

Regulation made under s.79.

**EXPORT OF GOODS (CONTROL) REGULATIONS, 1997**

**(LN. 1997/093)**

**25.9.1997**

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**ARRANGEMENT OF REGULATIONS.**

Regulation

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**SCHEDULE**

**MILITARY, SECURITY AND PARA-MILITARY GOODS AND ARMS,  
AMMUNITION AND RELATED MATERIAL**

*In exercise of the powers conferred on him, by section 79 of the Import and Export Act and of all other enabling powers, the Governor has made the following Regulations -*

**Title and interpretation.**

1(1) These Regulations may be cited as the Export of Goods (Control) Regulations 1997.

(2) In these Regulations, unless the context otherwise requires -

“aircraft” means a fixed wing, swivel wing, rotary wing, tilt rotor or tilt wing airborne vehicle or helicopter;

“country” includes territory;

“goods”, unless otherwise specified, means both used and unused goods;

“importation” and “exportation” in relation to a vessel, submersible vehicle or aircraft includes the taking into or out of Gibraltar of the vessel, submersible vehicle or aircraft notwithstanding that the vessel, submersible vehicle or aircraft is conveying goods or passengers, and whether or not it is moving under its own power; and cognate expressions shall be construed accordingly;

“Member State” means a Member State of the European Communities;

“normal commercial journey” means a journey providing transport services in the ordinary course of business;

“scheduled journey” means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service operated in such manner that the benefits thereof are available to members of the public from time to time seeking to take advantage of it;

“surface effect vehicle” means any air cushion vehicle (whether side wall or skirted) and any vehicle using the wing-in-ground effect for positive lift;

“vessel” includes any ship, surface effect vehicle, waterplane, hydrofoil, and the hull or part of the hull of a vessel.

(3) In these Regulations a prohibition on exportation is a prohibition on exportation from Gibraltar including a prohibition on shipment as ships' stores.

### **Prohibitions and restrictions on exportation.**

2. Subject to the provisions of these Regulations, all goods of a description specified in the Schedule hereto are prohibited to be exported to any destination.

### **Exceptions.**

3. Nothing in these Regulations shall be taken to prohibit the exportation of-

- (a) any goods lawfully exported under the authority of a licence granted by the Collector of Customs, provided that all conditions attaching to the said licence are complied with;
- (b) any aircraft which is being exported after temporary importation into Gibraltar provided that there has been no change of ownership or registration since such importation;
- (c) any aircraft on a scheduled journey;
- (d) any vessel -
  - (i) registered or constructed outside Gibraltar which is being exported after temporary importation into Gibraltar;
  - (ii) which is departing temporarily from Gibraltar on trials;
  - (iii) proceeding on a normal commercial journey;
- (e) any firearm -
  - (i) falling within category B, C or D of Annex 1 to Council Directive 91/477/EEC, related ammunition and telescopic sight for use therewith to any destination in a Member State if -
    - (aa) the firearm, ammunition and telescopic sight form part of the personal effects of a person who is in possession of a document which has been issued to him under the provisions of the law of a Member State certifying that the

person in lawful possession of the firearm, ammunition and telescopic sight.

and which, in either case, relates to the firearm in question; and

(bb) either the said document issued to him contains authorisation for the possession of the said firearm from the Member State of destination and any other Member State through which the holder intends that the firearm will pass on its way to that destination, or the holder of the firearm can on request satisfy the proper customs officer at the place of export -

(i) that the export of the firearm is necessary to enable the holder to participate in one of the activities specified in Article 12.2 of the said Directive,

(ii) that the firearm falls within the category appropriate to that activity in accordance with the said Article 12.2 and

(iii) that the export or passage of the firearm is not to or, as the case may be, through a Member State which prohibits or requires an authorization for the acquisition or possession of the said firearm;

(ii) authorised to be possessed or, as the case may be, purchased or acquired according to the provisions of the Firearms Act and the Explosives Act -

(aa) to any destination in a Member State by any person or body specified in Article 2.2 of the said Directive, or by the lawful holder of a firearm under the provisions of the Firearms Act, or

(bb) to any other destination other than a destination in South Africa

provided that the firearm, ammunition and telescopic sight form part of the personal effects of the holder of the certificate and, in a case to which (bb) directly above applies, the certificate is produced by the holder, or his duly authorised agent, with the firearm and ammunition to the proper customs officer at the place of export;

- (f) Permitted ships' stores or the shipment of any goods as ships' stores with the permission of the proper customs officer at the port of departure for use on board the ship provided that all conditions attaching to the said permission are complied with.

