B and C are met.

(7) The person ceases to be a designated person at the end of the period of 56 days beginning with the day following the day on which the person became a designated person unless, within that period, the Secretary of State certifies that—

- (a) condition A is met, or
- (b) conditions B and C continue to be met.

(8) Where the Secretary of State makes a certification under paragraph (7)(b), the designation ceases to have effect at the end of the period of 56 days beginning with the day

immediately following the period mentioned in paragraph (7), unless within that period the Secretary of State certifies that condition A is met.

(9) Condition B is that relevant provision (whenever made) applies to, or in relation to, the person under the law of—

- (a) the United States of America;
- (b) the European Union;
- (c) Australia;
- (d) Canada.

(10) Condition C is that the Secretary of State considers that it is in the public interest to make designations under the urgent procedure.

(11) For the purposes of Condition B, “relevant provision” is provision that the Secretary of State considers—

- (a) corresponds, or is similar, to the type of sanction or sanctions in these Regulations, or
- (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in these Regulations.

(12) In this regulation, “involved person” has the meaning given in regulation 6(2) (meaning of involved person).

### **Conditions for the designation of persons by description**

**5B.**—(1) The Secretary of State may choose whether persons mentioned in regulation 5(1A) (power to designate persons by description) are designated persons under—

- (a) the standard procedure, or
- (b) the urgent procedure.

(2) Paragraph (3) applies where the Secretary of State chooses that persons mentioned in regulation 5(1A) are designated persons under the standard procedure.

(3) The Secretary of State may not provide that persons of a specified description are designated persons under regulation 5(1A) except where conditions A and C are met.

(4) Paragraphs (5) to (7) apply where the Secretary of State chooses that persons mentioned in regulation 5(1A) are designated persons under the urgent procedure.

(5) The Secretary of State may provide that persons of a specified description are designated persons where condition C is not met, but conditions A, D and E are met.

(6) The persons of the specified description cease to be designated persons at the end of the period of 56 days beginning with the day following the day on which the persons became designated persons unless, within that period, the Secretary of State certifies that—

- (a) conditions A and C are met, or
- (b) conditions A, D and E continue to be met.

(7) Where the Secretary of State makes a certification under paragraph (6)(b), the designation ceases to have effect at the end of the period of 56 days beginning with the day immediately following the period mentioned in paragraph (6), unless within that period the Secretary of State certifies that conditions A and C are met.

(8) Condition A is that the description of persons specified is such that a reasonable person would know whether that person fell within it.

(9) Condition C is that the Secretary of State has reasonable grounds to suspect—

- (a) in a case where the specified description is members of a particular organisation, that the organisation is an involved person, or
- (b) in the case of any other specified description, that any person falling within that description would necessarily be an involved person.

(10) Condition D is that the description of persons specified is of persons (or some persons) to which, or in relation to which, relevant provision (whenever made) applies under the law of—

- (a) the United States of America;
- (b) the European Union;
- (c) Australia;
- (d) Canada.

(11) Condition E is that the Secretary of State considers that it is in the public interest to provide that persons of a specified description are designated persons under the urgent procedure.

(12) For the purposes of Condition D, “relevant provision” is provision that the Secretary of State considers—

- (a) corresponds, or is similar, to the type of sanction or sanctions in these Regulations, or
- (b) is made for purposes corresponding, or similar, to any purpose of any type of sanction or sanctions in these Regulations.

(13) In this regulation—

“involved person” has the meaning given in regulation 6(2) (meaning of “involved person”);

“organisation” includes any body, association or combination of persons.”

#### **Designation criteria: meaning of “involved person”**

**8.** In regulation 6—

- (a) in the heading, for “criteria”, substitute “criteria: meaning of “involved person””;
- (b) omit paragraph (1);
- (c) in paragraph (2)—
  - (i) for “In this regulation”, substitute “For the purposes of regulations 5A(4) (condition relating to the designation of persons by name) and 5B(9) (condition relating to designation of persons by description)”;
  - (ii) in sub-paragraph (a)—
    - (aa) at the end of paragraph (iii), omit “or”;
    - (bb) after paragraph (iv), insert—

“(v) conduct destabilising Ukraine or undermining or threatening the territorial integrity, sovereignty or independence of Ukraine, including by supporting or facilitating Russia’s actions in respect of Ukraine, in particular by—

      - (aa) providing logistical support to the Russian army, or
      - (bb) spreading disinformation about Russia’s invasion of Ukraine,
    - (vi) other actions undermining or threatening peace, security or stability in Europe, or
    - (vii) obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity,”;
- (d) in paragraph (3)—
  - (i) for “paragraphs (2)(a)(i) to (iv)” substitute “paragraphs (2)(a)(i) to (vi)”;
  - (ii) in sub-paragraph (c), for “restricted goods and restricted technology” substitute “goods or technology mentioned in regulation 23(1A) (making available goods and technology to a person connected with, or for use in, Belarus)”;
- (e) after paragraph (3), insert—

“(3A) For the purposes of this regulation, being “involved in obtaining a benefit from or supporting the Government of Belarus through carrying on a relevant business activity” means—

- (a) carrying on business as a Government of Belarus-affiliated entity,
- (b) carrying on business of economic significance to the Government of Belarus,
- (c) carrying on business in a sector of strategic significance to the Government of Belarus, or
- (d) owning or controlling directly or indirectly (within the meaning of regulation 7), or working as a manager, director (whether executive or non-executive), trustee, or equivalent, of—
  - (i) a Government of Belarus-affiliated entity, or
  - (ii) a person, other than an individual, which falls within sub-paragraph (b) or (c).

”;

(f) for paragraph (4), substitute—

“(4) In this regulation—

“Belarusian authority” has the meaning given in regulation 15D;

“Government of Belarus-affiliated entity” means a person, other than an individual—

- (a) which is owned or controlled directly or indirectly (within the meaning of regulation 7) by the President of Belarus or a Belarusian authority,
- (b) in which the President of Belarus or a Belarusian authority holds directly or indirectly a minority interest,
- (c) which receives, or has received, financing, directly or indirectly, from the President of Belarus or a Belarusian authority, or
- (d) which otherwise obtains a financial benefit or other material benefit from the President of Belarus or a Belarusian authority;

“minority interest” means any shareholding, voting right or right to appoint or remove members of the board of directors which does not meet the condition set out in regulation 7(2);

“relevant provision” means—

- (a) any provision of Parts 3 (Finance), 5 (Trade), 5A (Aircraft) or 5B (Ships);
- (b) any provision of the law of a country other than the United Kingdom made for purposes corresponding to a purpose of any provision of Parts 3 (Finance), 5 (Trade), 5A (Aircraft) or 5B (Ships);

“sector of strategic significance to the Government of Belarus” means—

- (a) the Belarusian chemicals sector;
- (b) the Belarusian construction sector;
- (c) the Belarusian defence sector;
- (d) the Belarusian electronics sector;
- (e) the Belarusian energy sector;
- (f) the Belarusian extractives sector;
- (g) the Belarusian forestry sector;
- (h) the Belarusian financial services sector;
- (i) the Belarusian information, communications and digital technologies sector;
- (k) the Belarusian mechanical engineering sector;
- (l) the Belarusian metallurgy sector;
- (m) the Belarusian transport sector.”;

(g) omit paragraph (7).

## **Notification and publicity where power to designate by name is used**

**9.** In regulation 8 (notification and publicity where designation power used)—

- (a) in the heading, for “designation power” substitute “power to designate by name”;
- (b) in paragraph (1)—
  - (i) in sub-paragraph (a), for “regulation 5” substitute “regulation 5(1)”;
  - (ii) in sub-paragraph (b), for “that regulation” substitute “that paragraph of that regulation”;
- (c) for paragraph (3) substitute—

“(3) The information given under paragraph (2)(a)—

  - (a) where the Secretary of State designates a person under the standard procedure, must include a statement of reasons;
  - (b) where the Secretary of State designates a person under the urgent procedure, must include a statement—
    - (i) that the designation is made under the urgent procedure,
    - (ii) identifying the relevant provision by reference to which the Secretary of State considers that condition B is met in relation to the person, and
    - (iii) setting out why the Secretary of State considers that condition C is met.

(3A) Where the Secretary of State designates a person under the urgent procedure, the Secretary of State must, after the end of the period mentioned in paragraph (7) of regulation 5A (conditions for the designation of persons by name), or if the Secretary of State has made a certification under paragraph (7)(b) of that regulation, the period mentioned in paragraph (8) of that regulation, but otherwise without delay—

  - (a) in a case where the person ceases to be a designated person, take such steps as are reasonably practicable to inform the person that they have ceased to be a designated person, or
  - (b) in any other case, take such steps as are reasonably practicable to give the person a statement of reasons.”;
- (d) for paragraph (4), substitute—

“(4) In this regulation, a “statement of reasons” means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to the person—

  - (a) in the case of a designation under the standard procedure, which have led the Secretary of State to make designation, and
  - (b) in the case of a designation under the urgent procedure, as a result of which the person does not cease to be a designated person at the end of the period mentioned in regulation 5A(7) or (8) (as the case may be).”.

## **Notification and publicity where power to designate by description is used**

**10.** After regulation 9 (confidential information in certain cases where designation power used) insert—

### **“Notification and publicity where power to designate by description is used**

**9A.**—(1) Paragraph (2) applies where the Secretary of State—

- (a) has provided that persons of a specified description are designated persons under regulation 5(1A) (power to designate persons by description), or
- (b) has by virtue of section 22 of the Act varied or revoked a designation made under that paragraph of that regulation.

(2) The Secretary of State—

- (a) must without delay take such steps as are reasonably practicable to inform persons of the specified description of the designation, variation or revocation, and
  - (b) must take steps to publicise the designation, variation or revocation.
- (3) The information given under paragraph (2)(a)—
- (a) where the Secretary of State provides that persons of a specified description are designated persons under the standard procedure, must include a statement of reasons, or
  - (b) where the Secretary of State provides that persons of a specified description are designated persons under the urgent procedure, must include a statement—
    - (i) that the provision is made under the urgent procedure,
    - (ii) identifying the relevant provision by reference to which the Secretary of State considers that condition D is met in relation to persons of the specified description, and
    - (iii) setting out why the Secretary of State considers that condition E is met.
- (4) Where the Secretary of State provides that persons of a specified description are designated persons under the urgent procedure, the Secretary of State must, after the end of the period mentioned in paragraph (6) of regulation 5B (conditions for the designation of persons by description), or if the Secretary of State has made a certification under paragraph (6)(b) of that regulation, the period mentioned in paragraph (7) of that regulation, but otherwise without delay—
- (a) in a case where the persons cease to be designated persons, take such steps as are reasonably practicable to inform persons of the specified description that they have ceased to be designated persons, or
  - (b) in any other case, take such steps as are reasonably practicable to give each person of the specified description a statement of reasons.
- (5) In this regulation, a “statement of reasons”, in relation to a provision designating persons of a specified description, means a brief statement of the matters that the Secretary of State knows, or has reasonable grounds to suspect, in relation to persons of the specified description—
- (a) in the case of a designation under the standard procedure, which have led the Secretary of State to make the provision designating persons of that description, and
  - (b) in the case of a designation under the urgent procedure, as a result of which the persons do not cease to be designated persons at the end of the period mentioned in regulation 5B(6) or (7) (as the case may be).
- (6) Matters that would otherwise be required by paragraph (5) to be included in a statement of reasons may be excluded from it where the Secretary of State considers that they should be excluded—
- (a) in the interests of national security or international relations,
  - (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
  - (c) in the interests of justice.
- (7) The steps taken under paragraph (2)(b) must be steps to publicise generally—
- (a) the designation, variation or revocation, and
  - (b) in the case of—
    - (i) a designation under the standard procedure, the statement of reasons relating to it, or
    - (ii) a designation under the urgent procedure, the contents of the statement required under paragraph (3)(b) relating to it.”.

## PART 3

### Financial restrictions

#### Dealing with transferable securities or money-market instruments

**11.** In regulation 15A (dealing with transferable securities or money-market instruments)—

(a) for paragraph (2)(c), substitute—

“(c) is issued—

(i) after the date on which the Amendment Regulations 2021 come into force, and

(ii) before the Amendment Regulations 2022 come into force.”;

(b) after paragraph (2) insert—

“(2A) A person (“P”) must not, directly or indirectly, deal with a transferable security or money-market instrument falling within paragraphs (2B) or (2C) if P knows, or has reasonable cause to suspect, that P is dealing with such a transferable security or money-market instrument.

(2B) A transferable security or money-market instrument falls within this paragraph if it is issued after the Amendment Regulations 2022 come into force by a relevant person.

(2C) A transferable security or money-market instrument falls within this paragraph if it is issued after the Amendment Regulations 2022 come into force by—

(a) a person connected with Belarus, which is not—

(i) a relevant person,

(ii) a person, other than an individual, which on the date on which the Amendment Regulations 2022 come into force is domiciled in a country other than Belarus, or

(iii) a person which on the date on which the Amendment Regulations 2022 come into force is a branch or subsidiary, wherever located, of a person mentioned in paragraph (ii);

(b) a person, other than an individual, which is majority owned by a person falling within sub-paragraph (a).”;

(c) for paragraph (3) substitute—

“(3) Paragraphs (1) and (2A) are subject to Part 6 (Exceptions and licences).”;

(d) in paragraph (4), for “paragraph (1)” substitute “paragraph (1) or (2A)”.

#### Loans and credit arrangements

**12.** In regulation 15B (loans and credit arrangements), for paragraph (5) substitute—

“(5) In this regulation—

“category A loan” means a loan or credit which—

(a) has a maturity exceeding 90 days,

(b) is made or granted to a relevant person, and

(c) is first made or granted—

(aa) after the date on which the Amendment Regulations 2021 come into force, and

(bb) before the Amendment Regulations 2022 come into force;

“category B loan” means a loan or credit which—

(a) is made or granted to a relevant person,

(b) is first made or granted after the Amendment Regulations 2022 come into force;

“category C loan” means a loan or credit which—

- (a) has a maturity exceeding 30 days,
- (b) is made or granted—
  - (i) to a person, other than an individual, which is connected with Belarus and which is not—
    - (aa) a person which on the date on which the Amendment Regulations 2022 come into force is domiciled in a country other than Belarus,
    - (bb) a person which is majority owned by a person falling within paragraph (aa), or
  - (ii) to a person, other than an individual, which is majority owned by a person within sub-paragraph (i),
- (c) is first made or granted after the Amendment Regulations 2022 come into force, and
- (d) is not a category B loan;

“relevant loan” means a category A loan, a category B loan or a category C loan.”.

### **Foreign exchange reserve and asset management**

13. After regulation 15C (insurance and reinsurance services), insert—

#### **“Provision of financial services relating to foreign exchange reserve and asset management**

**15CA.**—(1) A person (“P”) must not provide financial services to a person mentioned in paragraph (2) where—

- (a) the financial services are for the purpose of foreign exchange reserve and asset management; and
  - (b) P knows, or has reasonable cause to suspect, that the financial services are provided to such a person.
- (2) The persons mentioned in this paragraph are—
- (a) the National Bank of Belarus,
  - (b) the Ministry of Finance of Belarus,
  - (c) a person owned or controlled directly or indirectly (within the meaning of regulation 7) by a person mentioned in sub-paragraphs (a) or (b), or
  - (d) a person acting on behalf of or at the direction of a person mentioned in sub-paragraphs (a) or (b).
- (3) Paragraph (1) is subject to Part 6 (Exceptions and licences).
- (4) A person who contravenes the prohibition in paragraph (1) commits an offence.”.

### **Interpretation of terms in relation to other financial restrictions**

14. In regulation 15D (interpretation of terms relating to other financial restrictions)—

- (a) in paragraph (1), insert the following definitions in the appropriate places—
    - ““branch” means, in relation to a credit or financial institution, a place of business which forms a legally dependent part of that institution and which carries out all or some of the transactions inherent in the business of that institution;”
    - ““foreign exchange reserve and asset management” means activities relating to the reserves or assets of the persons mentioned in paragraph (2) of regulation 15CA, such reserves or assets to include the following—
- (a) money market instruments (including cheques, bills and certificates of deposit),

- (b) foreign exchange,
- (c) derivative products (including futures and options),
- (d) exchange rate and interest rate instruments (including products such as swaps and forward rate agreements),
- (e) transferable securities,
- (f) other negotiable instruments and financial assets (including bullion),
- (g) special drawing rights;

““subsidiary” has the meaning given by section 1159 of the Companies Act 2006(a);”;

(b) after paragraph (5), insert—

“(6) In this Chapter, the definition of “credit or financial institution” is to be read with section 22 of the Financial Services and Markets Act 2000(b), any relevant order under that section(c) and Schedule 2 to that Act(d).”.

### **Circumventing etc. prohibitions**

**15.** In regulation 16(1)(a) (circumventing etc prohibitions), for “Chapters” substitute “Chapter”.

## **PART 4**

### **Trade sanctions**

#### **Interpretation of Part 5 (Trade)**

**16.** In Chapter 1 of Part 5 (interpretation)—

- (a) omit regulation 18 (definition of “restricted goods” and “restricted technology”);
- (b) in regulation 19 (definitions relating to “restricted goods” and “restricted technology”)—
  - (i) in the heading, for “relating to “restricted goods” and “restricted technology”” substitute “of “interception and monitoring goods” and “interception and monitoring technology””;
  - (ii) in paragraph (1)—
    - (aa) for “regulation 18” substitute “this Part”,
    - (bb) omit the definitions of “internal repression goods”, “internal repression technology”, “military goods” and “military technology”;
- (c) in regulation 20(3) (interpretation of other expressions in Part 5)—
  - (i) omit the definition of “petroleum products”;
  - (ii) insert the following definitions in the appropriate places—
 

““critical-industry goods” means—

    - (a) any thing specified in Schedule 2C, other than—
      - (i) any thing which is critical-industry technology, or
      - (ii) any thing for the time being specified in—

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(a) 2006 c. 46.

(b) Section 22 was amended by the Financial Guidance and Claims Act 2018 (c. 10), section 27(4); the Financial Services Act 2012, section 7(1); S.I. 2017/500; and S.I. 2018/135.

(c) S.I. 2001/544, as amended, most recently by S.I. 2021/90; and S.I. 2021/494.

(d) Schedule 2 was amended by the Regulation of Financial Services (Land Transactions) Act 2005 (c. 24), section 1; the Dormant Bank and Building Society Accounts Act 2008 (c. 31), section 15 and Schedule 2, paragraph 1; the Financial Services Act 2012, sections 7(2) to (5) and 8; the Financial Guidance and Claims Act 2018 (c. 10), section 27; S.I. 2013/1881; S.I. S.I. 2018/135; and S.I. 2019/63.

- (aa) Schedule 2 or 3 to the Export Control Order 2008(a), or
  - (bb) Annex I of the Dual-Use Regulation(b),
  - (cc) Schedule 2 (list of internal repression goods and internal repression technology),
  - (bb) Schedule 2A (interception and monitoring goods and interception and monitoring technology), and
- (b) any tangible storage medium on which critical-industry technology is recorded or from which it can be derived;”;

““critical-industry technology” means any thing described in Schedule 2C as software or technology, other than any thing for the time being specified in—

- (a) Schedule 2 or 3 to the Export Control Order 2008, or
- (b) Annex I of the Dual-Use Regulation,
- (c) Schedule 2 (internal repression goods and internal repression technology),
- (d) Schedule 2A (interception and monitoring goods and interception and monitoring technology);”;

““internal repression goods” means—

- (a) any thing specified in Schedule 2, other than—
  - (i) any thing which is internal repression technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 to the Export Control Order 2008, or
    - (bb) Annex I 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 Schedule 2 as software or technology, within the meaning of that Schedule;”;

““iron and steel products” has the meaning given to it in Schedule 2B;”;

““luxury goods” means any thing specified in Schedule 2E, other than any thing for the time being specified in—

- (a) Schedules 2 or 3 to the Export Control Order 2008,
- (b) Annex I of the Dual-Use Regulation, or
- (c) Schedule 2C (critical-industry goods and critical-industry technology);”;

““military goods” means—

- (a) any thing for the time being specified in Schedule 2 to the Export Control Order 2008, other than any thing which is military technology, and
- (b) any tangible storage medium on which military technology is recorded or from which it can be derived;”;

““military technology” means any thing for the time being specified in Schedule 2 to the Export Control Order 2008 which is described as software or technology;”;

““mineral products” has the meaning given to it in Schedule 2B;”

““oil refining goods” means—

- (a) any thing specified in Schedule 2F, other than—

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(a) S.I. 2008/3231. Schedule 2 was substituted by S.I. 2017/85 and Schedule 3 was substituted by S.I. 2010/2007. Subsequent amendments to those Schedules were made by S.I. 2012/1910; S.I. 2014/1069; S.I. 2015/940; S.I. 2017/85; S.I. 2017/697; S.I. 2018/165; 2018/939; S.I. 2019/137; S.I. 2019/989; S.I. 2019/1159; S.I. 2020/1502 and 2021/586. There are other instruments which amend other parts of the Order, which are not relevant to these Regulations.

