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STATUTORY INSTRUMENTS

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**2019 No. 1159**

**CUSTOMS**

**The Export Control (Amendment) (No. 2) Order 2019**

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| <i>Made</i>                   | - - - - | <i>at 12.00 p.m. on<br/>22nd July 2019</i> |
| <i>Laid before Parliament</i> |         | <i>at 4.30 p.m. on 22nd<br/>July 2019</i>  |
| <i>Coming into force</i>      | - -     | <i>14th August 2019</i>                    |

The Secretary of State is a Minister designated for the purposes of section 2(2) of the European Communities Act 1972(1) in relation to measures relating to trade in dual-use items, including the transmission of software or technology in intangible form(2).

It appears to the Secretary of State that it is expedient for references in this Order to Council Regulation (EC) No. 428/2009(3), or to any provision of that Regulation, to be construed as references to that instrument, or to any such provision, as amended from time to time.

The Secretary of State, in exercise of the powers conferred by section 2(2) of, and paragraph 1A of Schedule 2 to the European Communities Act 1972(4) and sections 1, 2, 5 and 7 of the Export Control Act 2002(5), makes the following Order:

**Citation and Commencement**

1. This Order may be cited as the Export Control (Amendment) (No. 2) Order 2019 and comes into force on 14th August 2019.

**Amendments to the Export Control Order 2008**

2.—(1) In Schedule 3 to the Export Control Order 2008(6), (UK controlled dual-use goods, software and technology), after the entry PL9011 insert—

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**“Submersible Vessels and related goods, software and technology**

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- (1) 1972 c. 68; section 2(2) was amended by the Legislative and Regulatory Reform Act 2006 (c. 51), section 27(1)(a) and the European Union (Amendment) Act 2008 (c. 7), section 3(3) and the Schedule, Part 1.
- (2) See the European Communities (Designation) (No. 2) Order 2000 (S.I. 2000/1813).
- (3) OJ No. L134, 29.05.2009, p. 1.
- (4) Paragraph 1A of Schedule 2 was inserted by the Legislative and Regulatory Reform Act 2006, section 28.
- (5) 2002 c. 28; sections 1(5), 2(5), 5(2) and 7(2)(c) were amended by Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043) Part 2, Article 6(2)(c) and section 5(3) was amended by Treaty of Lisbon (Changes in Terminology or Numbering) Order 2012 (S.I. 2012/1809), Schedule 1, Part 1, paragraph 1.
- (6) S.I. 2008/3231, to which there are amendments not relevant to this Order.

**PL9012** The export or “transfer by electronic means” of the following goods, “software” or “technology” is prohibited to any destination in Russia:

- a. ‘submersible vehicles’, and related systems, equipment and components, as follows, other than those specified in Schedule 2 to this Order or Annex I to “the dual-use Regulation”:
  - 1. ‘submersible vehicles’ and specially designed components therefor;
  - 2. Subsea ploughs and specially designed components therefor;
  - 3. Systems, equipment and components for use with ‘submersible vehicles’ and subsea ploughs, as follows:
    - a. Marine acoustic systems and equipment, as follows:
      - i. sonar equipment;
      - ii. velocity log equipment;
      - iii. underwater altimeters;
    - b. Navigation equipment specially designed for ‘submersible vehicles’;
    - c. Acoustic systems and equipment designed to determine the position of ‘submersible vehicles’ including via surface vessels;
    - d. Propulsion motors or thrusters for ‘submersible vehicles’;
    - e. Umbilical cables and connectors therefor, specially designed or modified for ‘submersible vehicles’;
    - f. Umbilical winches, tow winches and lifting winches;
    - g. Tethers and tether systems, for ‘submersible vehicles’;
    - h. Lighting systems specially designed or modified for underwater use;
    - i. Underwater vision systems;
    - j. Underwater communication systems;
    - k. Pressure sensors specially designed for underwater use;
    - l. Launch and recovery systems and equipment for deploying ‘submersible vehicles’ and specially designed components therefor;
    - m. Trenching tools and jetting tools, specially designed or modified for use with ‘submersible vehicles’;
    - n. Control systems and equipment specially designed or modified for the remote operation of ‘submersible vehicles’;
    - o. Remotely controlled articulated manipulators specially designed or modified for use with ‘submersible vehicles’;
    - p. Subsea cable detection systems;
    - q. Cable cutting, clamping and handling equipment, specially designed or modified for use with ‘submersible vehicles’;

- r. Subsea telecoms handling systems and equipment;
  - s. Tools specially designed or modified to be operated by 'submersible vehicles' or articulated manipulators;
  - t. Syntactic foam;
  - u. Pressure housings specially designed or modified for use on 'submersible vehicles';
  - v. Biological, chemical or physical environmental sensors designed or modified to be used underwater;
- b. Azimuth adjustable propulsion systems for use in surface vessels with a propeller diameter of greater than 2m;
  - c. "Software" designed for the "development", "production" or "use" of goods specified in PL9012.a. and PL9012.b.
  - d. "Technology" for the "development", "production" or "use" of goods or "software" specified in PL9012.a., PL9012.b. or PL9012.c.

*N.B.: See article 18 of this Order for exceptions from the controls on "technology".*

*Technical Note:*

*'Submersible vehicles' include manned, unmanned, tethered or untethered vehicles.'*

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Signed by authority of the Secretary of State

*Graham Stuart*  
Parliamentary Under-Secretary of State for  
Investment  
Department for International Trade

At 12.30 p.m. on 22nd July 2019

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

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

This Order amends the Export Control Order 2008 (S.I. 2008/3231) (“the 2008 Order”).

Article 2 amends Schedule 3 to the 2008 Order to insert a new dual-use control in respect of submersible vehicles prohibiting the export and transfer of such goods and software or technology for the development, production or use of such goods where they are destined for Russia.

An Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum and a transposition note are available from the Department for International Trade, 3 Whitehall Place, London SW1A 2AW and, also, are published alongside the instrument on the [www.legislation.gov.uk](http://www.legislation.gov.uk) website. In addition, copies have been placed in the Libraries of both Houses of Parliament.