### **Customs powers to demand evidence of destination which goods reach.**

4. Any exporter or any shipper of goods which have been exported from the Gibraltar shall, if so required by the Collector of Customs, furnish within such time as he may allow proof to his satisfaction that the goods have reached either-

- (a) a destination to which they were authorised to be exported by a licence granted for the purposes of these Regulations, or
- (b) a destination to which their exportation was not prohibited by these Regulations;

and, if he fails to do so, he shall commit an offence and shall be liable on summary conviction to a fine not exceeding £2000 unless he proves to the satisfaction of the court that he did not consent to or connive at the goods reaching any destination other than such a destination as aforesaid.

### **Offences in connection with applications for licences, conditions attaching to licences, etc.**

5.(1) If for the purpose of obtaining any licence or permission under these Regulations for the exportation or shipment as ships' stores of any goods any person -

- (a) makes any statement or furnishes any document or information which to his knowledge is false in a material particular; or
- (b) recklessly makes any statement or furnishes any document or information which is false in a material particular,

he shall be guilty of an offence; and any licence or permission which may have been granted for the exportation or shipment as ships' stores of any goods in connection with the application for which the false statement was made or the false document or information furnished, shall be void as from the time it was granted.

(2) A person guilty of an offence under sub-regulation (1) above shall be liable -

- (a) on summary conviction to a fine not exceeding the statutory maximum; and
- (b) on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both.

(3) Any person who -

- (a) has exported goods from Gibraltar under the authority of a licence granted by the Collector of Customs in pursuance of Regulation 3(a); and
- (b) fails to comply with any condition attaching to that licence, or fails to comply with Regulation 8 below;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum, and on conviction on indictment to a fine or imprisonment for a term not exceeding 2 years, or to both:

Provided that no person shall be guilty of an offence under this sub-regulation where he proves that the condition with which he failed to comply was modified, otherwise than with his consent, by the Collector of Customs; and that the goods in relation to which he failed to comply with the condition had, at the time the condition was modified, been exported from Gibraltar.

**Declaration as to goods: powers of search.**

6.(1) Any person who, on any occasion, is about to leave Gibraltar shall, if on that occasion he is required to do so by a customs officer -

- (a) declare whether or not he has with him any goods the export of which from Gibraltar is subject to any prohibition or restriction under these Regulations; and
- (b) produce any such goods as aforesaid which he has with him;

and such officer, and any person acting under his directions, may search that person for the purpose of ascertaining whether he has with him any such goods as aforesaid:

Provided that no person shall be searched in pursuance of this sub-regulation except by a person of the same sex.

(2) Any person who without reasonable excuse refuses to make a declaration, fails to produce any goods or refuses to allow himself to be searched in accordance with sub-regulation (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1000

(3) Any person who, under the provisions of this regulation, makes a declaration which to his knowledge is false in a material particular or recklessly makes any declaration which is false in a material particular shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2000 and on conviction on indictment to a customs penalty of any amount or imprisonment for a term not exceeding 2 years, or to both.

## **Licences.**

7.(1) A licence granted by the Collector of Customs in pursuance of Regulation 3(a) above or having effect as if so granted may be either general, or special, may be limited so as to expire on a specified date unless renewed and may be varied or revoked by the Collector of Customs at any time.

(2) A licence may be subject to or without conditions and any such condition may require any act or omission before or after the exportation of goods under the licence.

(3) Any permission granted by the Collector of Customs and for the shipment of any goods as ships' stores may be modified or revoked by such officer at any time.

(4) Subject to the provisions of these Regulations, or any contrary provisions in a licence, a licence granted in relation to any goods specified in the Schedule below shall also authorize the export of the minimum technology required for the installation, operation, maintenance and repair of the goods, to the same destination as the goods.