(b) See regulation 2 of the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 for the definition of “the Dual Use Regulation”.

- (i) any thing which is oil refining technology, or
- (ii) any thing for the time being specified in—
  - (aa) Schedule 3 to the Export Control Order 2008,
  - (bb) Annex I of the Dual-Use Regulation, or
  - (cc) Schedule 2C (critical-industry goods and critical-industry technology), and
- (b) any tangible storage medium on which oil refining technology is recorded or from which it can be derived;”;

““oil refining technology” means any thing described in Schedule 2F as software or technology, other than any thing for the time being specified in —

- (a) Schedule 3 to the Export Control Order 2008,
- (b) Annex 1 of the Dual-Use Regulation, or
- (c) Schedule 2C (critical-industry goods and critical-industry technology);”;

““quantum computing and advanced materials goods” means—

- (a) any thing specified in Schedule 2G, other than—
  - (i) any thing which is quantum computing and advanced materials technology, or
  - (ii) any thing for the time being specified in—
    - (aa) Schedule 2 or 3 to the Export Control Order 2008,
    - (bb) Annex I of the Dual-Use Regulation,
    - (cc) Schedule 2C (critical-industry goods and critical-industry technology),
    - (dd) Schedule 2F (oil refining goods and oil refining technology), and
- (b) any tangible storage medium on which quantum computing and advanced materials technology is recorded or from which it can be derived;”;

““quantum computing and advanced materials technology” means any thing described in Schedule 2G as software or technology, other than anything for the time being specified in—

- (a) Schedule 2 or 3 to the Export Control Order 2008,
- (b) Annex I of the Dual-Use Regulation,
- (c) Schedule 2C (critical-industry goods and critical-industry technology),
- (d) Schedule 2F (oil refining goods and oil refining technology);”.

### **Exports to Belarus and related activities**

**17.** In Chapter 2 of Part 5 (restricted goods, etc.)—

- (a) for the chapter heading substitute “Exports to Belarus and related activities”;
- (b) in regulation 21 (exports of restricted goods and tobacco industry goods)—
  - (i) in the heading, for “restricted goods and tobacco industry goods” substitute “goods to, or for use in, Belarus”;
  - (ii) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
    - “(a) critical-industry goods;
    - (b) dual-use goods;
    - (c) interception and monitoring goods;
    - (d) internal repression goods;
    - (e) luxury goods;
    - (f) military goods;
    - (g) oil refining goods;

- (h) quantum computing and advanced materials goods;
- (i) tobacco industry goods.”;
- (c) in regulation 22 (supply and delivery of restricted goods and tobacco industry goods)—
  - (i) in the heading, for “restricted goods and tobacco industry goods” substitute “goods from a third country to Belarus”;
  - (ii) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
    - “(a) critical-industry goods;
    - (b) dual-use goods;
    - (c) interception and monitoring goods;
    - (d) internal repression goods;
    - (e) luxury goods;
    - (f) military goods;
    - (g) oil refining goods;
    - (h) quantum computing and advanced materials goods;
    - (i) tobacco industry goods.”;
- (d) in regulation 23 (making available restricted goods and restricted technology)—
  - (i) for the heading substitute “Making available goods and technology to a person connected with, or for use in, Belarus”;
  - (ii) in paragraph (1A), for sub-paragraphs (a) to (c) substitute—
    - “(a) critical-industry goods and critical-industry technology;
    - (b) dual-use goods and dual-use technology;
    - (c) interception and monitoring goods and interception and monitoring technology;
    - (d) internal repression goods and internal repression technology;
    - (e) luxury goods;
    - (f) military goods and military technology;
    - (g) oil refining goods and oil refining technology;
    - (h) quantum computing and advanced materials goods and quantum computing and advanced materials technology;
    - (i) tobacco industry goods.”;
- (e) in regulation 24 (transfer of restricted technology)—
  - (i) in the heading, for “restricted technology” substitute “technology to a place in, or person connected with, Belarus”;
  - (ii) in sub-paragraph (1)(a), for “restricted technology” substitute “technology to which this paragraph applies”;
  - (iii) in sub-paragraph (1)(b)—
    - (aa) for “restricted technology” substitute “technology to which this paragraph applies”;
    - (bb) for “Belarus;” substitute “Belarus.”;
  - (iv) after paragraph (1) insert—
    - “(1A) Paragraph (1) applies to—
      - (a) critical-industry technology;
      - (b) dual-use technology;
      - (c) interception and monitoring technology;
      - (d) internal repression technology;
      - (e) military technology;

- (f) oil refining technology;
- (g) quantum computing and advanced materials technology.”;
- (f) in regulation 25 (technical assistance relating to restricted goods and restricted technology)—
  - (i) in the heading, for “restricted goods and restricted technology” substitute “certain goods and technology”;
  - (ii) in paragraph (1), for “restricted goods or restricted technology” substitute “goods or technology to which this paragraph applies”;
  - (iii) after paragraph (1) insert—
    - “(1A) Paragraph (1) applies to—
      - (a) critical-industry goods and critical-industry technology;
      - (b) dual-use goods and dual-use technology;
      - (c) interception and monitoring goods and interception and monitoring technology;
      - (d) internal repression goods and internal repression technology;
      - (e) military goods and military technology;
      - (f) oil refining goods and oil refining technology;
      - (g) quantum computing and advanced materials goods and quantum computing and advanced materials technology.”.
- (g) in regulation 26 (financial services and funds relating to restricted goods and restricted technology)—
  - (i) in the heading, for “restricted goods and restricted technology” substitute “certain arrangements”;
  - (ii) in paragraphs (1) and (3), for “restricted”, in each place it occurs, substitute “relevant”;
  - (iii) after paragraph (5) insert—
    - “(6) In this regulation—
      - “relevant goods” means—
        - (a) critical-industry goods,
        - (b) dual-use goods,
        - (c) interception and monitoring goods,
        - (d) internal repression goods,
        - (e) military goods,
        - (f) oil refining goods,
        - (g) quantum computing and advanced materials goods;
      - “relevant technology” means—
        - (a) critical-industry technology,
        - (b) dual-use technology,
        - (c) interception and monitoring technology,
        - (d) internal repression technology,
        - (e) military technology,
        - (f) oil refining technology,
        - (g) quantum computing and advanced materials technology.”;
- (h) in regulation 27 (brokering services: non-UK activity relating to restricted goods and restricted technology)—

- (i) in the heading, for “non-UK activity relating to restricted goods and restricted technology” substitute “certain arrangements relating to non-UK activities”;
- (ii) in paragraph (1), for “restricted”, in each place it occurs, substitute “relevant”;
- (iii) in paragraph (4), after the definition of “non-UK country”, insert—
  - ““relevant goods” and “relevant technology” have the meanings given in regulation 26;
  - ”.

## **Omission of Chapter 2A**

**18.** Omit Chapter 2A of Part 5 (Dual-use goods, dual-use technology and related activities).

## **Imports from Belarus and related activities**

**19.** In Chapter 2B of Part 5 (potash and petroleum products)—

- (a) for the chapter heading substitute “Imports from Belarus and related activities”;
- (b) in regulation 27I (import of potash and petroleum products)—
  - (i) in the heading, for “potash and petroleum products” substitute “goods originating in, or consigned from, Belarus”;
  - (ii) in paragraph (3), for sub-paragraphs (a) and (b), substitute—
    - “(a) arms and related materiel;
    - (b) iron and steel products;
    - (c) mineral products;
    - (d) potash.”;
  - (iii) after paragraph (4) insert—
    - “(5) In this regulation and regulation 27J “arms and related materiel” means—
      - (a) military goods, and
      - (b) any thing which falls within chapter 93 of the Goods Classification Table, other than military goods.
    - (6) For the purposes of the definition of “arms and related materiel”, whether a thing “falls within chapter 93 of the Goods Classification Table” is to be interpreted in accordance with paragraph 1 of Schedule 2B.”;
- (c) in regulation 27J (acquisition of potash and petroleum products)—
  - (i) in the heading, for “potash and petroleum products” substitute “goods connected to Belarus”;
  - (ii) in paragraph (2), for sub-paragraphs (a) and (b), substitute—
    - “(a) arms and related materiel;
    - (b) iron and steel products;
    - (c) mineral products;
    - (d) potash.”;
  - (iii) in paragraph (3), after “potash” insert “, military goods or military technology”;
- (d) in regulation 27K (supply and delivery of potash and petroleum products)—
  - (i) in the heading, for “potash and petroleum products” substitute “goods to places outside the UK”;
  - (ii) for paragraph (3), substitute—
    - “(3) Paragraph (1) applies to—
      - (a) iron and steel products;
      - (b) military goods;

- (c) mineral products;
  - (d) potash.
- (3A) Paragraph (2) applies to—
- (a) mineral products;
  - (b) potash.”;
- (e) in regulation 27L (technical assistance relating to petroleum products)—
- (i) in the heading, for “petroleum products” substitute “certain activities”;
  - (ii) in paragraph (1)—
    - (aa) in sub-paragraphs (a), (b) and (c), for “petroleum products”, in each place it occurs, substitute “iron and steel products, mineral products or potash”;
    - (bb) in sub-paragraph (d), for “petroleum products”, substitute “mineral products or potash”;
- (f) in regulation 27M (financial services, funds and brokering services relating to petroleum products)—
- (i) in the heading, for “petroleum products” substitute “certain arrangements”;
  - (ii) in paragraph (1)—
    - (aa) in sub-paragraphs (a), (b) and (c), for “petroleum products”, in each place it occurs, substitute “iron and steel products, mineral products or potash”;
    - (bb) in sub-paragraph (d), for “petroleum products”, substitute “mineral products or potash”.

### **Other trade prohibitions**

#### **20. In Chapter 2C of Part 5 (Aircraft)—**

- (a) in the chapter heading, for “Aircraft” substitute “Other trade prohibitions”;
- (b) in the heading to regulation 27N (technical assistance relating to aircraft), after “aircraft” insert “and ships”;
- (c) in regulation 27N—
  - (i) in paragraph (1), for “any person” to the end, substitute “any designated person, where the assistance relates to an aircraft or a ship.”;
  - (ii) in paragraph (2), for the words “regulation 25” to the end, substitute “regulation 25 (technical assistance relating to certain goods and technology).”;
  - (iii) in paragraph (4), for “person designated under regulation 5(1)(c)”, substitute “designated person”;
  - (iv) for paragraph (5), substitute—
 

“(5) In this regulation—

“aircraft” includes unmanned aircraft and aircraft capable of spaceflight activities;

“designated person” means a person designated under regulation 5 (power to designate persons) for the purposes of this regulation;

“ship” includes every description of vessel (including a hovercraft) used in navigation;

“spaceflight activities” has the meaning given in section 1(6) of the Space Industry Act 2018(a).”;
- (d) after regulation 27N, insert—

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(a) 2018 c. 5.

### **“Enabling or facilitating military activities**

**27O.**—(1) A person must not directly or indirectly provide—

- (a) technical assistance,
- (b) armed personnel,
- (c) financial services or funds, or
- (d) brokering services in relation to an arrangement whose object or effect is to provide, in a non-UK country, anything mentioned in sub-paragraphs (a) to (c),

where such provision enables or facilitates the conduct of military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user who is a person connected with Belarus.

(2) Paragraph (1) is subject to Part 6 (Exceptions and licences).

(3) A person who contravenes the prohibition in paragraph (1) commits an offence, but it is a defence for a person charged with that offence to show that the person did not know and had no reasonable cause to suspect that the provision as mentioned in paragraph (1) would enable or facilitate the conduct of military activities carried on or proposed to be carried on by the Belarusian military or any other military end-user who is a person connected with Belarus.

(4) In this regulation—

“non-UK country” means a country that is not the United Kingdom;

“technical assistance” means the provision of technical support or any other technical service.

(5) Nothing in this regulation is to be taken to limit the meaning of any of the prohibitions contained in this Part.”.

### **Trade: Further provision**

**21.** In regulation 28(1)(a) (circumventing etc prohibitions) and regulation 29(1) (defences), in both places it occurs, omit “, 2A”.

## **PART 5**

### **Aircraft and ships**

#### **Movement of aircraft**

**22.** In regulation 29A (movement of aircraft)—

(a) before paragraph (1), insert—

“(A1) A Belarusian aircraft must not—

- (a) overfly the United Kingdom, or
- (b) land in the United Kingdom.

(A2) Paragraph (A1) is subject to Part 6 (Exceptions and licences).”;

(b) for paragraphs (4) and (5) substitute—

“(4) An airport operator may direct the operator or pilot in command of a Belarusian aircraft—

- (a) not to take off, or not to permit the aircraft to take off, from an airport the operator manages,
- (b) to take off, or to require the aircraft to take off, from an airport the operator manages, or
- (c) not to land, or not to permit the aircraft to land, at an airport the operator manages.

- (5) The Secretary of State may direct an airport operator to—
- (a) give a direction under paragraph (4),
  - (b) secure the detention of a Belarusian aircraft at an airport, or
  - (c) secure the movement of a Belarusian aircraft to an airport specified in the direction.
- (6) An airport operator giving a direction under paragraph (4)(a) must take such steps as are reasonably practicable to detain the aircraft.
- (7) In this regulation “Belarusian aircraft” means an aircraft—
- (a) owned, chartered or operated by—
    - (i) a designated person, or
    - (ii) a person connected with Belarus, or
  - (b) registered in Belarus.
- (8) In paragraph (7), a “designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation.”.

### **Directions by the Secretary of State**

- 23.** In regulation 29B (directions under regulation 29A), after paragraph (5) insert—
- “(6) Any directions made by the Secretary of State under regulation 29A may make different provision for different purposes.
- (7) Any directions in regulation 29A(1) to (5) are subject to the exceptions in regulation 31H (aircraft: exceptions relating to safety of persons or aircraft).”.

### **Movement of aircraft: directions**

- 24.** In regulation 29C (directions under regulation 29A: supplementary), in paragraph (1)(b), after “in relation to the” insert “suspension or”.

### **Registration of aircraft in the United Kingdom**

- 25.** After regulation 29C (directions under regulation 29A: supplementary), insert—

#### **“Registration of an aircraft in the United Kingdom**

**29CA.**—(1) The CAA must refuse to register an aircraft if, on the basis of the information given to the CAA by the applicant, the Secretary of State or a third person, the aircraft appears to be a relevant aircraft.

(2) The Secretary of State may direct the CAA to terminate the registration of a relevant aircraft.

(3) In so far as a direction under paragraph (2) conflicts with the provisions of Part 3 (Registration and marking) of the ANO, those provisions are to be disregarded.

(4) For the purposes of this regulation “relevant aircraft” means—

- (a) an aircraft owned or operated by a designated person, or
- (b) an aircraft chartered by demise by a designated person.

(5) Any reference in this regulation to registering an aircraft is a reference to registering an aircraft in the register kept by the CAA.

(6) In this regulation, a “designated person” means a person who is designated under regulation 5 (power to designate persons) for the purposes of this regulation.”.

## Offences

26. In regulation 29D (offences)—

(a) before paragraph (1), insert—

“(A1) If a prohibition in regulation 29A(A1) (movement of aircraft) is contravened by the flight or landing of a Belarusian aircraft, the operator and pilot in command of the aircraft commit an offence.”;

(b) after paragraph (4), insert—

“(5) In paragraph (A1), “Belarusian aircraft” has the same meaning as in regulation 29A.”

## Interpretation

27. In regulation 29E (interpretation of Part 5A)—

(a) in paragraph (1), omit the definition of “Belarusian aircraft”;

(b) in paragraph (2), for “paragraph (a) of the definition of “Belarusian aircraft”,” substitute “this Part”.

## Ships

28. After Part 5A (Aircraft) insert—

# “PART 5B

## Ships

### Prohibition on port entry

**29F.**—(1) A person must not provide a ship to which this paragraph applies with access to a port in the United Kingdom, if the person knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(2) The master or pilot of a ship to which this paragraph applies must not cause or permit the ship to enter a port in the United Kingdom if the master or pilot knows, or has reasonable cause to suspect, that the ship is a ship to which this paragraph applies.

(3) Paragraphs (1) and (2) are subject to Part 6 (Exceptions and licences).

(4) A person who contravenes a prohibition in paragraph (1) or (2) commits an offence.

(5) Paragraphs (1) and (2) apply to—

(a) a ship owned, controlled, chartered or operated by a designated person,

(b) a ship owned, controlled, chartered or operated by a person connected with Belarus,

(c) a ship flying the flag of Belarus,

(d) a ship registered in Belarus, or

(e) a specified ship.

(6) In paragraph (5), a “designated person” means a person who is designated under regulation 5 for the purposes of this regulation.

### Directions prohibiting port entry

**29G.**—(1) A port barring direction may be given to the master or pilot of a specified ship.

(2) A port barring direction may be given by—

(a) the Secretary of State, or

(b) a harbour authority.

(3) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in a port barring direction does not enter a port or ports specified in the direction, or any port in the United Kingdom.

(4) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(5) The Secretary of State may notify a person that the existence of a port barring direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(6) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (5) that the information is to be treated as confidential.

(7) In this regulation, a “port barring direction” means a direction prohibiting a ship from entering a port or ports specified in the direction, or any port in the United Kingdom.

### **Movement of ships**

**29H.**—(1) A port entry direction or a movement direction may be given by the Secretary of State to the master or pilot of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship registered in Belarus,
- (d) a ship flying the flag of Belarus, or
- (e) a specified ship.

(2) The Secretary of State may direct a harbour authority to take such steps as are reasonably practicable to secure that a ship mentioned in paragraph (1)—

- (a) proceeds to or enters a port specified in the direction,
- (b) leaves a port specified in the direction,
- (c) proceeds to a place specified in the direction, or
- (d) remains where it is.

(3) It is an offence for a person to whom a direction is given under this regulation to fail to comply with the direction.

(4) The Secretary of State may notify a person that the existence of a port entry direction or a movement direction, any part of the content of the direction, or anything done under the direction, is to be treated as confidential.

(5) It is an offence for a person to disclose information if the Secretary of State has notified that person under paragraph (4) that the information is to be treated as confidential.

(6) In this regulation—

“designated person” means a person who is designated under regulation 5 for the purposes of this regulation;

“movement direction” means a direction requiring a ship—

- (a) to leave a port specified in the direction,
- (b) to proceed to a place specified in the direction, or
- (c) to remain where it is;

“port entry direction” means a direction requiring a ship to proceed to or enter a port specified in the direction.

## Detention of ships

**29I.**—(1) A detention direction may be given to the master of a ship referred to in paragraph (3) by—

- (a) the Secretary of State, or
- (b) a harbour authority.

(2) A detention direction under paragraph (1)(b) may only be given by a harbour authority to the master of a specified ship if it has received a direction from the Secretary of State in accordance with paragraph (3)(d).

(3) The Secretary of State may direct a harbour authority to give a detention direction to the master of—

- (a) a ship owned, controlled, chartered or operated by a designated person,
- (b) a ship owned, controlled, chartered or operated by a person connected with Belarus,
- (c) a ship registered in Belarus,
- (d) a ship flying the flag of Belarus, or
- (e) a specified ship.

(4) A “detention direction” means a direction requiring the detention of a ship at a port or anchorage in the United Kingdom.

(5) A detention direction given in relation to a ship—

- (a) must be in writing,
- (b) must be delivered to the master of the ship by the person who detains the ship,
- (c) must state the grounds on which the ship is detained, and
- (d) must state that—
  - (i) it is given under this regulation, and
  - (ii) any requirements imposed by the direction must be complied with.

(6) Paragraph (7) applies if—

- (a) the ship is not a British ship, and
- (b) there is in the United Kingdom a consular officer for the country to which the ship belongs.

(7) A copy of the detention direction must be sent as soon as practicable to the nearest consular officer for the country to which the ship belongs.

(8) Section 284(1), (2), (2A), (2B), (3) and (8) of the Merchant Shipping Act 1995<sup>(a)</sup> (enforcement of detention of ship) applies in the case of detention under a detention direction as it applies in the case of detention authorised or ordered by that Act, but as if—

- (a) any reference in that section to a notice of detention were to the detention direction, and
- (b) the reference in subsection (2A) of that section to a direction given under subsection (1A)(a)(b) of that section were to any requirement imposed by the detention direction.