## **Use of General Licences.**

8.(1) Before or within 30 days after the first exportation of any goods by a person under the authority of any general licence granted under these Regulations that does not provide otherwise, that person shall give written notice to the Collector of Customs of the following particulars-

- (a) the name of the person; and
- (b) the address at which copies of the records referred to in sub-regulation (3) below may be inspected by any person authorised by the Collector of Customs under that sub-regulation.

(2) After any change in any of the said particulars, before or within 30 days after the first exportation of any goods under the authority of any general licence granted under these Regulations that does not provide otherwise, the said person shall give written notice to the Collector of Customs of that change.

(3) Subject to the provisions of the particular general licence under which he has exported goods, any person who has exported goods under the authority of a general licence shall keep records of every such exportation including the following information -

- (a) in so far as it is known to him, the name and address of any consignee of the goods, and any person to whom the goods are to be, or have been, delivered;
- (b) his (the exporter's) address;
- (c) the date of exportation;
- (d) a description of the goods including the quantity of goods exported;
- (e) any further information required by the licence to be kept;

and any such records shall be kept for at least 4 years from the date of the relevant exportation; and he shall permit any such records to be inspected, and copied, by any person authorised by the Collector of Customs; and for these purposes any such person shall, on producing, if required to do so, some duly authenticated document showing his authority, have the right at all reasonable hours to enter the premises the address of which has been most recently notified to the Collector of Customs under sub-regulation (1) or (2) above.

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(4) Where any records referred to in sub-regulation (3) above are kept in a form which is not legible the exporter shall at the request of the person authorised by the Collector of Customs reproduce such records in a legible form.

(5) Any notice to be given by a person under sub-regulation (1) or (2) above may be given by the agent of that person and shall be sent by post or delivered to the Collector of Customs.

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### **SCHEDULE**

#### **MILITARY, SECURITY AND PARA-MILITARY GOODS AND ARMS, AMMUNITION AND RELATED MATERIAL**

**General note:**

The goods in this Schedule are, for convenience, specified by reference to the classification system used by the Department of Trade and Industry in London for export control purposes.

The export of technology specified in this Schedule is prohibited by these Regulations if it is capable of being acquired for the development, production or use of goods specified in this Schedule, whether or not the technology being exported in the particular case is intended to be applied in respect of such goods.

The export prohibition in these Regulations does not apply to that technology which is the minimum necessary for the installation, operation, maintenance (checking) and repair of goods not specified in this Schedule, to technology in the public domain, to basic research or to the minimum necessary information for patent applications.

## **General interpretation**

“adapted for use in war” means any modification or selection (such as altering purity, shelf-life, virulence, dissemination characteristics, or resistance to ultra violet (UV) radiation designed to increase the effectiveness in producing casualties in humans or animals, degrading equipment or damaging the crops or the environment;

“additives” means substances used in explosive formulations to improve their properties;

“basic scientific research” means experimental or theoretical work undertaken principally to acquire new knowledge of the fundamental principles of phenomena or observable facts, not primarily directed towards a specific practical aim or objective;

“biocatalyst” means enzymes and other biological compounds which bind to and accelerate the degradation of chemical warfare (CW) agents;

“biopolymer” means the following biological macromolecules -

- (a) enzymes,
- (b) antibodies, monoclonal, polyclonal or anti-idiotypic,
- (c) specially designed or specially processed receptors;

the "critical temperature" (sometimes referred to as the transition temperature) of a specific superconductive material means the temperature at which the specific material loses all resistance to the flow of direct electrical current;

“development” is related to all stages prior to serial production, such as: design, research, design analyses, design concepts, assembly and testing of prototypes, pilot production schemes, design data, process of transforming data into a product, configuration design, integration design, layouts:

“enzymes” means biocatalysts for specific chemical or biochemical reactions;

"end-effectors" include grippers, active tooling units and any other tooling that is attached to the baseplate on the end of a robot manipulator arm for this purpose;

"laser" means an assembly of components which produce both spatially and temporally coherent light which is amplified by stimulated emission of radiation;

"military pyrotechnics" means mixtures of solid or liquid fuels and oxidisers which, when ignited, undergo an energetic chemical reaction at a controlled rate intended to produce specific time delays, or quantities of heat, noise, smoke, visible light or infrared radiation; pyrophorics are a subclass of pyrotechnics, which contain no oxidisers but ignite spontaneously on contact with air;