(9) In this regulation, “consular officer”, in relation to a foreign country, means the officer recognised by Her Majesty as a consular officer of that foreign country.

(10) In this regulation, a “designated person” means a person who is designated under regulation 5 for the purposes of this regulation.

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<sup>(a)</sup> 1995 c. 21. Section 284(1), (2), (2A), (2B), (3) was inserted and amended by the Merchant Shipping and Maritime Security Act 1997 (c. 28), Schedule 1, paragraph 5 and S.I. 2015/664.

<sup>(b)</sup> Subsection (1A) was inserted by paragraph 5(3) of Schedule 1 to the Merchant Shipping and Maritime Security Act 1997.

### **Registration of ships in the United Kingdom**

**29J.**—(1) The Registrar must refuse to register a ship if, on the basis of the information given to the Registrar by the Secretary of State or accompanying the application for registration, the ship appears to the Registrar to be owned, controlled, chartered or operated by—

- (a) a designated person; or
- (b) a person connected with Belarus.

(2) The Secretary of State may direct the Registrar to terminate the registration of—

- (a) a ship that is owned, controlled, chartered or operated by;
  - (i) a designated person;
  - (ii) a person connected with Belarus; or
- (b) a specified ship.

(3) For the purposes of this regulation—

- (a) any reference to registering a ship is to registering the ship in the register of British ships maintained by the Registrar;
- (b) “designated person” means a person who is designated under regulation 5 for the purposes of this regulation;
- (c) a ship is “chartered” by a person if it is chartered on bareboat charter terms within the meaning given by section 17(11) of the Merchant Shipping Act 1995.

### **Specification of ships**

**29K.**—(1) The Secretary of State may specify ships within the meaning of section 7 of the Act for the purposes of—

- (a) regulation 29F (prohibition on port entry),
- (b) regulation 29G (directions prohibiting port entry),
- (c) regulation 29H (movement of ships),
- (d) regulation 29I (detention of ships), and
- (e) regulation 29J (registration of ships in the United Kingdom).

(2) The Secretary of State must specify a ship by its International Maritime Organization number or, where it is not reasonably practicable to identify it by that number, by any other means that the Secretary of State considers appropriate.

(3) The Secretary of State may not specify a ship unless the Secretary of State has reasonable grounds to suspect that the ship is, has been, or is likely to be, involved in a relevant activity..

(4) For the purposes of this regulation a ship is “involved in a relevant activity” if the ship is used for any activity whose object or effect is to contravene or circumvent, or to enable or facilitate the contravention or circumvention of, any provision of Part 3 (Finance), Part 5 (Trade), Part 5A (Aircraft) or Part 5B (Ships).

### **Notification and publicity where specification power used**

**29L.**—(1) Paragraph (2) applies where the Secretary of State—

- (a) has specified a ship under regulation 29K(1) (specification of ships), or
- (b) has by virtue of section 26 of the Act revoked a specification made under that regulation.

(2) The Secretary of State—

- (a) must without delay take such steps as are reasonably practicable to inform such persons as the Secretary of State considers appropriate of the specification or revocation, and
  - (b) except where one or more of the restricted publicity conditions is met, must take steps to publicise the specification or revocation generally.
- (3) The “restricted publicity conditions” are that the Secretary of State considers that disclosure of the specification or revocation should be restricted—
- (a) in the interests of national security or international relations,
  - (b) for reasons connected with the prevention or detection of serious crime in the United Kingdom or elsewhere, or
  - (c) in the interests of justice.
- (4) Paragraph (5) applies if—
- (a) when a specification is made one or more of the restricted publicity conditions is met, but
  - (b) at any time when the specification has effect, it becomes the case that none of the restricted publicity conditions is met.
- (5) The Secretary of State must take steps to publicise the specification generally.

**Directions under this Part: general**

- 29M.**—(1) Paragraphs (2) to (4) apply in relation to a direction given under this Part.
- (2) A person to whom a direction is given has a duty to comply with it.
  - (3) A direction may be of indefinite duration or a defined duration.
  - (4) A person who gives a direction may vary, revoke or suspend it at any time.
  - (5) A direction under regulation 29H(2) (movement of ships) may be given to any harbour authority or to harbour authorities generally.

**Interpretation of Part 5B**

- 29N.**—(1) For the purposes of regulations 29F to 29L, a ship is—
- (a) “owned” by a person if—
    - (i) the legal title to the ship, or to any share in the ship, is vested in the person, or
    - (ii) the person has a beneficial interest in the ship or in any share in the ship; and
  - (b) “controlled” by a person who is able to take decisions about its operation, including (but not limited to) decisions about the route the ship may take and the appointment of master or crew.
- (2) For the purposes of paragraph (1)(b), a ship is not “controlled” by its master or crew, unless that master or crew are designated persons under any of the relevant regulations of this Part.
- (3) For the purposes of the relevant regulations of this Part, a ship is not “operated” by its master or crew unless that master or crew are designated persons for the purposes of any of those regulations.
- (4) Any reference in this Part to a legal title or other interest includes one held jointly with any other person or persons.
- (5) For the purposes of this Part—
- “beneficial interest” means any beneficial interest, however arising (whether held by trustee or nominee or arising under a contract or otherwise), other than an interest held by any person as mortgagee;
  - “specified ship” means a ship specified by the Secretary of State under regulation 29K (specification of ships);

“the relevant regulations of this Part” means regulations 29F, 29H, 29I and 29J.

(6) Any expression used in this Part and in section 7 of the Act (shipping sanctions) has the same meaning in this Part as it has in that section.”.

## PART 6

### Exceptions and licences

#### **Finance: exceptions from prohibitions**

**29.** In regulation 30 (exceptions from finance prohibitions)—

- (a) in the heading, for “Finance:” substitute “Asset-freeze, etc.”;
- (b) in paragraph (6A)(a), for “petroleum products” substitute “mineral products”;
- (c) in paragraph (7), after the definition of “frozen account” insert—  
““mineral products” has the meaning given in regulation 20(3);”.

#### **Exception for authorised conduct in a relevant country**

**30.** In regulation 30A(1) (exception for authorised conduct in a relevant country)—

- (a) for “or 15C (insurance and reinsurance services)”, substitute “, 15C (insurance and reinsurance services) or 15CA (provision of financial services relating to foreign reserve and asset management)”;
- (b) omit “2A,”.

#### **Exception for acts done for purposes of national security or prevention of serious crime**

**31.** In regulation 31(1) (exception for acts done for purposes of national security or prevention of serious crime), for “or 5A (Aircraft)”, substitute “, 5A (Aircraft) or 5B (Ships)”.

#### **Exceptions relating to loans and credit arrangements**

**32.** In regulation 31A (exceptions relating to loans and credit arrangements)—

- (a) in paragraph (1), for sub-paragraphs (a) and (b) substitute—
  - “(a) a relevant loan that has a specific and documented objective of making emergency funds available to meet applicable solvency or liquidity criteria for a relevant subsidiary;
  - (b) a relevant loan consisting of a drawdown or disbursement made under an arrangement entered into before—
    - (i) in the case of a category A loan, the date on which the Amendment Regulations 2021 came into force;
    - (ii) in the case of a category B loan or a category C loan, the date on which the Amendment Regulations 2022 came into force,where the conditions in paragraph (2) are met.”;
- (b) in paragraph (2)—
  - (i) for “paragraph 1(b)” substitute “paragraph (1)(c)”;
  - (ii) for paragraph (a)(i) substitute—
    - “(i) were agreed before—
      - (aa) in the case of a category A loan, the date on which the Amendment Regulations 2021 came into force, or

- (bb) in the case of a category B loan or a category C loan, the date on which the Amendment Regulations 2022 came into force;”;
- (c) for paragraph (3) substitute—
  - “(3) In this regulation—
    - (a) “category A loan”, “category B loan” , “category C loan” and “relevant loan” have the meanings given to them in regulation 15B;
    - (b) “relevant subsidiary” means a person, other than an individual, which is—
      - (i) incorporated or constituted under the law of any part of the United Kingdom, and
      - (ii) majority owned (within the meaning of regulation 15D(3)) by a person, other than an individual, that is connected with Belarus.”

**Trade: exceptions relating to mineral products for personal or humanitarian use**

- 33.** In regulation 31C (Trade: exceptions from prohibitions)—
- (a) in the heading for “exceptions from prohibitions” substitute “exceptions relating to mineral products for personal or humanitarian use”;
  - (b) for the words before sub-paragraph (1)(a) substitute—
    - “(1) The prohibition in regulation 27J(1) (acquisition of goods connected to Belarus) is not contravened by the purchase in Belarus of mineral products—”;
  - (c) for paragraph (2), substitute—
    - “(2) The prohibitions in regulations 27I (import of goods originating in, or consigned from, Belarus) and 27K (supply and delivery of goods to places outside the UK) are not contravened by the import or supply or delivery of mineral products which have been purchased as described in paragraph (1).”;
  - (d) in paragraph (3), for the words before sub-paragraph (a), substitute “The prohibitions in regulations 27L (technical assistance relating to certain activities) and 27M (financial services, funds and brokering services relating to certain arrangements) are not contravened by the provision of—”;
  - (e) omit paragraph (4) (exception for safety of aircraft).

**Other exceptions**

- 34.** After regulation 31C, insert—

**“Trade: exceptions relating to travellers, diplomatic missions and international organisations**

**31D.**—(1) The prohibitions to which this paragraph applies are not contravened by a relevant activity in relation to any critical-industry goods, critical-industry technology, quantum computing and advanced materials goods or quantum computing and advanced materials technology which are—

- (a) the personal effects of a person travelling to Belarus,
- (b) of a non-commercial nature for the personal use of a person travelling to Belarus and contained in that person’s luggage, or
- (c) necessary for the official purposes of a diplomatic mission or consular post in Belarus, or of an international organisation enjoying immunities in accordance with international law.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) The prohibitions in regulations 21 to 23 (export of goods, supply and delivery of goods, and making available goods and technology) are not contravened by a relevant activity in relation to any luxury goods which are—

- (a) necessary for the official purposes of a diplomatic mission or consular post in Belarus, or of an international organisation enjoying immunities in accordance with international law, or
- (b) the personal effects of their staff.

(4) In this regulation—

- (a) “critical-industry goods”, “critical-industry technology”, “luxury goods”, “quantum computing and advanced materials goods” and “quantum computing and advanced materials technology” have the meanings given in regulation 20(3) (interpretation of Part 5);
- (b) “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions mentioned in paragraphs (2) or (3).

#### **Trade: exceptions relating to consumer communication devices and software updates**

**31E.**—(1) The prohibitions to which this paragraph applies are not contravened by a relevant activity in relation to critical-industry goods, critical-industry technology or luxury goods which are—

- (a) consumer communication devices for civilian use, or
- (b) software updates for civilian use.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) For the purposes of paragraph (1)—

- (a) goods are “for civilian use” if they are not—
  - (i) for use by the Belarusian military or any other military end-user, or
  - (ii) for any military use;
- (b) technology is “for civilian use” if it—
  - (i) does not relate to activities carried on or proposed to be carried on by the Belarusian military or any other military end user, and
  - (ii) is not for any military use;
- (c) “consumer communication devices” has the meaning given in Schedule 2D;
- (d) “critical-industry goods”, “critical-industry technology” and “luxury goods” have the meanings given in regulation 20(3) (interpretation of Part 5);
- (e) “relevant activity” means any activity which would, in the absence of this regulation, contravene the prohibitions to which paragraph (1) applies.

#### **Trade: exception for emergencies in certain cases**

**31F.**—(1) The prohibitions to which this paragraph applies are not contravened by any act done by a person (“P”), where P provides justification to the Secretary of State within the relevant period that the act is an act dealing with an emergency.

(2) Paragraph (1) applies to the prohibitions in Chapter 2 of Part 5 (exports to Belarus and related activities), so far as those prohibitions apply to critical-industry goods, critical-industry technology, oil refining goods or oil refining technology, other than the prohibition in regulation 24A (provision of interception and monitoring services).

(3) In this regulation—

“an act dealing with an emergency” means an act assisting with the urgent prevention or mitigation of an event likely to have a serious and significant impact on human health or safety, infrastructure or the environment;

“critical-industry goods” and “critical-industry technology” have the meanings given in regulation 20(3);

“oil refining goods” and “oil refining technology” have the meanings given in regulation 20(3);

“relevant period”, in relation to an act, means the period of 5 working days beginning with the day on which the act is done.

#### **Trade: exception for certain technical assistance to aircraft and ships**

**31G.**—(1) The prohibitions in regulation 27N (technical assistance relating to aircraft and ships) are not contravened by the provision of any technical assistance where a failure to provide that assistance would endanger—

- (a) the lives of persons on board—
  - (i) an aircraft, or
  - (ii) a ship;
- (b) the safety of—
  - (i) an aircraft in flight, or
  - (ii) a ship at sea.

(2) In this regulation, the following terms have the same meaning as they have in regulation 27N—

“aircraft”;

“ship”.

#### **Aircraft: exceptions relating to safety of persons or aircraft**

**31H.**—(1) The prohibition in regulation 29A(A1)(b) (movement of aircraft) is not contravened by the landing of a Belarusian aircraft in the United Kingdom if failing to land would endanger the lives of persons on board or the safety of the aircraft.

(2) The prohibition in regulation 29A(A1)(a) is not contravened by the flight of a Belarusian aircraft in the airspace over the United Kingdom preparatory to a landing as mentioned in paragraph (1).

(3) The directions in regulation 29A(1) to (5) are not contravened by conduct necessary to—

- (a) avoid endangering the lives of persons on board or the safety of the aircraft,
- (b) protect the safety of another aircraft, or
- (c) protect the safety of persons on the ground.

(4) The prohibition in regulation 29A(A1) is not contravened by the movement of a Belarusian aircraft if—

- (a) a direction has been given in relation to that aircraft under regulation 29A(2)(b), (4)(b) or (5)(c), and
- (b) the movement of the aircraft is in accordance with that direction.

(5) In this regulation, “Belarusian aircraft” has the same meaning as in regulation 29A.

#### **Ships: exceptions relating to port entry in emergencies**

**31I.**—(1) The prohibition in regulation 29F(1) (prohibition on port entry) is not contravened by providing a ship with access to a port if—

- (a) a port entry direction has been given in relation to the ship under regulation 29H (movement of ships), or
  - (b) the access is needed by the ship in a case of emergency.
- (2) The prohibition in regulation 29F(2) is not contravened by the entry into port of a ship if—
- (a) a port entry direction has been given in relation to the ship under regulation 29H, or
  - (b) the entry is needed by the ship in a case of emergency.”.

### **Treasury licences**

**35.** In regulation 32 (Treasury licences)—

(a) after paragraph (1), insert—

“(1ZA) The prohibitions in 15A (securities and money market instruments) do not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.”;

(b) after paragraph (1B), insert—

“(1C) The prohibition in regulation 15CA (provision of financial services relating to foreign exchange reserve and asset management) does not apply to anything done under the authority of a licence issued by the Treasury under this paragraph.

(1D) Without prejudice to the generality of the powers conferred by paragraphs (1) to (1C), a licence issued by the Treasury under those paragraphs may, in particular, authorise acts which would otherwise be prohibited by any of regulations 11 to 15CA for a particular period beginning with—

- (a) the coming into force of the prohibition, or
- (b) where the prohibition relates to a person designated for the purposes of regulations 11 to 15, the date on which the person was designated.”;

(c) after paragraph (4) insert—

“(5) The Treasury may issue a licence under paragraph (1C) which authorises acts by a particular person only where the Treasury consider that it is appropriate to issue the licence for a purpose set out in Part 4 of Schedule 3.”.

### **Aircraft licences**

**36.** After regulation 33 (trade licences), insert—

#### **“Aircraft licences**

**33A.** The prohibition in regulation 29A(A1) (prohibition on overflight or landing) does not apply to anything done under the authority of a licence issued by the Secretary of State under this regulation.”.

### **Licences: general provisions**

**37.** In regulation 34 (licences: general provisions), in paragraph (1), for “and trade licences” substitute “, trade licences and aircraft licences”.

### **Aircraft: licensing offences**

**38.** After regulation 36 (trade: licensing offences), insert—

### **“Aircraft: licensing offences**

**36A.**—(1) A person (“P”) commits an offence if P knowingly or recklessly—

- (a) provides information that is false in a material respect, or
- (b) provides or produces a document that is not what it purports to be,

for the purpose of obtaining an aircraft licence (whether for P or anyone else).

(2) A person who purports to act under the authority of an aircraft licence but who fails to comply with any condition of the licence commits an offence.

(3) A licence in respect of which an offence under paragraph (1) has been committed is to be treated as void from the time at which it was issued.”.

## **PART 7**

### **Information, records and enforcement**

#### **Information and records**

**39.** In Part 7 (Information and records)—

- (a) in regulation 40(5) (finance: powers to request information)
  - (i) at the end of sub-paragraph (a), omit “or”;
  - (ii) in sub-paragraph (b), for “licence.” substitute “licence, or”;
  - (iii) after sub-paragraph (b), insert—
    - “(c) any matter to which a licence relates, where that licence authorises an act that would otherwise be prohibited under—
    - (i) regulation 15A (dealing with transferable securities or money market instruments),
    - (ii) regulation 15B (loans and credit arrangements),
    - (iii) regulation 15C (insurance and reinsurance services), or
    - (iv) regulation 15CA (provision of financial services relating to foreign exchange reserve and asset management).”;
- (b) in regulation 43(2)(a) (trade: application of information powers in CEMA)—
  - (i) omit “2A,”,
  - (ii) for the words “regulation 21(1)” to the end, substitute “regulation 21 (export of goods to, or for use in, Belarus) or 27I (import of goods originating from, or consigned from, Belarus), or”;
- (c) in regulation 46 (disclosure of information)—
  - (i) in paragraph (1)(b)(i), after “Part 5A (Aircraft)” insert “or Part 5B (Ships)”;
  - (ii) in paragraph (2)(d)(ii), for the words “regulation 21(1)” to the end, substitute “regulation 21 (export of goods to, or for use in, Belarus) or 27I (import of goods originating from, or consigned from, Belarus).”.

#### **Offences**

**40.** In Part 8 (Enforcement)—

- (a) in regulation 48 (penalties for offences)—
  - (i) in paragraph (1), for “regulation 29D(1), (2) or (3) (aircraft: offences)” substitute “regulation 29D(A1) to (3) (aircraft offences), 29F (prohibition on port entry), 29G(4) (directions prohibiting port entry), 29H(3) (movement of ships) or ”;

- (ii) in paragraph (3), for “36” substitute “36 (trade: licensing offences) and 36A (aircraft: licensing offences)”;
- (iii) in paragraph (4), after “29D(4)(confidentiality),” insert “29G(6) (directions prohibiting port entry: confidentiality), 29H(5) (movement of ships: confidentiality),”;
- (b) in regulation 50 (jurisdiction to try offences), in paragraph (1), after “Part 5A (Aircraft),” insert “Part 5B (Ships),”;
- (c) in regulation 54 (trade offences in CEMA)—
  - (i) in paragraph (1), for the words “regulation 21(1)” to the end, substitute “regulation 21 (export of goods to, or for use in, Belarus).”;
  - (ii) in paragraph (3), for the words “regulation 21(1)” to the end, substitute “regulation 21 (export of goods to, or for use in, Belarus) or 27I(1) or (2) (import of goods originating in, or consigned from, Belarus).”;
  - (iii) in paragraph (5), for “regulation 27I(1) or (2) (import of potash and petroleum products)” substitute “regulation 27I(1) or (2) (import of goods originating in, or consigned from, Belarus).”.

### **Maritime enforcement**

- 41.** In regulation 57 (exercise of maritime enforcement powers), for paragraph (2) substitute—
- “(2) The maritime enforcement powers may be exercised for the purpose of enforcing any of the following—
- (a) the prohibition in regulation 21 (export of goods to, or for use in, Belarus)
  - (b) the prohibition in regulation 22 (supply and delivery of goods from a third country to Belarus);
  - (c) the prohibitions in regulation 23 (making available goods and technology to a person connected with, or for use in, Belarus);
  - (d) the prohibitions in regulation 24 (transfer of technology to a place in, or person connected with, Belarus);
  - (e) the prohibitions in regulation 27I(1) or (2), regulation 27J(1) or (3) or regulation 27K(1) or (2) (import, acquisition and supply and delivery of goods);
  - (f) a prohibition imposed by a condition of a licence issued under regulation 33 (trade licences) in relation to a prohibition mentioned in any of sub-paragraphs (a) to (e).”.

## **PART 8**

### **Schedules**

#### **Amendments to Schedule 2B**

- 42.** In Schedule 2B (potash, petroleum products and tobacco industry goods)—
- (a) for the heading, substitute “Iron and steel products, potash, mineral products, and tobacco industry goods”;
  - (b) in paragraph 2—
    - (i) in the definition of “potash”, after paragraph (a) insert—
 

“(aa) 3104 20 50;”;
    - (ii) after the definition of “potash”, insert—
 

““iron and steel products” means any thing falling within the following commodity codes—

(a) 72;

(b) 73.

“mineral products” means any thing falling within the following commodity codes—

(a) 2710;

(b) 2711;

(c) 2712;

(d) 2713;

(e) 2715;

(f) 2707.”,

(iii) omit the definition of “petroleum products”.

### **New schedules 2C to 2G**

**43.** After Schedule 2B, insert the following Schedules, which are set out in the Schedule to these Regulations—

(a) Schedule 2C (critical-industry goods and technology);

(b) Schedule 2D (consumer communication devices);

(c) Schedules 2E (luxury goods);

(d) Schedule 2F (oil refining goods and technology);

(e) Schedule 2G (quantum computing and advanced materials goods and technology).

### **Amendments to Schedule 3**

**44.** In Schedule 3 (Treasury licences: purposes)—

(a) for paragraph 7, including the heading, substitute—

#### **“Diplomatic missions etc.**

**7.—(1)** To enable anything to be done in order that the functions of a diplomatic mission or consular post in Belarus or of an international organisation enjoying immunities in accordance with international law may be carried out.

**(2)** To enable anything to be done in order that the functions of a diplomatic mission or consular post of Belarus in the United Kingdom may be carried out.”;

(b) after paragraph 10 insert—

#### **“Medical goods or services**

**10A.—(1)** To enable anything to be done in connection with the provision of medical goods or services for the benefit of the civilian population of a country.

**(2)** To enable the import, export or use of medical goods.

**(3)** In paragraphs (1) and (2), “medical goods” includes medicines and medical devices.

#### **Food**

**10B.** To enable anything to be done in connection with the production or distribution of food for the benefit of the civilian population of a country.”;

(c) for paragraph 14, including the heading, substitute—

**“Diplomatic missions etc.**

**14.**—(1) To enable anything to be done in order that the functions of a diplomatic mission or consular post in Belarus or of an international organisation enjoying immunities in accordance with international law may be carried out.

(2) To enable anything to be done in order that the functions of a diplomatic mission or consular post of Belarus in the United Kingdom may be carried out.”;

(d) after paragraph 14, insert—

**“Medical goods or services**

**14A.**—(1) To enable anything to be done in connection with the provision of medical goods or services for the benefit of the civilian population of a country.

(2) To enable the import, export or use of medical goods.

(3) In paragraphs (1) and (2), “medical goods” includes medicines and medical devices.

**Food**

**14B.** To enable anything to be done in connection with the production or distribution of food for the benefit of the civilian population of a country.”;

(e) after paragraph 17, insert—

**“Medical goods or services**

**18.**—(1) To enable anything to be done in connection with the provision of medical goods or services for the benefit of the civilian population of a country.

(2) To enable the import, export or use of medical goods.

(3) In paragraphs (1) and (2), “medical goods” includes medicines and medical devices.

**Food**

**19.** To enable anything to be done in connection with the production or distribution of food for the benefit of the civilian population of a country.

## PART 4

### Foreign exchange reserve and asset management services

**Humanitarian assistance activity**

**20.** To enable anything to be done in connection with the performance of any humanitarian assistance activity.

**Financial regulation**

**21.**—(1) To enable anything to be done by, or on behalf of, a relevant financial authority for the purposes of the functions of that authority.

(2) In sub-paragraph (1), “relevant financial authority” means authorities involved in the regulation of financial services in the United Kingdom, including the Financial Conduct Authority, the Prudential Regulation Authority and the Bank of England.

### **Financial stability**

22. To enable anything to be done by a person, following consultation by that person (or a person acting on their behalf) with the Bank of England, that is necessary or expedient in order to protect or enhance the stability of the financial system of the United Kingdom.

### **Safety and soundness of a firm**

23. To enable anything to be done by a person, following consultation by that person (or a person acting on their behalf) with the relevant supervising authority or authorities, that is necessary or expedient in order to promote the safety and soundness of a firm which is supervised by the Bank of England, the Prudential Regulation Authority or the Financial Conduct Authority.

### **Extraordinary situation**

24. To enable anything to be done to deal with an extraordinary situation.”.

## **PART 9**

### **Transitional provision and consequential amendments**

#### **Transitional provision: trade licences**

45.—(1) Paragraph (2) applies in relation to a relevant authorisation which—

- (a) was in effect immediately before the relevant date, and
- (b) authorises an act which would (on and after the relevant date, and in the absence of paragraph (2)) be prohibited by Part 5 (Trade) of the 2019 Regulations, and such a licence or authorisation is referred to in this regulation as an “existing trade licence”.

(2) A licence is deemed to have been issued at the beginning of the relevant date by the Secretary of State under regulation 33 (trade licences) of the 2019 Regulations—

- (a) disapplying every provision of Part 5 of the 2019 Regulations which would, in the absence of this paragraph, prohibit any act authorised by the existing trade licence, and
- (b) otherwise in the same terms as the existing trade licence.

(3) In this regulation—

“2019 Regulations” means the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019;  
“relevant authorisation” means a licence or authorisation granted by the Secretary of State under—

- (a) the Export Control Order 2008,
- (b) the Dual-Use Regulation,
- (c) 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<sup>(a)</sup> as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement<sup>(b)</sup>, or
- (d) Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance,

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(a) OJ No. L 134, 29.5.2009, p. 1; relevant amending instruments are OJ No. L 326, 8.12.2011, p. 26, OJ No. L 173, 12.6.2014, and OJ No. L 428, 30.12.2019, p. 1.

(b) A copy of the EU withdrawal agreement may be found online at <https://www.gov.uk/government/publications/new-withdrawal-agreement-and-political-declaration>.

transit and transfer of dual-use items (recast)(a) as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement;

“relevant date” means the date on which these Regulations come into force.

### **Amendment of the Merchant Shipping (Registration of Ships) Regulations 1993**

**46.**—(1) Regulation 1 (citation, commencement and interpretation) of the Merchant Shipping (Registration of Ships) Regulations 1993(b) is amended as follows.

(2) In paragraph (2)—

(a) in the definition of “relevant provisions of the sanctions regulations”—

(i) at the end of paragraph (a), omit “or”;

(ii) at the end of paragraph (b), insert “or”;

(iii) after paragraph (b) insert—

“(c) regulation 29J(1) (registration of ships in the United Kingdom) of the Belarus (Sanctions) (EU Exit) Regulations 2019;”.

(b) in the definition of “termination directions”—

(i) at the end of paragraph (a), omit “or”;

(ii) at the end of paragraph (b), insert “or”;

(iii) after paragraph (b), insert—

“(c) regulation 29J(2) (registration of ships in the United Kingdom) of the Belarus (Sanctions) (EU Exit) Regulations 2019;”.

30th June 2022

*Ahmad*  
Minister of State  
Foreign, Commonwealth and Development Office

## **SCHEDULE**

Regulation 42

### **“SCHEDULE 2C**

Regulation 20(3)

### **Critical-industry goods and critical-industry technology**

#### **PART 1**

##### **Interpretation**

**1.**—(1) A thing is specified in this Schedule if it is specified in Parts 2 to 8, and a reference in any note in this Schedule to a thing being “controlled” or subject to “controls” is to be read as a reference to it being specified.

(2) In this Schedule, defined terms are printed in quotation marks.

(3) Terms printed in quotation marks and not defined in this Schedule have the meaning given to them in—

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

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(a) OJ L 206, 11.6.2021.

(b) S.I. 1993/3138. Regulation 1 was amended by S.I. 2022/203 and S.I. 2022/241. There are other amendments not relevant to these Regulations.

(b) Annex I of the Dual-Use Regulation,  
as applicable.

2.—(1) In this Schedule—

“dynamic adaptive routing” means automatic rerouting of traffic based on sensing and analysis of current actual network conditions, but does not include cases of routing decisions taken on predefined information;

“fluoride fibres” means fibres manufactured from bulk fluoride compounds;

“hybrid computer” means equipment that can—

- (a) accept data,
- (b) process data, in both analogue and digital representation, and
- (c) provide output of data;

“media access unit” means equipment that contains one or more communication interfaces (“network access controller”, “communications channel controller”, modem or computer bus) to connect terminal equipment to a network;

“stored program controlled” means a control using instructions stored in an electronic storage that a processor can execute in order to direct the performance of predetermined functions, and equipment may be “stored program controlled” whether the electronic storage is internal or external to the equipment;

“terminal interface equipment” means equipment at which information enters or leaves the telecommunication systems, for example a telephone, data device, computer, or facsimile device.

(2) For the purposes of this Schedule, the interpretative notes set out in Table 1 apply.

**Table 1**

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**Interpretative notes**

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*“multi-data-stream processing” refers to the “microprogram” or equipment architecture technique that permits simultaneous processing of two or more data sequences under the control of one or more instruction sequences by means such as:*

*Single Instruction Multiple Data (SIMD) architectures such as vector or array processors;*

*Multiple Single Instruction Multiple Data (MSIMD) architectures;*

*Multiple Instruction Multiple Data (MIMD) architectures, including those that are tightly coupled, closely coupled or loosely coupled;*

*structured arrays of processing elements, including systolic arrays.*

*“data signalling rate” means the rate, as defined in International Telecommunications Union Recommendation 53-36, taking into account that, for non-binary modulation, baud and bit per second are not equal.*

*Bits for coding, checking and synchronization functions are to be included.*

*When determining the “data signalling rate”, servicing and administrative channels shall be excluded.*

*It is the maximum one-way rate, i.e., the maximum rate in either transmission or reception.*

*“spectral efficiency” is a figure of merit parametrized to characterize the efficiency of transmission system that uses complex modulation schemes such as QAM (quadrature amplitude modulation), Trellis coding, QSPK (Q-phased shift key), etc.. It is defined as the Digital transfer rate (bits/second) divided by 6dB spectrum bandwidth (Hz).*

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## PART 2

### Electronics

#### 3A991 Electronic devices and components

- a. "Microprocessor microcircuits", "microcomputer microcircuits", and microcontroller microcircuits having any of the following:
  - a.1. A performance speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more;
  - a.2. A clock frequency rate exceeding 25 MHz; or
  - a.3. More than one data or instruction bus or serial communication port that provides a direct external interconnection between parallel "microprocessor microcircuits" with a transfer rate of 2.5 Mbyte/s;
- b. Storage integrated circuits, as follows:
  - b.1. Electrical erasable programmable read-only memories (EEPROMs) with a storage capacity;
    - b.1.a. Exceeding 16 Mbits per package for flash memory types; or
    - b.1.b. Exceeding either of the following limits for all other EEPROM types:
      - b.1.b.1. Exceeding 1 Mbit per package; or
      - b.1.b.2. Exceeding 256 kbit per package and a maximum access time of less than 80 ns;
- c. Analog-to-digital converters having any of the following:
  - c.1. A resolution of 8 bit or more, but less than 12 bit, with an output rate greater than 200 million words per second;
  - c.2. A resolution of 12 bit with an output rate greater than 105 million words per second;
  - c.3. A resolution of more than 12 bit but equal to or less than 14 bit with an output rate greater than 10 million words per second; or
  - c.4. A resolution of more than 14 bit with an output rate greater than 2.5 million words per second;
- d. Field programmable logic devices having a maximum number of single-ended digital input/outputs between 200 and 700;
- e. Fast Fourier Transform (FFT) processors having a rated execution time for a 1,024 point complex FFT of less than 1 ms;
- f. Custom integrated circuits for which either the function is unknown, or the control status of the equipment in which the integrated circuits will be used is unknown to the manufacturer, having any of the following:
  - f.1. More than 144 terminals; or
  - f.2. A typical "basic gate propagation delay time" of less than 0.4 ns;
- g. Traveling-wave "vacuum electronic devices," pulsed or continuous wave, as follows:
  - g.1. Coupled cavity devices, or derivatives thereof;
  - g.2. Devices based on helix, folded waveguide, or serpentine waveguide circuits, or derivatives thereof, having either of the following:
    - g.2.a. An "instantaneous bandwidth" of half an octave or more; and
    - g.2.b. The product of the rated average output power (expressed in kW) and the maximum operating frequency (expressed in GHz) of more than 0.2; or
    - g.2.c. An "instantaneous bandwidth" of less than half an octave; and
    - g.2.d. The product of the rated average output power (expressed in kW) and the maximum operating frequency (expressed in GHz) of more than 0.4;
- h. Flexible waveguides designed for use at frequencies exceeding 40 GHz;
- i. Surface acoustic wave and surface skimming (shallow bulk) acoustic wave devices (i.e., "signal processing" devices employing elastic waves in materials), having either of the following:
  - i.1. A carrier frequency exceeding 1 GHz; or
  - i.2. A carrier frequency of 1 GHz or less; and

- i.2.a. A frequency side-lobe rejection exceeding 55 dB;
- i.2.b. A product of the maximum delay time and bandwidth (time in  $\mu\text{s}$  and bandwidth in MHz) of more than 100; or
- i.2.c. A dispersive delay of more than 10  $\mu\text{s}$ ;

j. Cells as follows:

- j.1. Primary cells having an energy density of 550 Wh/kg or less at 293 K (20°C);
- j.2. Secondary cells having an energy density of 350 Wh/kg or less at 293 K (20°C);

*Note: 3A991.j does not control batteries, including single cell batteries.*

*Technical Notes:*

1. For the purposes of 3A991.j energy density (Wh/kg) is calculated from the nominal voltage multiplied by the nominal capacity in ampere-hours divided by the mass in kilograms. If the nominal capacity is not stated, energy density is calculated from the nominal voltage squared then multiplied by the discharge duration in hours divided by the discharge load in Ohms and the mass in kilograms.

2. For the purposes of 3A991.j, a 'cell' is defined as an electrochemical device, which has positive and negative electrodes, and electrolyte, and is a source of electrical energy. It is the basic building block of a battery.

3. For the purposes of 3A991.j.1, a 'primary cell' is a 'cell' that is not designed to be charged by any other source.

4. For the purposes of 3A991.j.2, a 'secondary cell' is a 'cell' that is designed to be charged by an external electrical source.

k. "Superconductive" electromagnets or solenoids, specially designed to be fully charged or discharged in less than one minute, having all of the following:

*Note: 3A991.k does not control "superconductive" electromagnets or solenoids specially designed for Magnetic Resonance Imaging (MRI) medical equipment.*

- k.1. Maximum energy delivered during the discharge divided by the duration of the discharge of more than 500 kJ per minute;
- k.2. Inner diameter of the current carrying windings of more than 250 mm; and
- k.3. Rated for a magnetic induction of more than 8T or "overall current density" in the winding of more than 300 A/mm<sup>2</sup>;

l. Circuits or systems designed for electromagnetic energy storage, containing components manufactured from "superconductive" materials specially designed for operation at temperatures below the "critical temperature" of at least one of their "superconductive" constituents, having all of the following:

- l.1. Resonant operating frequencies exceeding 1 MHz;
- l.2. A stored energy density of 1 MJ/m<sup>3</sup> or more; and
- l.3. A discharge time of less than 1 ms;

m. Hydrogen/hydrogen-isotope thyratrons of ceramic-metal construction and rated for a peak current of 500 A or more;

n. Digital integrated circuits based on any compound semiconductor having an equivalent gate count of more than 300 (2 input gates);

o. "Space qualified" solar cells, cell-interconnect-coverglass (CIC) assemblies, solar panels, and solar arrays.

### **3A992 General purpose electronic equipment, as follows:**

- a. Electronic test equipment;
- b. Digital instrumentation magnetic tape data recorders having any of the following;
  - b.1. A maximum digital interface transfer rate exceeding 60 Mbit/s and employing helical scan techniques;
  - b.2. A maximum digital interface transfer rate exceeding 120 Mbit/s and employing fixed head techniques; or
  - b.3. "Space qualified";
- c. Equipment having a maximum digital interface transfer rate exceeding 60 Mbit/s and designed to convert digital video magnetic tape recorders for use as digital instrumentation data recorders;

- d. Non-modular analogue oscilloscopes having a bandwidth of 1 GHz or greater;
- e. Modular analogue oscilloscope systems having either of the following:
  - e.1. A mainframe with a bandwidth of 1 GHz or greater; or
  - e.2. Plug-in modules with an individual bandwidth of 4 GHz or greater;
- f. Analogue sampling oscilloscopes for the analysis of recurring phenomena with an effective bandwidth greater than 4 GHz;
- g. Digital oscilloscopes and transient recorders, using analogue-to-digital conversion techniques, capable of storing transients by sequentially sampling single-shot inputs at successive intervals of less than 1 ns (greater than 1 giga-sample per second), digitising to 8 bits or greater resolution and storing 256 or more samples.

*Note: This entry controls the following components designed for analogue oscilloscopes:*

- 1. *Plug-in units;*
- 2. *External amplifiers;*
- 3. *Pre-amplifiers;*
- 4. *Sampling devices;*
- 5. *Cathode ray tubes.*

**3A999 Specific processing equipment as follows.**

- a. Frequency changers capable of operating in the frequency range from 300 up to 600 Hz;
- b. Mass spectrometers;
- c. All flash x-ray machines, and components of pulsed power systems designed therefor, including Marx generators, high power pulse shaping networks, high voltage capacitors, and triggers;
- d. Pulse amplifiers;
- e. Time delay generation or time interval measurement equipment, as follows:
  - e.1. Digital time delay generators having a resolution of 50 nanoseconds or less over time intervals of 1ms or greater; *or*
  - e.2. Multi-channel (three or more) or modular time interval meter and chronometry equipment having a resolution of 50 ns or less over time intervals of 1 ms or greater;
- f. Chromatography and spectrometry analytical instruments.