"nuclear reactor" means the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain, come into direct contact with or control the primary coolant of the reactor core;

"robot" means a manipulation mechanism, which may be of the continuous path or of the point-to-point variety, may use sensors, and which -

- (a) is multifunctional;
- (b) is capable of positioning or orienting material, parts, tools or special devices through variable movements in three dimensional space;
- (c) incorporates three or more closed or open loop servo-devices which may include stepping motors; and
- (d) has user-accessible programmability by means of the teach playback method or by means of an electronic computer which may be a programmable logic controller, (i.e., without mechanical intervention); except -
  - (i) manipulation mechanisms which are only manually/teleoperator controllable;
  - (ii) fixed sequence manipulation mechanisms, which are automated moving devices, operating according to programmes where the motions are limited by fixed stops, such as pins or cams and the sequence of motions and the selection of paths or angles are not variable or changeable by mechanical, electronic or electrical means;
  - (iii) mechanically controlled variable sequence manipulation mechanisms, which are automated moving devices,

operating according to programmes where the motions are limited by fixed, but adjustable stops, such as pins or cams and the sequence of motions and the selection of paths or angles are variable within the fixed programme pattern; variations or modifications of the programme pattern (e.g., changes of pins or exchanges of cams) in one or more motion axes are accomplished only through mechanical operations;

- (iv) non-servo-controlled variable sequence manipulation mechanisms, which are automated moving devices, operating according to mechanically fixed programmed motions; the programme is variable but the sequence proceeds only by the binary signal from mechanically fixed electrical binary devices or adjustable stops;
- (v) stacker cranes defined as Cartesian coordinate manipulator systems manufactured as an integral part of a vertical array of storage bins and designed to access the contents of those bins for storage or retrieval;

"superconductive" in relation to materials (i.e., metals, alloys or compounds) means those which can lose all electrical resistance (i.e., which can attain infinite electrical conductivity and carry very large electrical currents without Joule heating); the superconductive state of a material is individually characterized by a critical temperature, a critical magnetic field, which is a function of temperature, and a critical current density which is a function of both magnetic field and temperature;

"user-accessible programmability" means the facility allowing a user to insert, modify or replace programmes by means other than -

- (a) a physical change in wiring or interconnections; or
- (b) the setting of function controls including entry of parameters.

## **Goods classification**

**ML1:** small arms, machine guns and accessories, as follows, and specially designed components therefor -

- (a) rifles, carbines, revolvers, pistols, machine pistols and machine guns;
- (b) smooth-bore weapons specially designed for military use;

- (c) weapons using caseless ammunition;
- (d) silencers, special gun-mountings, clips, magazines and flash suppressors for the goods specified in heads (a), (b) and (c) above;

except any weapon or weapon imported, kept or used in Gibraltar pursuant to the provisions of the Firearms Act or the Explosives Act; in this entry -

"special gun-mounting " means any fixture designed to mount a gun;

"small arms " means:

- (a) Rifle barrelled weapons with a calibre of 12.7 mm or less; or
- (b) Smooth bore weapons with a calibre of 30 mm or less.

**PL5002:** telescopic sights for firearms, other than those specified in entry ML5;

**PL5018:** smooth-bore weapons, other than those specified in head (ii) of entry ML1, and specially designed components therefor; except any weapon or weapon imported, kept or used in Gibraltar pursuant to the provisions of the Firearms Act or the Explosives Act, or air (pneumatic) or cartridge (explosive) powered guns or pistols designed as -

- (a) industrial tools; or
- (b) humane stunning devices employed specifically for animal slaughter;

**PL5021:** ammunition or cartridges, including projectiles, and specially designed components therefor, for the goods specified in entry PL5018; except -

- (a) lead or lead alloy pellet ammunition specially designed for air weapons;
- (b) ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber;

**ML2:** large calibre armament or weapons, projectors and accessories, as follows, and specially designed components therefor -

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- (a) Guns, howitzers, cannon, mortars, tank destroyers, projectile launchers, military flame throwers, recoilless rifles and signature reduction devices therefor; except air (pneumatic) powered launchers designed for the purposes of safety of life;
- (b) Military smoke, gas and pyrotechnic projectors or generators; except signal pistols;

in this entry -

"large calibre armament " means -

- (a) Rifle barrelled weapons with a calibre greater than 12.7 mm; or
- (b) Smooth bore weapons with a calibre greater than 30 mm;

“specially designed components” include injectors, metering devices and storage tanks for use with liquid propelling charges.

**ML3:** ammunition, and specially designed components therefor, for the goods specified in entries ML1, ML2 or ML26; except -

- (a) lead or lead alloy pellet ammunition specially designed for air weapons;
- (b) ammunition crimped without a projectile (blank star) and dummy ammunition with a pierced powder chamber.

**ML4:** bombs, torpedoes, rockets, missiles, mines, charges, related equipment and accessories, as follows, specially designed for military use and specially designed components therefor -

- (a) bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition-charges, demolition-devices and demolition-kits, cartridges and simulators;
- (b) equipment specially designed for the handling, control, activation, powering with one time operational output, launching, laying, sweeping, discharging, decoying, jamming, detonation or detection of goods specified in head (a) above.

**PL5030:** bombs and grenades, other than those specified in entry ML4;

**PL5006:** apparatus or devices specially designed for military use, used for the handling, control, discharging, decoying, jamming, detonation,

disruption or detection of improvised explosive devices or other explosive devices not specified in head (a) of entry ML4, and specially designed components therefor, except inspection devices not employing electronic management;

provided that "improvised explosive devices" means devices placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic or incendiary chemicals, designed to destroy, disfigure or harass; they may incorporate military stores, but are normally devised from non-military components.

**ML5:** fire control, and related alerting and warning equipment, and related systems, as follows, specially designed for military use, and specially designed components and accessories therefor -

- (a) weapon sights, bombing computers, gun laying equipment and on-board weapon control systems;
- (b) target acquisition, designation, range-finding, surveillance or tracking systems; detection, recognition or identification equipment; and sensor integration equipment.

**ML6:** vehicles and related equipment, as follows, specially designed or modified for military use and components therefor specially designed or modified for military use -

- (a) tanks and self-propelled guns;
- (b) armed, armoured vehicles and vehicles fitted with mounting for arms;
- (c) armoured railway trains;
- (d) half-tracks;
- (e) recovery vehicles;
- (f) gun-carriers, tractors and trailers specially designed for towing or transporting ammunition or weapon systems and related load handling equipment;
- (g) amphibious and deep water fording vehicles;
- (h) mobile repair shops specially designed to service military equipment;

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- (i) all other vehicles specially designed or modified for military use, including tank transporters, tracked amphibious cargo carriers, high speed tractors, heavy artillery transporters, bridge laying vehicles and specialised bulk refuellers;
- (j) pneumatic tyre casings of a kind specially constructed to be bullet proof or to run when deflated;
- (k) engines and power transfer systems for the propulsion of the vehicles specified in heads (a) to (i) above;
- (l) tyre inflation pressure control systems, operated from inside a moving vehicle;
- (m) suspensions;

in this entry -

"modified for military use" means a structural, electrical or mechanical change which entails replacing a component with at least one specially designed military component, or adding at least one such component;

**PL5031:** other vehicles and related equipment as follows -

- (a) all wheel drive utility vehicles capable of off road use which have been fitted with metallic or non-metallic materials to provide ballistic protection;
- (b) containers for mounting on vehicles, specially designed or modified for military use and components therefor specially designed or modified for military use.

**ML7:** toxicological agents, riot control agents and related equipment, components, materials and technology, as follows -

- (a) biological agents and radioactive materials adapted for use in war to produce casualties in humans or animals, degrade equipment or damage crops or the environment, and chemical warfare (CW) agents; except -
  - (i) cyanogen chloride;
  - (ii) hydrocyanic acid;