**3B991 Equipment for the manufacture of electronic components and materials, and specially designed components therefor.**

- a. Equipment specially designed for the manufacture of electron tubes, optical elements and components controlled by entry 3A001 of Annex I of the Dual-Use Regulation, or entry 3A991;
- b. Equipment for the manufacture of semiconductor devices, integrated circuits and “electronic assemblies”, as follows, and systems incorporating or having the characteristics of such equipment:

*Note: 3B991.b also controls equipment used or modified for use in the manufacture of other devices, such as imaging devices, electro-optical devices, acoustic-wave devices.*

- b.1. Equipment for the processing of materials for the manufacture of devices and components, as specified in the heading of 3B991.b, as follows:

*Note: 3B991 does not control quartz furnace tubes, furnace liners, paddles, boats (except specially designed caged boats), bubblers, cassettes or crucibles specially designed for the processing equipment*

- b.1.a. Equipment specially designed for producing polycrystalline silicon and materials controlled by entry 3A001 of Annex I of the Dual-Use Regulation;
- b.1.b. Equipment specially designed for purifying or processing III/V and II/VI semiconductor materials controlled by entries 3C001, 3C002, 3C003, 3C004, or 3C005 of Annex I of the Dual-Use Regulation except crystal

pullers, for which see 3B991.b.1.c below;  
b.1.c. Crystal pullers and furnaces, as follows:

**Note:** 3B991.b.1.c does not control diffusion and oxidation furnaces.

b.1.c.1. Annealing or recrystallising equipment other than constant temperature furnaces employing high rates of energy transfer capable of processing wafers at a rate exceeding 0.005 m<sup>2</sup> per minute;

b.1.c.2. "Stored program controlled" crystal pullers having any of the following:

b.1.c.2.a. Rechargeable without replacing the crucible container;

b.1.c.2.b. Capable of operation at pressures above 2.5 x 10<sup>5</sup> Pa; *or*

b.1.c.2.c. Capable of pulling crystals of a diameter exceeding 100 mm;

b.1.d. "Stored program controlled" equipment for epitaxial growth having any of the following:

b.1.d.1. Capable of producing silicon layer with a thickness uniform to less than ± 2.5% across a distance of 200 mm or more;

b.1.d.2. Capable of producing a layer of any material other than silicon with a thickness uniformity across the wafer of equal to or better than ± 3.5%; *or*

b.1.d.3. Capable of rotating individual wafers during processing;

b.1.e. Molecular beam epitaxial growth equipment;

b.1.f. Magnetically enhanced 'sputtering' equipment with specially designed integral load locks capable of transferring wafers in an isolated vacuum environment;

*Note: 'Sputtering' is an overlay coating process wherein positively charged ions are accelerated by an electric field towards the surface of a target (coating material). The kinetic energy of the impacting ions is sufficient to cause target surface atoms to be released and deposited on the substrate. (Note: Triode, magnetron or radio frequency sputtering to increase adhesion of coating and rate of deposition are ordinary modifications of the process.)*

b.1.g. Equipment specially designed for ion implantation, ion-enhanced or photo-enhanced diffusion, having any of the following:

b.1.g.1. Patterning capability;

b.1.g.2. Beam energy (accelerating voltage) exceeding 200 keV;

b.1.g.3 Optimised to operate at a beam energy (accelerating voltage) of less than 10 keV; *or*

b.1.g.4. Capable of high energy oxygen implant into a heated "substrate";

b.1.h. "Stored program controlled" equipment for selective removal (etching) by means of anisotropic dry methods (e.g., plasma), as follows:

b.1.h.1. 'Batch types' having either of the following:

b.1.h.1.a. End-point detection, other than optical emission spectroscopy types; *or*

b.1.h.1.b. Reactor operational (etching) pressure of 26.66 Pa or less;

b.1.h.2. 'Single wafer types' having any of the following:

b.1.h.2.a. End-point detection, other than optical emission spectroscopy types;

b.1.h.2.b. Reactor operational (etching) pressure of 26.66 Pa or less; *or*

b.1.h.2.c. Cassette-to-cassette and load locks wafer handling;

*Notes: 1. 'Batch types' refers to machines not specially designed for production processing of single wafers. Such machines can process two or more wafers simultaneously with common process*

*parameters, e.g., RF power, temperature, etch gas species, flow rates.*

2. 'Single wafer types' refers to machines specially designed for production processing of single wafers. These machines may use automatic wafer handling techniques to load a single wafer into the equipment for processing. The definition includes equipment that can load and process several wafers but where the etching parameters, e.g., RF power or end point, can be independently determined for each individual wafer.

b.1.i. "Chemical vapor deposition" (CVD) equipment, e.g., plasma-enhanced CVD (PECVD) or photo-enhanced CVD, for semiconductor device manufacturing, having either of the following capabilities, for deposition of oxides, nitrides, metals or polysilicon:

b.1.i.1. "Chemical vapor deposition" equipment operating below  $10^5$  Pa; or

b.1.i.2. PECVD equipment operating either below 60 Pa (450 millitorr) or having automatic cassette-to-cassette and load lock wafer handling;

*Note: 3B991.b.1.i does not control low pressure "chemical vapor deposition" (LPCVD) systems or reactive 'sputtering' equipment.*

b.1.j. Electron beam systems specially designed or modified for mask making or semiconductor device processing having any of the following:

b.1.j.1. Electrostatic beam deflection;

b.1.j.2. Shaped, non-Gaussian beam profile;

b.1.j.3. Digital-to-analogue conversion rate exceeding 3 MHz;

b.1.j.4. Digital-to-analogue conversion accuracy exceeding 12 bit; or

b.1.j.5. Target-to-beam position feedback control precision of  $1\ \mu\text{m}$  or finer;

*Note: 3B991.b.1.j does not control electron beam deposition systems or general purpose scanning electron microscopes.*

b.1.k. Surface finishing equipment for the processing of semiconductor wafers as follows:

b.1.k.1. Specially designed equipment for backside processing of wafers thinner than  $100\ \mu\text{m}$  and the subsequent separation thereof; or

b.1.k.2. Specially designed equipment for achieving a surface roughness of the active surface of a processed wafer with a two-sigma value of  $2\ \mu\text{m}$  or less, total indicator reading (TIR);

*Note: 3B991.b.1.k does not control single-side lapping and polishing equipment for wafer surface finishing.*

b.1.l. Interconnection equipment which includes common single or multiple vacuum chambers specially designed to permit the integration of any equipment controlled by 3B991 into a complete system;

b.1.m. "Stored program controlled" equipment using "lasers" for the repair or trimming of "monolithic integrated circuits" with either of the following:

b.1.m.1. Positioning accuracy less than  $\pm 1\ \mu\text{m}$ ; or

b.1.m.2. Spot size (kerf width) less than  $3\ \mu\text{m}$ .

b.2. 'Masks', 'mask' "substrates," mask-making equipment and image transfer equipment for the manufacture of devices and components as specified in the heading of 3B991, as follows:

*Note: The term 'masks' or 'mask' refers to those used in electron beam lithography, X-ray lithography, and ultraviolet lithography, as well as the usual ultraviolet and visible photo-lithography.*

- b.2.a. Finished masks, reticles and designs therefor, except:
  - b.2.a.1. Finished masks or reticles for the production of integrated circuits not controlled by entry 3A001 of Annex I of the Dual-Use Regulation; *or*
  - b.2.a.2. Masks or reticles, having both of the following:
    - b.2.a.2.a. Their design is based on geometries of 2.5  $\mu\text{m}$  or more; and
    - b.2.a.2.b. The design does not include special features to alter the intended use by means of production equipment or “software”;
- b.2.b. Mask “substrates” as follows:
  - b.2.b.1. Hard surface (e.g., chromium, silicon, molybdenum) coated “substrates” (e.g., glass, quartz, sapphire) for the preparation of masks having dimensions exceeding 125 mm x 125 mm; *or*
  - b.2.b.2. “Substrates” specially designed for X-ray masks;
- b.2.c. Equipment, other than general purpose computers, specially designed for computer aided design (CAD) of semiconductor devices or integrated circuits;
- b.2.d. Equipment or machines, as follows, for mask or reticle fabrication:

*Note: 3B991.b.2.d.1 and b.2.d.2 do not control mask fabrication equipment using photo-optical methods which was either commercially available before the 1st January, 1980, or has a performance no better than such equipment.*

- b.2.d.1. Photo-optical step and repeat cameras capable of producing arrays larger than 100 mm x 100 mm, or capable of producing a single exposure larger than 6 mm x 6 mm in the image (i.e., focal) plane, or capable of producing line widths of less than 2.5  $\mu\text{m}$  in the photoresist on the “substrate”;
- b.2.d.2. Mask or reticle fabrication equipment using ion or “laser” beam lithography capable of producing line widths of less than 2.5  $\mu\text{m}$ ; or
- b.2.d.3. Equipment or holders for altering masks or reticles or adding pellicles to remove defects;
- b.2.e. “Stored program controlled” equipment for the inspection of masks, reticles or pellicles with:
  - b.2.e.1. A resolution of 0.25  $\mu\text{m}$  or finer; and
  - b.2.e.2. A precision of 0.75  $\mu\text{m}$  or finer over a distance in one or two coordinates of 63.5 mm or more;

*Note: 3B991.b.2.e does not control general purpose scanning electron microscopes except when specially designed and instrumented for automatic pattern inspection.*

- b.2.f. Align and expose equipment for wafer production using photo-optical or X-ray methods, e.g., lithography equipment, including both projection image transfer equipment and step and repeat (direct step on wafer) or step and scan (scanner) equipment, capable of performing any of the following:

*Note: 3B991.b.2.f does not control photo-optical contact and proximity mask align and expose equipment or contact image transfer equipment.*

- b.2.f.1. Production of a pattern size of less than 2.5  $\mu\text{m}$ ;
- b.2.f.2. Alignment with a precision finer than  $\pm 0.25 \mu\text{m}$  (3 sigma);
- b.2.f.3. Machine-to-machine overlay no better than  $\pm 0.3 \mu\text{m}$ ; or
- b.2.f.4. A light source wavelength shorter than 400 nm;

b.2.g. Electron beam, ion beam or X-ray equipment for projection image transfer capable of producing patterns less than 2.5  $\mu\text{m}$ ;

*Note: For focused, deflected-beam systems (direct write systems), see 3B991.b.1.j or b.10.*

b.2.h. Equipment using “lasers” for direct write on wafers capable of producing patterns less than 2.5  $\mu\text{m}$ .

b.3. Equipment for the assembly of integrated circuits, as follows:

b.3.a. “Stored program controlled” die bonders having all of the following:

b.3.a.1. Specially designed for “hybrid integrated circuits”;

b.3.a.2. X-Y stage positioning travel exceeding 37.5 x 37.5 mm; *and*

b.3.a.3. Placement accuracy in the X-Y plane of finer than  $\pm 10 \mu\text{m}$ ;

b.3.b. “Stored program controlled” equipment for producing multiple bonds in a single operation (e.g., beam lead bonders, chip carrier bonders, tape bonders);

b.3.c. Semi-automatic or automatic hot cap sealers, in which the cap is heated locally to a higher temperature than the body of the package, specially designed for ceramic microcircuit packages controlled by entry 3A001 of Annex I of the Dual-Use Regulation and that have a throughput equal to or more than one package per minute.

b.4. Filters for clean rooms capable of providing an air environment of 10 or less particles of 0.3  $\mu\text{m}$  or smaller per 0.02832  $\text{m}^3$  and filter materials therefor.

**3B992 Equipment for the inspection or testing of electronic components and materials, and specially designed components therefor.**

a. Equipment specially designed for the inspection or testing of electron tubes, optical elements and specially designed components therefor, controlled by entry 3A001 of Annex I of the Dual-Use Regulation or 3A991;

b. Equipment specially designed for the inspection or testing of semiconductor devices, integrated circuits and “electronic assemblies”, as follows, and systems incorporating or having the characteristics of such equipment:

*Note: 3B992.b also controls equipment used or modified for use in the inspection or testing of other devices, such as imaging devices, electro-optical devices, acoustic-wave devices.*

b.1. “Stored program controlled” inspection equipment for the automatic detection of defects, errors or contaminants of 0.6  $\mu\text{m}$  or less in or on processed wafers, “substrates”, other than printed circuit boards or integrated circuits, using optical image acquisition techniques for pattern comparison;

*Note: 3B992.b.1 does not control general purpose scanning electron microscopes, except when specially designed and instrumented for automatic pattern inspection.*

b.2. Specially designed “stored program controlled” measuring and analysis equipment, as follows:

b.2.a. Specially designed for the measurement of oxygen or carbon content in semiconductor materials;

b.2.b. Equipment for line width measurement with a resolution of 1  $\mu\text{m}$  or finer;

b.2.c. Specially designed flatness measurement instruments capable of measuring deviations from flatness of 10  $\mu\text{m}$  or less with a resolution of 1  $\mu\text{m}$  or finer.

b.3. “Stored program controlled” wafer probing equipment having any of the following:

b.3.a. Positioning accuracy finer than 3.5  $\mu\text{m}$ ;

b.3.b. Capable of testing devices having more than 68 terminals; *or*

- b.3.c. Capable of testing at a frequency exceeding 1 GHz;
- b.4. Test equipment as follows:
  - b.4.a. “Stored program controlled” equipment, specially designed for testing discrete semiconductor devices and unencapsulated dice, capable of testing at frequencies exceeding 18 GHz;

*Technical Note: Discrete semiconductor devices include photocells and solar cells.*

b.4.b. “Stored program controlled” equipment specially designed for testing integrated circuits and “electronic assemblies” thereof, capable of functional testing:

- b.4.b.1. At a ‘pattern rate’ exceeding 20 MHz; *or*
- b.4.b.2. At a ‘pattern rate’ exceeding 10 MHz but not exceeding 20 MHz and capable of testing packages of more than 68 terminals.

*Notes: 3B992.b.4.b does not control test equipment specially designed for testing:*

1. *Memory;*
2. *“Electronic assemblies” for home and entertainment applications; and*
3. *Electronic components, and integrated circuits not controlled by entry 3A001 of Annex I of the Dual-Use Regulation or 3A991 provided such test equipment does not incorporate computing facilities with “user accessible programmability”.*

*Technical Note: For purposes of 3B992.b.4.b, ‘pattern rate’ is defined as the maximum frequency of digital operation of a tester. It is therefore equivalent to the highest data rate that a tester can provide in non-multiplexed mode. It is also referred to as test speed, maximum digital frequency or maximum digital speed.*

b.4.c. Equipment specially designed for determining the performance of focal-plane arrays at wavelengths of more than 1,200 nm, using “stored program controlled” measurements or computer aided evaluation and having any of the following:

- b.4.c.1. Using scanning light spot diameters of less than 0.12 mm;
- b.4.c.2. Designed for measuring photosensitive performance parameters and for evaluating frequency response, modulation transfer function, uniformity of responsivity or noise; *or*
- b.4.c.3. Designed for evaluating arrays capable of creating images with more than 32 x 32 line elements;

b.5. Electron beam test systems designed for operation at 3 keV or below, or “laser” beam systems, for non-contact probing of powered-up semiconductor devices having any of the following:

- b.5.a. Stroboscopic capability with either beam blanking or detector strobing;
- b.5.b. An electron spectrometer for voltage measurements with a resolution of less than 0.5 V; *or*
- b.5.c. Electrical tests fixtures for performance analysis of integrated circuits;

*Note: 3B992.b.5 does not control scanning electron microscopes, except when specially designed and instrumented for non-contact probing of a powered-up semiconductor device.*

b.6. “Stored program controlled” multifunctional focused ion beam systems specially designed for manufacturing, repairing, physical layout analysis and testing of masks or semiconductor devices and having either of the following:

- b.6.a. Target-to-beam position feedback control precision of 1 µm or finer; *or*
- b.6.b. Digital-to-analogue conversion accuracy exceeding 12 bit;

b.7. Particle measuring systems employing “lasers” designed for measuring particle size and concentration in air having both of the following:

b.7.a. Capable of measuring particle sizes of 0.2 µm or less at a flow rate of 0.02832 m<sup>3</sup> per minute or more; *and*

b.7.b. Capable of characterising Class 10 clean air or better.

**3C992 Positive resists designed for semiconductor lithography specially adjusted (optimised) for use at wavelengths between 370 and 193 nm.**

**3D991 “Software” specially designed for the “development”, “production”, or “use” of electronic devices, or components controlled by entry 3A991 of Annex I of the Dual-Use Regulation, general purpose electronic equipment controlled by 3A992, or manufacturing and test equipment controlled by 3B991 and 3B992; or “software” specially designed for the “use” of equipment controlled by entry 3B001.g and h of Annex I of the Dual-Use Regulation.**

**3E991 “Technology” for the “development,” “production” or “use” of electronic devices or components controlled by entry 3A991 of Annex I of the Dual-Use Regulation, general purpose electronic equipment controlled by 3A992, or manufacturing and test equipment controlled by 3B991 or 3B992, or materials controlled by 3C992.**

## PART 3

### Computers

**4A994 Computers, “electronic assemblies” and related equipment, and specially designed components therefor.**

*Note 1: The control status of the “digital computers” and related equipment described in 4A994 is determined by the control status of other equipment or systems provided:*

*a. The “digital computers” or related equipment are essential for the operation of the other equipment or systems;*

*b. The “digital computers” or related equipment are not a “principal element” of the other equipment or systems; and*

*N.b. 1: The control status of “signal processing” or “image enhancement” equipment specially designed for other equipment with functions limited to those required for the other equipment is determined by the control status of the other equipment even if it exceeds the “principal element” criterion.*

*N.b. 2: For the control status of “digital computers” or related equipment for telecommunications equipment, see Category 5, Part 1 (Telecommunications) of Annex I of the Dual-Use Regulation.*

*c. The “technology” for the “digital computers” and related equipment is determined by Category 4E of Annex I of the Dual-Use Regulation.*

a. Electronic computers and related equipment, and “electronic assemblies” and specially designed components therefor, rated for operation at an ambient temperature above 343 K (70°C);

b. “Digital computers”, including “signal processing” or “image enhancement” equipment, having an “Adjusted Peak Performance” (“APP”) equal to or greater than 0.0128 Weighted TeraFLOPS (WT);

c. “Electronic assemblies” that are specially designed or modified to enhance performance by aggregation of processors, as follows:

- c.1. Designed to be capable of aggregation in configurations of 16 or more processors;
- c.2. Not used.

*Note 1: 4A994.c applies only to “electronic assemblies” and programmable interconnections with a “APP” not exceeding the limits in 4A994.b, when shipped as unintegrated “electronic assemblies”. It does not apply to “electronic assemblies” inherently limited by nature of their design for use as related equipment controlled by 4A994.k.*

*Note 2: 4A994.c does not control any “electronic assembly” specially designed for a product or family of products whose maximum configuration does not exceed the limits of 4A994.b.*

d. Not used;

e. Not used;

f. Equipment for “signal processing” or “image enhancement” having an “Adjusted Peak Performance” (“APP”) equal to or greater than 0.0128 Weighted TeraFLOPS WT;

g. Not used;

h. Not used;

i. Equipment containing “terminal interface equipment” exceeding the limits in 5A991;

j. Equipment specially designed to provide external interconnection of “digital computers” or associated equipment that allows communications at data rates exceeding 80 Mbyte/s;

*Note: 4A994.j does not control internal interconnection equipment (e.g., backplanes, buses) passive interconnection equipment, “network access controllers” or “communication channel controllers”.*

k. “Hybrid computers” and “electronic assemblies” and specially designed components therefor containing analogue-to-digital converters having all of the following:

k.1. 32 channels or more; and

k.2. A resolution of 14 bit (plus sign bit) or more with a conversion rate of 200,000 conversions/s or more.

**4D993 “Program” proof and validation “software,” “software” allowing the automatic generation of “source codes,” and operating system “software” that are specially designed for “real-time processing” equipment.**

a. “Program” proof and validation “software” using mathematical and analytical techniques and designed or modified for “programs” having more than 500,000 “source code” instructions;

b. “Software” allowing the automatic generation of “source codes” from data acquired on line from external sensors described in Annex I of the Dual-Use Regulation;

c. Operating system “software” specially designed for “real-time processing” equipment that guarantees a “global interrupt latency time” of less than 20 µs.

*Note: “Global interrupt latency time” is the time taken by the computer system to recognise an interrupt due to the event, service the interrupt and perform a context switch to an alternate memory-resident task waiting on the interrupt.*

**4D994 Software” other than that controlled in entry 4D001 of Annex I of the Dual-Use Regulation specially designed or modified for the “development”, “production”, or “use” of equipment controlled by entry 4A101 of Annex I of the Dual-Use Regulation, or 4A994.**

**4E992 “Technology” for the “development,” “production,” or “use” of equipment controlled by 4A994, or “software” controlled by 4D993 or 4D994.**

**4E993 “Technology” for the “development” or “production” of equipment designed for “multi-data-stream processing.”**

## PART 4

### Telecommunications and information security

#### CHAPTER 1

##### Telecommunication equipment

###### **5A991 Telecommunication equipment.**

*Note:*

1. *'Asynchronous transfer mode' ('ATM') is a transfer mode in which the information is organised into cells; it is asynchronous in the sense that the recurrence of cells depends on the required or instantaneous bit rate.*
2. *'Bandwidth of one voice channel' is data communication equipment designed to operate in one voice channel of 3,100 Hz, as defined in CCITT Recommendation G.151.*
3. *'Communications channel controller' is the physical interface that controls the flow of synchronous or asynchronous digital information. It is an assembly that can be integrated into computer or telecommunications equipment to provide communications access.*
4. *'Datagram' is a self-contained, independent entity of data carrying sufficient information to be routed from the source to the destination data terminal equipment without reliance on earlier exchanges between this source and destination data terminal equipment and the transporting network.*
5. *'Gateway' is the function, realised by any combination of equipment and "software", to carry out the conversion of conventions for representing, processing or communicating information used on one system into the corresponding, but different conventions used in another system.*
6. *'Packet' is a group of binary digits including data and call control signals that is switched as a composite whole. The data, call control signals, and possible error control information are arranged in a specified format.*

a. Any type of telecommunications equipment, not controlled by 5A001.a, specially designed to operate outside the temperature range from 219 K (-54°C) to 397 K (124°C).

b. Telecommunication transmission equipment and systems, and specially designed components therefor, having any of the following characteristics, functions or features:

*a. Categorized as follows, or combinations thereof:*

1. *Radio equipment (e.g., transmitters, receivers and transceivers);*
2. *Line terminating equipment;*
3. *Intermediate amplifier equipment;*
4. *Repeater equipment;*
5. *Regenerator equipment;*
6. *Translation encoders (transcoders);*
7. *Multiplex equipment (statistical multiplex included);*
8. *Modulators/demodulators (modems);*
9. *Transmultiplex equipment (see CCITT Rec. G701);*
10. *"Stored program controlled" digital cross-connection equipment;*
11. *'Gateways' and bridges;*
12. *"Media access units"; and*

*b. Designed for use in single or multi-channel communication via any of the following:*

1. *Wire (line);*
2. *Coaxial cable;*

3. *Optical fibre cable;*
4. *Electromagnetic radiation; or*
5. *Underwater acoustic wave propagation.*

b.1. Employing digital techniques, including digital processing of analogue signals, and designed to operate at a “digital transfer rate” at the highest multiplex level exceeding 45 Mbit/s or a “total digital transfer rate” exceeding 90 Mbit/s;

*Note: 5A991.b.1 does not control equipment specially designed to be integrated and operated in any satellite system for civil use.*

b.2. Modems using the ‘bandwidth of one voice channel’ with a “data signalling rate” exceeding 9,600 bits per second;

b.3. Being “stored program controlled” digital cross-connect equipment with “digital transfer rate” exceeding 8.5 Mbit/s per port.

b.4. Being equipment containing any of the following:

b.4.a. ‘Network access controllers’ and their related common medium having a “digital transfer rate” exceeding 33 Mbit/s; *or*

b.4.b. “Communication channel controllers” with a digital output having a “data signalling rate” exceeding 64,000 bit/s per channel;

*Note: If any uncontrolled equipment contains a “network access controller”, it cannot have any type of telecommunications interface, except those described in, but not controlled by 5A991.b.4.*

b.5. Employing a “laser” and having any of the following:

b.5.a. A transmission wavelength exceeding 1,000 nm; *or*

b.5.b. Employing analogue techniques and having a bandwidth exceeding 45 MHz;

*Note: 5A991.b.5.b does not control commercial TV systems.*

b.5.c. Employing coherent optical transmission or coherent optical detection techniques (also called optical heterodyne or homodyne techniques);

b.5.d. Employing wavelength division multiplexing techniques; *or*

b.5.e. Performing optical amplification;

b.6. Radio equipment operating at input or output frequencies exceeding:

b.6.a. 31 GHz for satellite-earth station applications; *or*

b.6.b. 26.5 GHz for other applications;

*Note: 5A991.b.6. does not control equipment for civil use when conforming with an International Telecommunications Union (ITU) allocated band between 26.5 GHz and 31 GHz.*

b.7. Being radio equipment employing any of the following:

b.7.a. Quadrature-amplitude-modulation (QAM) techniques above level 4 if the “total digital transfer rate” exceeds 8.5 Mbit/s;

b.7.b. QAM techniques above level 16 if the “total digital transfer rate” is equal to or less than 8.5 Mbit/s;

b.7.c. Other digital modulation techniques and having a “spectral efficiency” exceeding 3 bit/s/Hz; *or*

b.7.d. Operating in the 1.5 MHz to 87.5 MHz band and incorporating adaptive techniques providing more than 15 dB suppression of an interfering signal.

*Notes:*

*1. 5A991.b.7 does not control equipment specially designed to be integrated and operated in any satellite system for civil use.*

2. 5A991.b.7 does not control radio relay equipment for operation in an ITU allocated band:

a. Having any of the following:

a.1. Not exceeding 960 MHz; or

a.2. With a “total digital transfer rate” not exceeding 8.5 Mbit/s; and

b. Having a “spectral efficiency” not exceeding 4 bit/s/Hz.

c. “Stored program controlled” switching equipment and related signalling systems, having any of the following characteristics, functions or features, and specially designed components therefor:

*Note: Statistical multiplexers with digital input and digital output which provide switching are treated as “stored program controlled” switches.*

c.1. Data (message) switching equipment or systems designed for “packet-mode operation” and electronic assemblies and components therefor,

c.2. Not used;

c.3. Routing or switching of ‘datagram’ packets;

*Note: The restrictions in 5A991.c.3 do not apply to networks restricted to using only ‘network access controllers’ or to ‘network access controllers’ themselves.*

c.4. Not used.

c.5. Multi-level priority and pre-emption for circuit switching;

*Note: 5A991.c.5 does not control single-level call pre-emption.*

c.6. Designed for automatic hand-off of cellular radio calls to other cellular switches or automatic connection to a centralised subscriber data base common to more than one switch;

c.7. Containing “stored program controlled” digital cross connect equipment with “digital transfer rate” exceeding 8.5 Mbit/s per port.

c.8. “Common channel signalling” operating in either non-associated or quasi-associated mode of operation;

c.9. “Dynamic adaptive routing”;

c.10. Being packet switches, circuit switches and routers with ports or lines exceeding any of the following:

c.10.a. A “data signalling rate” of 64,000 bit/s per channel for a ‘communications channel controller’; or

*Note: 5A991.c.10.a does not control multiplex composite links composed only of communication channels not individually controlled by 5A991.b.1.*

c.10.b. A “digital transfer rate” of 33 Mbit/s for a “network access controller” and related common media;

*Note: 5A991.c.10 does not control packet switches or routers with ports or lines not exceeding the limits in 5A991.c.10.*

c.11. “Optical switching”;

c.12. Employing ‘Asynchronous Transfer Mode’ (‘ATM’) techniques;

d. Optical fibres and optical fibre cables of more than 50 m in length designed for single mode operation;

e. Centralised network control having all of the following:

- e.1. Receives data from the nodes; and
- e.2. Process these data in order to provide control of traffic not requiring operator decisions, and thereby performing “dynamic adaptive routing”;

*Note: 5A991.e does not preclude control of traffic as a function of predictable statistical traffic conditions.*

- f. Phased array antennas, operating above 10.5 GHz, containing active elements and distributed components, and designed to permit electronic control of beam shaping and pointing, except for landing systems with instruments meeting International Civil Aviation Organisation (ICAO) standards (microwave landing systems (MLS));
- g. Mobile communications equipment and electronic assemblies and components therefor;
- h. Radio relay communications equipment designed for use at frequencies equal to or exceeding 19.7 GHz and components therefor.

**5B991 Telecommunications test equipment.**

**5C991 Preforms of glass or of any other material optimised for the manufacture of optical fibres controlled by 5A991.**

**5D991 “Software” specially designed or modified for the “development,” “production” or “use” of equipment controlled by 5A991 and 5B991, and dynamic adaptive routing software, as follows:**

- a. “Software”, other than in machine-executable form, specially designed for “dynamic adaptive routing”;
- b. Not used.

**5E991 “Technology” for the “development”, “production” or “use” of equipment controlled by 5A991 or 5B991, or “software” controlled by 5D991, and other “technologies” as follows:**

*Note:*

1. ‘Synchronous digital hierarchy’ (SDH) is a digital hierarchy providing a means to manage, multiplex, and access various forms of digital traffic using a synchronous transmission format on different types of media. The format is based on the Synchronous Transport Module (STM) that is defined by CCITT Recommendation G.703, G.707, G.708, G.709 and others yet to be published. The first level rate of ‘SDH’ is 155.52 Mbits/s.
2. ‘Synchronous optical network’ (SONET) is a network providing a means to manage, multiplex and access various forms of digital traffic using a synchronous transmission format on fiber optics. The format is the North America version of ‘SDH’ and also uses the Synchronous Transport Module (STM). However, it uses the Synchronous Transport Signal (STS) as the basic transport module with a first level rate of 51.81 Mbits/s. The SONET standards are being integrated into those of ‘SDH’.

a. Specific “technologies” as follows:

- a.1. “Technology” for the processing and application of coatings to optical fibre specially designed to make it suitable for underwater use;
- a.2. “Technology” for the “development” of equipment employing ‘Synchronous Digital Hierarchy’ (‘SDH’) or ‘Synchronous Optical Network’ (‘SONET’) techniques.

CHAPTER 2

Information security

**5A992 “Information security” systems, equipment and components, described by entry 5A002 of Annex I of the Dual-Use Regulation and classified under Note 3 to Category 5, Part 2 of Annex I of the Dual-Use Regulation (Cryptography Note).**

**5D992 “Information Security” “software” described by entry 5D002 to Category 5, Part 2 in Annex I of the Dual-Use Regulation and classified under Note 3 to Category 5, Part 2 of Annex I of the Dual-Use Regulation (Cryptography Note).**

*Note: This entry does not control “software” designed or modified to protect against malicious computer damage, e.g., viruses, where the use of “cryptography” is limited to authentication, digital signature and/or the decryption of data or files.*

**5E992 “Information Security” “technology” as follows:**

- a. “Technology” for the “use” of items controlled by 5A992 or “software” controlled by 5D992.

## PART 5

### Sensors and lasers

**6A991 Marine or terrestrial acoustic equipment capable of detecting or locating underwater objects or features or positioning surface vessels or underwater vehicles; and specially designed components therefor.**

**6A992 Optical Sensors as follows**

- a. Image intensifier tubes and specially designed components therefor, as follows:
  - a.1. Image intensifier tubes having all the following:
    - a.1.a. A peak response in wavelength range exceeding 400 nm, but not exceeding 1,050 nm;
    - a.1.b. A microchannel plate for electron image amplification with a hole pitch (centre-to-centre spacing) of less than 25 µm; *and*
    - a.1.c. Having any of the following:
      - a.1.c.1. An S-20, S-25 or multialkali photocathode; *or*
      - a.1.c.2. A GaAs or GaInAs photocathode;
  - a.2. Specially designed microchannel plates having both of the following:
    - a.2.a. 15,000 or more hollow tubes per plate; *and*
    - a.2.b. Hole pitch (centre-to-centre spacing) of less than 25 µm.
- b. Direct view imaging equipment operating in the visible or infrared spectrum, incorporating image intensifier tubes having the characteristics listed in 6A992.a.1.

**6A993 Cameras as follows:**

- a. Cameras that meet the criteria of Note 3 to entry 6A003.b.4. of Annex I of the Dual-Use Regulation.

**6A994 Optics as follows:**

- a. Optical filters:
  - a.1. For wavelengths longer than 250 nm, comprised of multi-layer optical coatings and having either of the following:
    - a.1.a. Bandwidths equal to or less than 1 nm Full Width Half Intensity (FWHI) and peak transmission of 90% or more; *or*
    - a.1.b. Bandwidths equal to or less than 0.1 nm FWHI and peak transmission of 50% or more;

*Note: 6A994 does not control optical filters with fixed air gaps or Lyot-type filters.*

- a.2. For wavelengths longer than 250 nm, and having all of the following:

- a.2.a. Tunable over a spectral range of 500 nm or more;
- a.2.b. Instantaneous optical bandpass of 1.25 nm or less;
- a.2.c. Wavelength resettable within 0.1 ms to an accuracy of 1 nm or better within the tunable spectral range; and
- a.2.d. A single peak transmission of 91% or more;
- a.3. Optical opacity switches (filters) with a field of view of 30 degrees or wider and a response time equal to or less than 1 ns;
- b. "Fluoride fibre" cable, or optical fibres therefor, having an attenuation of less than 4 dB/km in the wavelength range exceeding 1,000 nm but not exceeding 3,000 nm.

**6A995 "Lasers" as follows:**

- a. Carbon dioxide (CO<sub>2</sub>) "lasers" having any of the following:
  - a.1. A CW output power exceeding 10 kW;
  - a.2. A pulsed output with a "pulse duration" exceeding 10 µs; and
    - a.2.a. An average output power exceeding 10 kW; or
    - a.2.b. A pulsed "peak power" exceeding 100 kW; or
  - a.3. A pulsed output with a "pulse duration" equal to or less than 10 µs; *and*
    - a.3.a. A pulse energy exceeding 5 J per pulse and "peak power" exceeding 2.5 kW; *or*
    - a.3.b. An average output power exceeding 2.5 kW;
- b. Semiconductor lasers, as follows
  - b.1. Individual, single-transverse mode semiconductor "lasers" having:
    - b.1.a. An average output power exceeding 100 mW; *or*
    - b.1.b. A wavelength exceeding 1,050 nm;
  - b.2. Individual, multiple-transverse mode semiconductor "lasers", or arrays of individual semiconductor "lasers", having a wavelength exceeding 1,050 nm;
- c. Ruby "lasers" having an output energy exceeding 20 J per pulse;
- d. Non-"tunable" "pulsed lasers" having an output wavelength exceeding 975 nm but not exceeding 1,150 nm and having any of the following:
  - d.1. A "pulse duration" equal to or exceeding 1 ns but not exceeding 1 µs, and having any of the following:
    - d.1.a. A single transverse mode output and having any of the following:
      - d.1.a.1. A 'wall-plug efficiency' exceeding 12% and an "average output power" exceeding 10 W and capable of operating at a pulse repetition frequency greater than 1kHz; *or*
      - d.1.a.2. An "average output power" exceeding 20 W; or
    - d.1.b. A multiple transverse mode output and having any of the following:
      - d.1.b.1. A 'wall-plug efficiency' exceeding 18% and an "average output power" exceeding 30W;
      - d.1.b.2. A "peak power" exceeding 200 MW; or
      - d.1.b.3. An "average output power" exceeding 50 W; or
  - d.2. A "pulse duration" exceeding 1 µs and having any of the following:
    - d.2.a. A single transverse mode output and having any of the following:
      - d.2.a.1. A 'wall-plug efficiency' exceeding 12% and an "average output power" exceeding 10 W and capable of operating at a pulse repetition frequency greater than 1 kHz; or
      - d.2.a.2. An "average output power" exceeding 20 W; or
    - d.2.b. A multiple transverse mode output and having any of the following:
      - d.2.b.1. A 'wall-plug efficiency' exceeding 18% and an "average output power" exceeding 30 W; or
      - d.2.b.2. An "average output power" exceeding 500 W;
- e. Non-"tunable" continuous wave "(CW) lasers", having an output wavelength exceeding 975 nm but not exceeding 1,150nm and having any of the following:
  - e.1. A single transverse mode output and having any of the following:

- e.1.a. A ‘wall-plug efficiency’ exceeding 12% and an “average output power” exceeding 10 W and capable of operating at a pulse repetition frequency greater than 1 kHz; or
- e.1.b. An “average output power” exceeding 50 W; or
- e.2. A multiple transverse mode output and having any of the following:
  - e.2.a. A ‘wall-plug efficiency’ exceeding 18% and an “average output power” exceeding 30 W; or
  - e.2.b. An “average output power” exceeding 500 W;

*Note: 6A995.e.2.b does not control multiple transverse mode, industrial “lasers” with output power less than or equal to 2kW with a total mass greater than 1,200kg. For the purpose of this note, total mass includes all components required to operate the “laser,” e.g., “laser,” power supply, heat exchanger, but excludes external optics for beam conditioning and/or delivery.*

- f. Non-“tunable” “lasers”, having a wavelength exceeding 1,400 nm, but not exceeding 1555 nm and having any of the following:
  - f.1. An output energy exceeding 100 mJ per pulse and a pulsed “peak power” exceeding 1 W; or
  - f.2. An average or CW output power exceeding 1 W;
- g. Free electron “lasers”.

**6A996 “Magnetometers”, “Superconductive” electromagnetic sensors, and specially designed components therefor, as follows**

- a. “Magnetometers”, having a ‘sensitivity’ lower (better) than 1.0 nT (rms) per square root Hz.

*Technical Note: For the purposes of 6A996, ‘sensitivity’ (noise level) is the root mean square of the device-limited noise floor which is the lowest signal that can be measured.*

- b. “Superconductive” electromagnetic sensors and components manufactured from “superconductive” materials, having all of the following:
  - b.1. Designed for operation at temperatures below the “critical temperature” of at least one of their “superconductive” constituents (including Josephson effect devices or “superconductive” quantum interference devices (SQUIDS));
  - b.2. Designed for sensing electromagnetic field variations at frequencies of 1 KHz or less; and
  - b.3. Having any of the following:
    - b.3.a. Incorporating thin-film SQUIDS with a minimum feature size of less than 2 μm and with associated input and output coupling circuits;
    - b.3.b. Designed to operate with a magnetic field slew rate exceeding 1 x 10<sup>6</sup> magnetic flux quanta per second;
    - b.3.c. Designed to function without magnetic shielding in the earth’s ambient magnetic field; or
    - b.3.d. Having a temperature coefficient less (smaller) than 0.1 magnetic flux quantum/K.

**6A997 Gravity meters (gravimeters) for ground use as follows:**

- a. Having a static accuracy of less (better) than 100 microgal; or
- b. Being of the quartz element (Worden) type.

**6A998 Radar systems, equipment and specially designed components therefor, as follows:**

- a. Airborne radar equipment and specially designed components therefor.
- b. “Space-qualified” “laser” radar or Light Detection and Ranging (LIDAR) equipment specially designed for surveying or for meteorological observation.

c. Millimetre wave enhanced vision radar imaging systems specially designed for rotary wing aircraft and having all of the following:

- c.1. Operates at a frequency of 94 GHz;
- c.2. An average output power of less than 20 mW;
- c.3. Radar beam width of 1 degree; and
- c.4. Operating range equal to or greater than 1500 m.

**6A999 Specific processing equipment, as follows:**

- a. Seismic detection equipment not controlled in paragraph c.
- b. Radiation hardened TV cameras,
- c. Seismic intrusion detection systems that detect, classify and determine the bearing on the source of a detected signal.

**6B995 Equipment, including tools, dies, fixtures or gauges, and other specially designed components therefor, specially designed or modified for any of the following:**

- a. For the manufacture or inspection of:
  - a.1. Free electron “laser” magnet wigglers;
  - a.2. Free electron “laser” photo injectors;
- b. For the adjustment, to required tolerances, of the longitudinal magnetic field of free electron “lasers”.

**6C992 Optical sensing fibres that are modified structurally to have a ‘beat length’ of less than 500 mm (high birefringence) or optical sensor materials not described in entry 6C002.b. of Annex I of the Dual-Use Regulation and having a zinc content of equal to or more than 6% by ‘mole fraction.’**

Note: ‘Mole fraction’ is defined as the ratio of moles of ZnTe to the sum of the moles of CdTe and ZnTe present in the crystal. 2) ‘Beat length’ is the distance over which two orthogonally polarised signals, initially in phase, must pass in order to achieve a 2 Pi radian(s) phase difference.

**6C994 Optical materials.**

- a. Low optical absorption materials, as follows:
  - a.1. Bulk fluoride compounds containing ingredients with a purity of 99.999% or better; *or*

*Note: 6C994.a.1 controls fluorides of zirconium or aluminium and variants.*

- a.2. Bulk fluoride glass made from compounds controlled by entry 6C004.e.1 of Annex I of the Dual-Use Regulation;
- b. ‘Optical fibre preforms’ made from bulk fluoride compounds containing ingredients with a purity of 99.999% or better, specially designed for the manufacture of “fluoride fibres” controlled by 6A994.b.

**6D991 “Software,” specially designed for the “development”, “production”, or “use” of items controlled by entries 6A002 and 6A003 of Annex I of the Dual-Use Regulation, 6A991, 6A996, 6A997, or 6A998.**

**6D992 “Software” specially designed for the “development” or “production” of equipment controlled by 6A992, 6A994, or 6A995.**

**6D993 Other “software”.**

- a. Air Traffic Control (ATC) “software” application “programs” hosted on general purpose computers located at Air Traffic Control centres, and capable of automatically handing over primary radar target data (if not correlated with secondary surveillance radar (SSR) data) from the host ATC centre to another ATC centre.
- b. “Software” specially designed for seismic intrusion detection systems in 6A999.c.

c. "Source Code" specially designed for seismic intrusion detection systems in 6A999.c.

**6E991 "Technology" for the "development", "production" or "use" of equipment controlled by 6A991, 6A996, 6A997, 6A998 or 6A99.c.**

**6E992 "Technology" for the "development" or "production" of equipment, materials or "software" controlled by 6A992, 6A994, or 6A995, 6B995, 6C992, 6C994, or 6D993.**

**6E993 Other "technology" as follows.**

- a. Optical fabrication technologies for serially producing optical components at a rate exceeding 10 m<sup>2</sup> of surface area per year on any single spindle and having all of the following:
  - a.1. Area exceeding 1 m<sup>2</sup>, and
  - a.2. Surface figure exceeding  $\lambda/10$  (rms) at the designed wavelength;
- b. "Technology" for optical filters with a bandwidth equal to or less than 10 nm, a field of view (FOV) exceeding 40° and a resolution exceeding 0.75 line pairs per milliradian;
- c. "Technology" for the "development" or "production" of cameras controlled by 6A993;
- d. "Technology" "required" for the "development" or "production" of non-triaxial fluxgate "magnetometers" or non-triaxial fluxgate "magnetometer" systems, having any of the following:
  - d.1. 'Sensitivity' lower (better) than 0.05 nT (rms) per square root Hz at frequencies of less than 1 Hz; or
  - d.2. 'Sensitivity' lower (better) than  $1 \times 10^{-3}$  nT (rms) per square root Hz at frequencies of 1 Hz or more;
- e. "Technology" "required" for the "development" or "production" of infrared up-conversion devices having all of the following:
  - e.1. A response in the wavelength range exceeding 700 nm but not exceeding 1500 nm; and
  - e.2. A combination of an infrared photodetector, light emitting diode (LED), and nanocrystal to convert infrared light into visible light.

*Technical Note: For the purposes of entry 6E993, 'sensitivity' (or noise level) is the root mean square of the device-limited noise floor which is the lowest signal that can be measured.*

## PART 6

### Navigation and avionics

**7A994 Navigation direction finding equipment, airborne communication equipment, all aircraft inertial navigation systems, and other avionic equipment, including components,**

**7B994 Other equipment for the test, inspection, or "production" of navigation and avionics equipment.**

**7D994 "Software" for the "development", "production", or "use" of navigation, airborne communication and other avionics.**

**7E994 "Technology" for the "development," "production" or "use" of navigation, airborne communication, and other avionics equipment.**

## PART 7

### Marine

#### **8A992 Vessels, marine systems or equipment, and specially designed components therefor, and marine boilers and components therefor.**

- a. Underwater vision systems, as follows:
  - a.1. Television systems (comprising camera, lights, monitoring and signal transmission equipment) having a limiting resolution when measured in air of more than 500 lines and specially designed or modified for remote operation with a submersible vehicle; *or*
  - a.2. Underwater television cameras having a limiting resolution when measured in air of more than 700 lines;

*Technical Note: Limiting resolution in television is a measure of horizontal resolution usually expressed in terms of the maximum number of lines per picture height discriminated on a test chart, using IEEE Standard 208/1960 or any equivalent standard.*

- b. Photographic still cameras specially designed or modified for underwater use, having a film format of 35 mm or larger, and having autofocusing or remote focusing specially designed for underwater use;
- c. Stroboscopic light systems, specially designed or modified for underwater use, capable of a light output energy of more than 300 J per flash;
- d. Other underwater camera equipment;
- e. Other submersible systems;
- f. Vessels, including inflatable boats, and specially designed components therefor, ;
- g. Marine engines (both inboard and outboard), and specially designed components therefor, ;
- h. Other self-contained underwater breathing apparatus (scuba gear) and related equipment, ;
- i. Life jackets, inflation cartridges, compasses, wetsuits, masks, fins, weight belts, and dive computers;
- j. Underwater lights and propulsion equipment;
- k. Air compressors and filtration systems, specially designed for filling air cylinders.
- l. Marine boilers designed to have any of the following:
  - l.1. Heat release rate (at maximum rating) equal to or in excess of 190,000 BTU per hour per cubic foot of furnace volume; *or*
  - l.2. Ratio of steam generated in kg per hour (at maximum rating) to the dry weight of the boiler in kg equal to or in excess of 0.83.
- m. Components for marine boilers described in 8A992.l.

**8D992 “Software” specially designed or modified for the “development”, “production” or “use” of equipment controlled by 8A992.**

**8D999 “Software” specially designed for the operation of unmanned submersible vehicles.**

**8E992 “Technology” for the “development”, “production” or “use” of equipment controlled by 8A992.**

## PART 8

### Aerospace and Propulsion

**9A990 Diesel engines and tractor units, and specially designed components therefor.**

- a. Diesel engines for trucks, tractor units, and automotive applications of continuous power output of 400 BHP (298 kW) or greater (performance based on Society of Automotive Engineers J1349 standard conditions of 100 kPa and 25°C);
- b. Off-road semi-trailer wheeled tractor units of carriage capacity 9 t or more and specially designed components therefor;
- c. On-road semi-trailer tractor units, with single or tandem rear axles rated for 9 t per axle or greater and specially designed components therefor.

**9A991 “Aircraft” and gas turbine engines and components**

- a. Not used;
- b. Not used;
- c. Aero gas turbine engines and specially designed components therefor;
- d. Not used;
- e. Pressurised aircraft breathing equipment and specially designed components therefor.

**9B990 Vibration test equipment and specially designed components therefor.**

**9B991 “Equipment,” tooling or fixtures specially designed for manufacturing or measuring gas turbine blades, vanes or tip shroud castings, as follows:**

- a. Automated equipment using non-mechanical methods for measuring aerofoil wall thickness;
- b. Tooling, fixtures or measuring equipment for the “laser”, water jet or ECM/EDM hole drilling processes controlled by entry 9E003.c of Annex I of the Dual-Use Regulation;
- c. Ceramic core leaching equipment;
- d. Ceramic core manufacturing equipment or tools;
- e. Ceramic shell wax pattern preparation equipment;
- f. Ceramic shell burn out or firing equipment.

**9D990 “Software”, for the “development” or “production” of equipment controlled by 9A990 or 9B990.**

**9D991 “Software”, for the “development” or “production” of equipment controlled by 9A991 or 9B991.**

**9E990 “Technology”, for the “development” or “production” or “use” of equipment controlled by 9A990 or 9B990.**

**9E991 “Technology”, for the “development”, “production” or “use” of equipment controlled by 9A991 or 9B991.**

**9E993 Other “technology”, not described by entry 9E003 of Annex I of the Dual-Use Regulation, as follows:**

- a. Rotor blade tip clearance control systems employing active compensating casing “technology” limited to a design and development data base;
- b. Gas bearing for turbine engine rotor assemblies.

**SCHEDULE 2D**

Regulation 31E

**Consumer communication devices**

**1.** In regulation 31E, “consumer communication device” means any of the following, of a type which is generally available to the public—

- (a) computers falling within entries 5A992 and 4A994.b of Schedule 2C;
- (b) disk drives and solid-state storage equipment falling within entry 5A992 of Schedule 2C;
- (c) input/output control units (other than industrial controllers designed for chemical processing);
- (d) graphics accelerators and graphics coprocessors;
- (e) monitors falling within entry 5A992 of Schedule 2C;
- (f) printers falling within entry 5A992 of Schedule 2C;
- (g) modems falling within entries 5A991.b.2, 5A991.b.4 or 5A992 of Schedule 2C;
- (h) network access controllers and communications channel controllers falling within entry 5A991.b.4 of Schedule 2C;
- (i) keyboards, mice and similar devices specified in entry 5A992 of Schedule 2C;
- (j) mobile phones, including cellular and satellite telephones, personal digital assistants, and subscriber information module (SIM) cards and similar devices falling within entries 5A992 or 5A991 of Schedule 2C;
- (k) memory devices falling within entry 5A992 of Schedule 2C;
- (l) information security equipment, software (except encryption source code) and peripherals falling within entries 5A992 or 5D992 of Schedule 2C;
- (m) digital cameras and memory cards falling within entry 6A993 or 5A992 of Schedule 2C;
- (n) television and radio receivers falling within entry 5A992 of Schedule 2C;
- (o) recording devices falling within entry 5A992 of Schedule 2C;
- (p) batteries, chargers, carrying cases and accessories for the goods falling within paragraphs (a) to (o) above;
- (q) software (except encryption source code) falling within entries 4D994, 5D991 and 5D992 of Schedule 2C, which is for use with equipment described in paragraphs (a) to (p) above.

**2.** For the purposes of paragraph 1, goods and technology are generally available to the public if they are—

- (a) sold from stock at retail selling points without restriction, by means of—
  - (i) over the counter transactions,
  - (ii) mail order transactions,
  - (iii) electronic transactions, or
  - (iv) telephone order transactions, and
- (b) designed for installation by the user without further substantial support by the supplier.

# SCHEDULE 2E

Regulation 20(3)

## Luxury goods

### PART 1

#### Interpretation

1.—(1) Paragraph 1 of Schedule 2B applies for the purposes of interpreting Part 2.

(2) In Part 2, “sales price” means the sales price of the item or quantity specified excluding value added taxes.

(3) For the purposes of this Schedule, where a sales price is specified per item, “item” is to be construed as the unit usually packaged for retail sale (where applicable), whether a singular good or a number of goods if packaged to be sold together.

### PART 2

#### Luxury items

2. Horses, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price exceeds £250 per animal—

<i>Commodity code</i>	<i>Description</i>
0101 21 00	Pure-bred breeding animals
0101 29 90	Other

3. Caviar and caviar substitutes, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price exceeds £250 per 1.5kg, or equivalent per item—

<i>Commodity code</i>	<i>Description</i>
1604 31 00	Caviar
1604 32 00	Caviar substitutes

4. Truffles and preparations thereof falling within the commodity codes set out in the following table, provided that the sales price exceeds £250 per 1.5kg, or equivalent per item—

<i>Commodity code</i>	<i>Description</i>
0709 56 00	Truffles
0710 80 69	Other
0711 59 00	Other
0712 39 00	Other
2001 90 97	Other
2003 90 10	Truffles
2103 90 90	Other
2104 10 00	Soups and broths and preparations therefor
2104 20 00	Homogenised composite food preparations
2106 00 00	Food preparations not elsewhere specified or included

5. Wines (including sparkling wines), beers, spirits and spirituous beverages, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
2203 00 00	Beer made from malt
2204 10 11	Champagne
2204 10 91	Asti spumante
2204 10 93	Other
2204 10 94	With a protected geographical indication (PGI)
2204 10 96	Other varietal wines
2204 10 98	Other
2204 21 00	In containers holding 2 litres or less
2204 29 00	Other
2205 00 00	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
2206 00 00	Other fermented beverages (for example, cider, perry, mead, saké); mixtures of fermented beverages and mixtures of fermented beverages with non-alcoholic beverages, not elsewhere specified or included
2207 10 00	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher
2208 00 00	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages

6. Cigars or cigarillos falling within the commodity codes set out in the table below, provided that the sales price per item exceeds £10—

<i>Commodity code</i>	<i>Description</i>
2402 10 00	Cigars, cheroots and cigarillos, containing tobacco
2402 90 00	Other

7. Perfumes, toilet waters and cosmetics, including beauty and make-up products, meaning any thing which falls within the following commodity codes, provided that the sales price exceeds the price corresponding to that code set out in the third column of the table—

<i>Commodity code</i>	<i>Description</i>	<i>Sales price</i>
3303	Perfumes and toilet waters	£250 per 6.25 litres
3304 00 00	Beauty or make-up preparations and preparations for the care of the skin (other than medicaments), including sunscreen or suntan preparations; manicure or pedicure preparations	£250 per item or 6.25 litres if liquid
3305 00 00	Preparations for use on the hair	£250 per item or 6.25 litres if liquid
3307 00 00	Pre-shave, shaving or aftershave preparations, personal deodorants, bath preparations, depilatories and other perfumery, cosmetic or toilet preparations, not elsewhere specified or included; prepared room deodorisers, whether or not perfumed or having disinfectant properties	£250 per item or 6.25 litres if liquid
6704 00 00	Wigs, false beards, eyebrows and eyelashes, switches and the like, of human or animal hair or of textile materials; articles of human hair not elsewhere specified or included	£250 per item

8. Leather, saddlery, travel goods, handbags or similar articles, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
4201 00 00	Saddlery and harness for any animal (including traces, leads, knee pads, muzzles, saddle-cloths, saddlebags, dog coats and the like), of any material
4202 00 00	Trunks, suitcases, vanity cases, executive-cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; travelling-bags, insulated food or beverages bags, toilet bags, rucksacks, handbags, shopping-bags, wallets, purses, map-cases, cigarette-cases, tobacco-pouches, tool bags, sports bags, bottle-cases, jewellery boxes, powder boxes, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanised fibre or of paperboard, or wholly or mainly covered with such materials or with paper
4205 00 90	Other
9605 00 00	Travel sets for personal toilet, sewing or shoe or clothes cleaning

9. Garments, clothing, accessories or shoes, meaning any thing which falls within the following commodity codes or chapters, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
4203 00 00	Articles of apparel and clothing accessories, of leather or of composition leather
4303 00 00	Articles of apparel, clothing accessories and other articles of furskin
6101 00 00	Men's or boys' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6103
6102 00 00	Women's or girls' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, knitted or crocheted, other than those of heading 6104
6103 00 00	Men's or boys suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted
6104 00 00	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted
6105 00 00	Men's or boys' shirts, knitted or crocheted
6106 00 00	Women's or girls' blouses, shirts and shirt-blouses, knitted or crocheted
6107 00 00	Men's or boys' underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted
6108 00 00	Women's or girls' slips, petticoats, briefs, panties, nightdresses, pyjamas, negligés, bathrobes, dressing gowns and similar articles, knitted or crocheted
6109 00 00	T-shirts, singlets and other vests, knitted or crocheted
6110 00 00	Jerseys, pullovers, cardigans, waistcoats and similar articles, knitted or crocheted
6111 00 00	Babies' garments and clothing accessories, knitted or crocheted
6112 11 00	Of cotton
6112 12 00	Of synthetic fibres
6112 19 00	Of other textile materials

6112 20 00	Ski suits
6112 31 00	Of synthetic fibres
6112 39 00	Of other textile materials
6112 41 00	Of synthetic fibres
6112 49 00	Of other textile materials
6113 00 10	Of knitted or crocheted fabrics of heading 5906
6113 00 90	Other
6114 00 00	Other garments, knitted or crocheted
6115 00 00	Pantyhose, tights, stockings, socks and other hosiery, including graduated compression hosiery (for example, stockings for varicose veins) and footwear without applied soles, knitted or crocheted
6116 00 00	Gloves, mittens and mitts, knitted or crocheted
6117 00 00	Other made-up clothing accessories, knitted or crocheted; knitted or crocheted parts of garments or of clothing accessories
6201 00 00	Men's or boys' overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, other than those of heading 6203
6202 00 00	Women's or girls overcoats, car coats, capes, cloaks, anoraks (including ski jackets), windcheaters, wind-jackets and similar articles, other than those of heading 6204
6203 00 00	Men's or boys' suits, ensembles, jackets, blazers, trousers, bib and brace overalls, breeches and shorts (other than swimwear)
6204 00 00	Women's or girls' suits, ensembles, jackets, blazers, dresses, skirts, divided skirts, trousers, bib and brace overalls, breeches and shorts (other than swimwear)
6205 00 00	Men's or boys' shirts
6206 00 00	Women's or girls' blouses, shirts and shirt-blouses
6207 00 00	Men's or boys singlets and other vests, underpants, briefs, nightshirts, pyjamas, bathrobes, dressing gowns and similar articles
6208 00 00	Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, nightdresses, pyjamas, négligés, bathrobes, dressing gowns and similar articles
6209 00 00	Babies' garments and clothing accessories
6210 10 00	Of fabrics of heading 5602 or 5603
6210 20 00	Other garments, of the type described in subheadings 6201 11 to 6201 19
6210 30 00	Other garments, of the type described in subheadings 6202 11 to 6202 19
6210 40 00	Other men's or boys' garments
6210 50 00	Other women's or girls' garments
6211 11 00	Men's or boys'
6211 12 00	Women's or girls'
6211 20 00	Ski suits
6211 32 00	Of cotton
6211 33 00	Of man-made fibres
6211 39 00	Of other textile materials
6211 42 00	Of cotton
6211 43 00	Of man-made fibres
6211 49 00	Of other textile materials
6212 00 00	Brassières, girdles, corsets, braces, suspenders, garters and similar articles and parts thereof, whether or not knitted or crocheted
6213 00 00	Handkerchiefs
6214 00 00	Shawls, scarves, mufflers, mantillas, veils and the like

6215 00 00	Ties, bow ties and cravats
6216 00 00	Gloves, mittens and mitts
6217 00 00	Other made-up clothing accessories; parts of garments or of clothing accessories, other than those of heading 6212
6401 00 00	Waterproof footwear with outer soles and uppers of rubber or of plastics, the uppers of which are neither fixed to the sole nor assembled by stitching, riveting, nailing, screwing, plugging or similar processes
6402 20 00	Footwear with upper straps or thongs assembled to the sole by means of plugs
6402 91 00	Covering the ankle
6402 99 00	Other
6403 19 00	Other
6403 20 00	Footwear with outer soles of leather, and uppers which consist of leather straps across the instep and around the big toe
6403 40 00	Other footwear, incorporating a protective metal toecap
6403 51 00	Covering the ankle
6403 59 00	Other
6403 91 00	Covering the ankle
6403 99 00	Other
6404 19 10	Slippers and other indoor footwear
6404 20 00	Footwear with outer soles of leather or composition leather
6405 00 00	Other footwear
6504 00 00	Hats and other headgear, plaited or made by assembling strips of any material, whether or not lined or trimmed
6505 00 10	Of fur felt or of felt of wool and fur, made from the hat bodies, hoods or plateaux of heading 6501 00 00
6505 00 30	Peaked caps
6505 00 90	Other
6506 99 00	Of other materials
6601 91 00	Having a telescopic shaft
6601 99 00	Other
6602 00 00	Walking sticks, seat-sticks, whips, riding-crops and the like
9619 00 81	Napkins and napkin liners for babies

**10.** Carpets, rugs and tapestries, hand-made or not, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
5701 00 00	Carpets and other textile floor coverings, knotted, whether or not made up
5702 10 00	‘Kelem’, ‘Schumacks’, ‘Karamanie’ and similar hand-woven rugs
5702 20 00	Floor coverings of coconut fibres (coir)
5702 31 80	Other
5702 32 00	Of man-made textile materials
5702 39 00	Of other textile materials
5702 41 90	Other
5702 42 00	Of man-made textile materials
5702 50 00	Other, not of pile construction, not made up
5702 91 00	Of wool or fine animal hair
5702 92 00	Of man-made textile materials
5702 99 00	Of other textile materials
5703 00 00	Carpets and other textile floor coverings, tufted, whether or not

	made up
5704 00 00	Carpets and other textile floor coverings, of felt, not tufted or flopped, whether or not made up
5705 00 00	Other carpets and other textile floor coverings, whether or not made up
5805 00 00	Hand-woven tapestries of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up

**11. Pearls, precious and semi-precious stones, articles of pearls, jewellery, gold- or silversmith articles falling within the commodity codes set out in the following table—**

<i>Commodity code</i>	<i>Description</i>
7101 00 00	Pearls, natural or cultured, whether or not worked or graded but not strung, mounted or set; pearls, natural or cultured, temporarily strung for convenience of transport
7102 00 00	Diamonds, whether or not worked, but not mounted or set, excluding for industrial use
7103 00 00	Precious stones (other than diamonds) and semi-precious stones, whether or not worked or graded but not strung, mounted or set; ungraded precious stones (other than diamonds) and semi-precious stones, temporarily strung for convenience of transport
7104 91 00	Diamonds, excluding for industrial use
7105 00 00	Dust and powder of natural or synthetic precious or semi-precious stones
7106 00 00	Silver (including silver plated with gold or platinum), unwrought or in semi-manufactured forms, or in powder form
7107 00 00	Base metals clad with silver, not further worked than semi-manufactured
7108 00 00	Gold (including gold plated with platinum), unwrought or in semi-manufactured forms, or in powder form
7109 00 00	Base metals or silver, clad with gold, not further worked than semi-manufactured
7110 11 00	Unwrought or in powder form
7110 19 00	Other
7110 21 00	Unwrought or in powder form
7110 29 00	Other
7110 31 00	Unwrought or in powder form
7110 39 00	Other
7110 41 00	Unwrought or in powder form
7110 49 00	Other
7111 00 00	Base metals, silver or gold, clad with platinum, not further worked than semi-manufactured
7113 00 00	Articles of jewellery and parts thereof, of precious metal or of metal clad with precious metal
7114 00 00	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal
7115 00 00	Other articles of precious metal or of metal clad with precious metal
7116 00 00	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)

**12. Coins and banknotes, meaning any thing which falls within the commodity codes set out in the following table, provided that such items are not legal tender—**

<i>Commodity code</i>	<i>Description</i>
4907 00 30	Banknotes
7118 10 00	Coin (other than gold coin), not being legal tender

7118 90 00 Other

**13.** Any item of cutlery, bladed or edged instruments and tools falling within the commodity codes set out in the following table, provided such items are comprised of precious metal or plated or clad with precious metal—

<i>Commodity code</i>	<i>Description</i>
7114 00 00	Articles of goldsmiths' or silversmiths' wares and parts thereof, of precious metal or of metal clad with precious metal
7115 00 00	Other articles of precious metal or of metal clad with precious metal
8214 00 00	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paperknives); manicure or pedicure sets and instruments (including nail files)
8215 00 00	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware
9307 00 00	Swords, cutlasses, bayonets, lances and similar arms and parts thereof and scabbards and sheaths therefor

**14.** Tableware of porcelain, china, stoneware or earthenware or fine pottery falling within within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
6911 00 00	Tableware, kitchenware, other household articles and toilet articles, of porcelain or china
6912 00 23	Stoneware
6912 00 25	Earthenware or fine pottery
6912 00 83	Stoneware
6912 00 85	Earthenware or fine pottery
6914 10 00	Of porcelain or china
6914 90 00	Other

**15.** Items of lead crystal falling within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
7009 91 00	Unframed
7009 92 00	Framed
7010 00 00	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass
7013 22 00	Of lead crystal
7013 33 00	Of lead crystal
7013 41 00	Of lead crystal
7013 91 00	Of lead crystal
7018 10 00	Glass beads, imitation pearls, imitation precious or semi-precious stones and similar glass smallwares
7018 90 00	Other
7020 00 80	Other
9405 50 00	Non-electrical lamps and lighting fittings
9405 91 00	Of glass

**16.** Electronic items for domestic use, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £630—

<i>Commodity code</i>	<i>Description</i>
8414 51	Table, floor, wall, window, ceiling or roof fans, with a self-

	contained electric motor of an output not exceeding 125 watts
8414 59 00	Other
8414 60 00	Hoods having a maximum horizontal side not exceeding 120 cm
8415 10 00	Window or wall types, self-contained or 'split-system'
8418 10 00	Combined refrigerator-freezers, fitted with separate external doors
8418 21 00	Compression-type
8418 29 00	Other
8418 30 00	Freezers of the chest type, not exceeding 800 litres capacity
8418 40 00	Freezers of the upright type, not exceeding 900 litres capacity
8419 81 00	For making hot drinks or for cooking or heating food
8422 11 00	Of the household type
8423 10 00	Personal weighing machines, including baby scales; household scales
8443 12 00	Offset printing machinery, sheet fed, office type (using sheets with one side not exceeding 22 cm and the other side not exceeding 36 cm in the unfolded state)
8443 31 00	Machines which perform two or more of the functions of printing, copying or facsimile transmission, capable of connecting to an automatic data-processing machine or to a network
8443 32 00	Other, capable of connecting to an automatic data-processing machine or to a network
8443 39 00	Other
8450 11 00	Fully-automatic machines
8450 12 00	Other machines, with built-in centrifugal drier
8450 19 00	Other
8451 21 00	Each of a dry linen capacity not exceeding 10 kg
8452 10 00	Sewing machines of the household type
8470 10 00	Electronic calculators capable of operation without an external source of electric power and pocket-size data-recording, reproducing and displaying machines with calculating functions
8470 21 00	Incorporating a printing device
8470 29 00	Other
8470 30 00	Other calculating machines
8471 00 00	Automatic data-processing machines and units thereof; magnetic or optical readers, machines for transcribing data onto data media in coded form and machines for processing such data, not elsewhere specified or included
8472 90 80	Other
8479 60 00	Evaporative air coolers
8508 11 00	Of a power not exceeding 1,500 watts and having a dust bag or other receptacle capacity not exceeding 20 litres
8508 19 00	Other
8508 60 00	Other vacuum cleaners
8509 80 00	Other appliances
8516 31 00	Hairdryers
8516 50 00	Microwave ovens
8516 60 10	Cookers (incorporating at least an oven and a hob)
8516 71 00	Coffee or tea makers
8516 72 00	Toasters
8516 79 00	Other
8517 11 00	Line telephone sets with cordless handsets
8517 13 00	Smartphones

8517 18 00	Other
8517 61 00	Base stations
8517 62 00	Machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus
8517 69 00	Other
8526 91 00	Radio navigational aid apparatus
8529 10 65	Inside aerials for radio or television broadcast receivers, including built-in types
8529 10 69	Other
8531 10 00	Burglar or fire alarms and similar apparatus
8543 70 10	Electrical machines with translation or dictionary functions
8543 70 30	Aerial amplifiers
8543 70 50	Sunbeds, sunlamps and similar suntanning equipment
8543 70 90	Other
9504 50 00	Video game consoles and machines, other than those of subheading 9504 30
9504 90 80	Other

**17.** Electrical/electronic or optical apparatus for recording and reproducing sound and images, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £840—

<i>Commodity code</i>	<i>Description</i>
8519 00 00	Sound recording or sound reproducing apparatus
8521 00 00	Video recording or reproducing apparatus, whether or not incorporating a video tuner
8527 00 00	Reception apparatus for radio-broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock
8528 71 00	Not designed to incorporate a video display or screen
8528 72 00	Other, colour
9006 00 00	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than discharge lamps of heading 8539
9007 00 00	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus

**18.** Vehicles, except ambulances, for the transport of persons on earth, air or sea, teleferics, chairlifts, ski-draglines, traction mechanisms for funiculars and motorbikes, as well as their accessories and spare parts, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price exceeds—

- (a) £42,000 per vehicle,
- (b) £4,200 per teleferic, chairlift, ski-dragline, traction mechanism for funiculars or motorbike, or
- (c) £420 per accessory or spare part,

as applicable—

<i>Commodity code</i>	<i>Description</i>
4011 10 00	Of a kind used on motor cars (including station wagons and racing cars)
4011 20 00	Of a kind used on buses or lorries
4011 30 00	Of a kind used on aircraft
4011 40 00	Of a kind used on motorcycles

4011 90 00	Other
7009 10 00	Rear-view mirrors for vehicles
8407 00 00	Spark-ignition reciprocating or rotary internal combustion piston engines
8408 00 00	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)
8409 00 00	Parts suitable for use solely or principally with the engines of heading 8407 or 8408
8411 00 00	Turbojets, turbopropellers and other gas turbines
8428 60 00	Teleferics, chairlifts, ski-draglines, traction mechanisms for funiculars
8431 39 00	Parts and accessories of teleferics, chairlifts, ski-draglines, traction mechanisms for funiculars
8483 00 00	Transmission shafts (including cam shafts and crank shafts) and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gear boxes and other speed changers, including torque converters; flywheels and pulleys, including pulley blocks; clutches and shaft couplings (including universal joints)
8511 00 00	Electrical ignition or starting equipment of a kind used for spark-ignition or compression-ignition internal combustion engines (for example, ignition magnetos, magneto-dynamos, ignition coils, sparking plugs and glow plugs, starter motors); generators (for example, dynamos, alternators) and cut-outs of a kind used in conjunction with such engines
8512 20 00	Other lighting or visual signalling equipment
8512 30 10	Burglar alarms of a kind used for motor vehicles
8512 30 90	Other
8512 40 00	Windscreen wipers, defrosters and demisters
8544 30 00	Ignition wiring sets and other wiring sets of a kind used in vehicles, aircraft or ships
8603 00 00	Self-propelled railway or tramway coaches, vans and trucks, other than those of heading 8604
8605 00 00	Railway or tramway passenger coaches, not self-propelled; luggage vans, post office coaches and other special purpose railway or tramway coaches, not self-propelled (excluding those of heading 8604 )
8607 00 00	Parts of railway or tramway locomotives or rolling stock
8702 00 00	Motor vehicles for the transport of ten or more persons, including the driver
8703 00 00	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars, including snowmobiles
8706 00 00	Chassis fitted with engines, for the motor vehicles of headings 8701 to 8705
8707 00 00	Bodies (including cabs), for the motor vehicles of headings 8701 to 8705
8708 00 00	Parts and accessories of the motor vehicles of headings 8701 to 8705
8711 00 00	Motorcycles (including mopeds) and cycles fitted with an auxiliary motor, with or without side-cars; side-cars
8712 00 00	Bicycles and other cycles (including delivery tricycles), not motorised
8714 00 00	Parts and accessories of vehicles of headings 8711 to 8713
8716 10 00	Trailers and semi-trailers of the caravan type, for housing or

	camping
8716 40 00	Other trailers and semi-trailers
8716 90 00	Parts
8901 10 00	Cruise ships, excursion boats and similar vessels principally designed for the transport of persons; ferry-boats of all kinds
8901 90 00	Other vessels for the transport of goods and other vessels for the transport of both persons and goods
8903 00 00	Yachts and other vessels for pleasure or sports; rowing boats and canoes

**19.** Clocks and watches and their parts, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
9101 00 00	Wristwatches, pocket-watches and other watches, including stopwatches, with case of precious metal or of metal clad with precious metal
9102 00 00	Wristwatches, pocket-watches and other watches, including stopwatches, other than those of heading 9101
9103 00 00	Clocks with watch movements, excluding clocks of heading 9104
9104 00 00	Instrument panel clocks and clocks of a similar type for vehicles, aircraft, spacecraft or vessels
9105 00 00	Other clocks
9108 00 00	Watch movements, complete and assembled
9109 00 00	Clock movements, complete and assembled
9110 00 00	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements
9111 00 00	Watch cases and parts thereof
9112 00 00	Clock cases and cases of a similar type for other goods of this chapter, and parts thereof
9113 00 00	Watch straps, watch bands and watch bracelets, and parts thereof
9114 00 00	Other clock or watch parts

**20.** Musical instruments, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £1260—

<i>Commodity code</i>	<i>Description</i>
9201 00 00	Pianos, including automatic pianos; harpsichords and other keyboard stringed instruments
9202 00 00	Other string musical instruments (for example, guitars, violins, harps)
9205 00 00	Wind musical instruments (for example, keyboard pipe organs, accordions, clarinets, trumpets, bagpipes), other than fairground organs and mechanical street organs
9206 00 00	Percussion musical instruments (for example, drums, xylophones, cymbals, castanets, maracas)
9207 00 00	Musical instruments, the sound of which is produced, or must be amplified, electrically (for example, organs, guitars, accordions)

**21.** Works of art, collectors' pieces and antiques, meaning any thing which falls within chapter 97.

**22.** Articles and equipment for sports, including skiing, golf, diving and water sports, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
4015 19 00	Other
4015 90 00	Other
6210 40 00	Other men's or boys' garments
6210 50 00	Other women's or girls' garments
6211 11 00	Men's or boys'
6211 12 00	Women's or girls'
6211 20 00	Ski suits
6216 00 00	Gloves, mittens and mitts
6402 12 00	Ski-boots, cross-country ski footwear and snowboard boots
6402 19 00	Other
6403 12 00	Ski-boots, cross-country ski footwear and snowboard boots
6403 19 00	Other
6404 11 00	Sports footwear; tennis shoes, basketball shoes, gym shoes, training shoes and the like
6404 19 90	Other
9004 90 00	Other
9020 00 00	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters
9506 11 00	Skis
9506 12 00	Ski-fastenings (ski-bindings)
9506 19 00	Other
9506 21 00	Sailboards
9506 29 00	Other
9506 31 00	Clubs, complete
9506 32 00	Golf balls
9506 39 00	Other
9506 40 00	Articles and equipment for table tennis
9506 51 00	Lawn-tennis rackets, whether or not strung
9506 59 00	Other
9506 61 00	Lawn-tennis balls
9506 69 10	Cricket and polo balls
9506 69 90	Other
9506 70	Ice skates and roller skates, including skating boots with skates attached
9506 91	Articles and equipment for general physical exercise, gymnastics or athletics
9506 99 10	Cricket and polo equipment, other than balls
9506 99 90	Other
9507 00 00	Fishing rods, fish-hooks and other line fishing tackle; fish landing nets, butterfly nets and similar nets; decoy 'birds' (other than those of heading 9208 or 9705) and similar hunting or shooting requisites

**23.** Articles and equipment for billiards, automatic bowling, casino games and games operated by coins, banknotes, bank cards, tokens or by any other means of payment, video games consoles and amusement machines, meaning any thing which falls within the commodity codes set out in the following table, provided that the sales price per item exceeds £250—

<i>Commodity code</i>	<i>Description</i>
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9504 20 00	Articles and accessories for billiards of all kinds
9504 30 00	Other games, operated by coins, banknotes, bank cards, tokens or by any other means of payment, other than automatic bowling alley equipment
9504 40 00	Playing cards
9504 30 00	Video game consoles and machines, other than those of subheading 9504 50
9504 90 80	Other

## SCHEDULE 2F

Regulation 20(3)

### Oil refining goods and technology

#### PART 1

##### Interpretation

1.—(1) Paragraph 1 of Schedule 2B applies for the purposes of interpreting Part 2.

(2) Terms printed in quotation marks and not defined in this Schedule have the meaning given to them in—

- (a) Schedules 2 and 3 to the Export Control Order 2008, or
- (b) Annex I of the Dual-Use Regulation,

as applicable.

#### PART 2

##### Oil refining goods

2. Any thing falling within—

- (a) a commodity code mentioned in column 1 of the following table, and
- (b) the description in column 2 corresponding to that code.

<i>Commodity code</i>	<i>Description</i>
ex 8479 89 97	Alkylation and isomerization units
ex 8543 70 90	
ex 8479 89 97	Aromatic hydrocarbon production units
ex 8543 70 90	
ex 8419 40 00	Atmospheric-vacuum crude distillation units (CDU)
ex 8479 89 97	Catalytic reforming / cracker units
ex 8543 70 90	
ex 8419 89 98	Delayed cokers
ex 8419 89 30	
ex 8419 89 10	
ex 8419 89 98	Flexicoking units
ex 8419 89 30	
ex 8419 89 10	
ex 8479 89 97	Hydrocracking reactors
ex 8419 89 98	Hydrocracking reactor vessels
ex 8419 89 30	

ex 8419 89 10	
ex 8479 89 97	
ex 8479 89 97	Hydrogen generation equipment
ex 8543 70 90	
ex 8421 39 15	Hydrogen recovery and purification equipment
ex 8421 39 25	
ex 8421 39 35	
ex 8421 39 85	
ex 8479 89 97	
ex 8543 70 90	
ex 8479 89 97	Hydrotreatment equipment/units
ex 8543 70 90	
ex 8479 89 97	Naphtha isomerisation units
ex 8543 70 90	
ex 8479 89 97	Polymerisation units
ex 8543 70 90	
ex 8419 89 10	Refinery fuel gas treatment and sulphur recovery equipment
ex 8419 89 30	(including amine scrubbing units, sulphur recovery units, tail
ex 8419 89 98	gas treatment units)
ex 8479 89 97	
ex 8543 70 90	
ex 8456 90 00	Solvent de-asphalting units
ex 8479 89 97	
ex 8543 70 90	
ex 8479 89 97	Sulphur production units
ex 8543 70 90	
ex 8479 89 97	Sulphuric acid alkylation and sulphuric acid regeneration units
ex 8543 70 90	
ex 8419 89 10	Thermal cracking units
ex 8419 89 30	
ex 8419 89 98	
ex 8479 89 97	
ex 8543 70 90	
ex 8479 89 97	Toluene and heavy aromatics: Transalkylation units
ex 8543 70 90	
ex 8479 89 97	Visbreakers
ex 8543 70 90	
ex 8479 89 97	Vacuum gas oil hydrocracking units
ex 8543 70 90	

3. Catalysts used in the following processes for the refining of crude oil to produce petroleum products—

- (a) fluid catalytic cracking;
- (b) hydroprocessing, including hydrotreating and hydrocracking;
- (c) alkylation;
- (d) catalytic reforming.

#### Oil refining technology

4. “Software” for the “development”, “production” or “use” of any thing falling within paragraphs 2 and 3.

5. “Technology” for the “development”, “production” or “use” of any thing falling within paragraphs 2 to 4.

## SCHEDULE 2G

Regulation 20(3)

### Quantum computing and advanced materials goods and technology

#### PART 1

##### **Interpretation**

1.—(1) Terms printed in quotation marks and not defined or interpreted in this Schedule have the meaning given to them in—

- (a) Schedules 2 and 3 to the Export Control Order 2008, or
- (b) Annex I of the Dual-Use Regulation,

as applicable.

(2) For the purposes of this Schedule, the interpretative notes in Part 2 apply.

#### PART 2

##### **Quantum computing and advanced materials goods**

2. Equipment, “electronic assemblies” and components, specially designed for “quantum computers”, quantum electronics, quantum sensors, quantum processing units, qubit circuits, qubit devices or quantum radar systems.

*Note 1: “Quantum computers” perform computations that harness the collective properties of quantum states, such as superposition, interference and entanglement.*

*Note 2: Units, circuits and devices include but are not limited to superconducting circuits, quantum annealing, ion trap, photonic interaction, silicon/spin and cold atoms.*

3. “Cryogenic refrigeration systems” designed to maintain temperatures below 1.1 kelvin for 48 hours or more and related cryogenic refrigeration equipment and components as follows:

- (a) pulse tubes;
- (b) cryostats;
- (c) dewars;
- (d) gas handling systems (GHS);
- (e) compressors;
- (f) control units.

*Note: “Cryogenic refrigeration systems” include but are not limited to dilution refrigeration, adiabatic demagnisation refrigerators and laser cooling systems.*

4. Ultra-High vacuum (“UHV”) equipment as follows—

- (a) UHV pumps (sublimation, turbomolecular, diffusion, cryogenic, ion-getter);
- (b) UHV pressure gauges.

*Note: UHV means 100 nanoPascals (nPa) or lower*

5. High quantum efficiency (“QE”) photodetectors and sources with a QE greater than 80% in the wavelength range exceeding 300 nanometers but not exceeding 1700 nanometers.

6. Manufacturing equipment as follows—

- (a) additive manufacturing equipment for the production of metal parts;
- (b) additive manufacturing equipment for “energetic materials”, including equipment using ultrasonic extrusion;
- (c) vat photopolymerisation additive manufacturing equipment using stereo lithography (SLA) or direct light processing (DLP).

*Note: Paragraph 6(a) only applies to the following systems—*

- (i) powder-bed systems using selective laser melting (SLM), laser cladding, direct metal laser sintering (DMLS) or electron beam melting (ELB), or*
- (ii) powder-fed systems using laser cladding, direct energy deposition or laser metal deposition.*

7. Metal powders and metal alloy powders specially designed for the additive manufacturing equipment specified in paragraph 6(a).

8. Microscopes, related equipment and detectors, as follows—

- (a) scanning electron microscopes (SEM);
- (b) scanning auger microscopes;
- (c) transmission electron microscopes (TEM);
- (d) atomic force microscopes (AFM);
- (e) scanning force microscopes (SFM);
- (f) equipment and detectors specially designed for use with the microscopes specified in sub-paragraphs (a) to (e), employing any of the following—
  - (i) X-ray photo spectroscopy (XPS);
  - (ii) energy-dispersive X-ray spectroscopy (EDX, EDS);
  - (iii) electron back scatter detector (EBSD) systems;
  - (iv) electron spectroscopy for chemical analysis (ESCA).

9. “Decapsulation” equipment for semiconductor devices.

*Note: “Decapsulation” means the removal of a cap, lid, or encapsulating material from a packaged integrated circuit by mechanical, thermal, or chemical methods.*

### **Quantum computing and advanced materials technology**

10. “Software” specially designed or modified for the “development”, “production” or “use” of the systems, equipment and components specified in paragraphs 2 to 9.

11. “Software” for digital twins (DT) of additive manufactured products or for the determination of the reliability of additive manufactured products.

12. “Technology” “required” for the “development”, “production” or “use” of the systems, equipment, components and software specified in paragraphs 2 to 11.”

#### **EXPLANATORY NOTE**

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

These Regulations are made under the Sanctions and Anti-Money Laundering Act 2018 (c. 13) (“the Sanctions Act”) to amend the Republic of Belarus (Sanctions) (EU Exit) Regulations 2019 (S.I. 2019/600) (“the 2019 Regulations”).

Part 2 adds new purposes and designation criteria to the 2019 Regulations, targeting role of the Government of Belarus in supporting Russia's actions in respect of Ukraine. Part 2 also introduces a power to designate persons by description and makes related changes to designation provisions, including reflecting amendments made to the Sanctions Act by the Economic Crime (Transparency and Enforcement) Act 2022 (c. 10).

Part 3 widens the financial sanctions relating to Belarus. Existing restrictions on dealing with financial instruments and providing loans are extended to a broader range of transferable securities, money market instruments, loans and credit. Part 3 also introduces a new prohibition on providing financial services for the purpose of foreign exchange reserve and asset management of the Central Bank of Belarus and the Ministry of Finance of Belarus and related persons.

Part 4 widens trade sanctions relating to Belarus. New export restrictions are imposed on goods and technology relating to critical industry, quantum computing and oil refining, and luxury goods, while prohibitions are widened in relation to dual-use goods and technology. New import restrictions are imposed on mineral products, arms and related materiel, iron and steel. A range of related trade activities are prohibited, including technical assistance and financial services relating to certain other prohibited trade activities, and enabling or facilitating military activities. An existing prohibition on providing technical assistance to designated persons in relation to aircraft is widened to include technical assistance provided in relation to ships.

Part 5 adds new aircraft and shipping sanctions. The current aircraft restrictions are widened so that it will now be an offence for certain Belarus-related aircraft to land in, or overfly, the UK, and for such aircraft to be registered in the UK. Part 5 also adds shipping restrictions, prohibiting certain Belarus-related or other specified ships from entering UK ports or being registered in the UK, and providing powers to the Secretary of State to direct the movement and detention of such ships.

Part 6 deals with exceptions and licencing powers. New exceptions in respect of the new trade provisions are included for travellers, diplomatic posts, international organisations, consumer communication devices and software, and for emergencies.

Parts 7 to 9 make related changes to information and enforcement powers, to Schedules, and to other legislation.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector has been published alongside these Regulations and is available from [legislation.gov.uk](https://legislation.gov.uk) or from the Foreign, Commonwealth and Development Office, King Charles Street, London SW1A 2AH.

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