- (iii) chlorine;
  - (iv) carbonyl chloride (phosgene);
  - (v) diphosgene (trichloromethyl-chloroformate);
  - (vi) ethyl bromoacetate;
  - (vii) xylyl bromide;
  - (viii) benzyl bromide;
  - (ix) benzyl iodide;
  - (x) bromoacetone;
  - (xi) cyanogen bromide;
  - (xii) bromomethylethylketone;
  - (xiii) chloroacetone;
  - (xiv) ethyl iodoacetate;
  - (xv) iodoacetone;
  - (xvi) chloropicrin;
- (b) CW binary precursors, as follows -
- (i) DF: Methyl phosphonyldifluoride;
  - (ii) QL:0-Ethyl-2-diisopropylaminoethyl methylphosphonite;
- (c) riot control agents, including tear gases;
- (d) Equipment specially designed or modified for the dissemination of the materials or agents specified in head (a) above and specially designed components therefor;
- (e) Goods specially designed or modified for defence against materials or agents specified in head (a) above and specially designed components therefor;

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- (f) goods specially designed or modified for the detection or identification of materials or agents specified in head (a) above and specially designed components therefor; except personal radiation monitoring dosimeters;
- (g) biopolymers specially designed or processed for detection and identification of chemical warfare (CW) agents specified in head (a) above and the cultures of specific cells used to produce them;
- (h) Biocatalysts for decontamination or degradation of CW agents, biological systems therefor, as follows -
  - (i) biocatalysts, specially designed for decontamination or degradation of CW agents described in head (a) above resulting from directed laboratory selection or genetic manipulation of biological systems;
  - (ii) biological systems, as follows: expression vectors, viruses or cultures of cells containing the genetic information specific to the production of biocatalysts specified in sub-head (h)(i) above;
- (i) technology , as follows -
  - (i) technology for the development, production or use of goods specified in heads (a) to (f) above;
  - (ii) technology for the development, production or use of biopolymers, or cultures of specific cells, specified in head (g) above;
  - (iii) technology exclusively for the incorporation of biocatalysts specified in sub-head (h) (i). above into military carrier substances or military material;

in this entry -

"adapted for use in war " means any modification or selection (such as altering purity, shelf life, virulence, dissemination characteristics, or resistance to ultra violet (UV) radiation) designed to increase the effectiveness in producing casualties in men or animals, degrading equipment or damaging crops or the environment;

"anti-idiotypic antibodies " means antibodies which bind to the specific antigen binding sites of other antibodies;

"biocatalyst " means enzymes and other biological compounds which bind to and accelerate the degradation of chemical warfare (CW) agents;

"biopolymer " means the following biological macromolecules -

- (a) enzymes;
- (b) antibodies, monoclonal, polyclonal or anti-idiotypic;
- (c) specially designed or specially processed receptors;

"enzymes" means biocatalysts for specific chemical or biochemical reactions;

"expression vectors" means carriers including plasmid or virus types, which are used to introduce genetic material into host cells;

"monoclonal antibodies" means proteins which bind to one antigenic site and are produced by a single clone of cells;

"polyclonal antibodies" means a mixture of proteins which bind to the specific antigen and are produced by more than one clone of cells;

"receptors " means biological macromolecular structure capable of binding ligands, the binding of which affects physiological functions;

"riot control agents " means substances which produce temporary, irritating or disabling physical effects which disappear within minutes of removal from exposure. There is no significant risk of permanent injury and medical treatment is rarely required;

"tear gases " means gases which produce temporary irritating or disabling effects which disappear within minutes of removal of exposure.

**ML8:** military explosives and propellants, and related substances, as follows, and devices containing any of the following -

- (a) substances, as follows, and mixtures therefor -
  - (i) spherical aluminium powder with a particle size of 60 micrometres or less, manufactured from material with an aluminium content of 99% or more;
  - (ii) metal fuels in particle sizes of less than 60 micrometres whether spherical, atomized, spheroidal, flaked or

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ground, manufactured from material consisting of 99% or more of any of the following:

- (aa) zirconium, magnesium and alloys of these;
- (bb) beryllium;
- (cc) iron powder with average particle size of 3 micrometres or less produced by reduction of iron oxide with hydrogen;
- (dd) boron or boron carbide fuels of 85% purity or higher and average particle size of 60 micrometres or less;
- (iii) perchlorates, chlorates and chromates composited with powdered metal or other high energy fuel components;
- (iv) nitroguanidine (NQ);
- (v) compounds composed of fluorine and any of the following: other halogens, oxygen, nitrogen;
- (vi) carboranes; decaborane; pentaborane and derivatives thereof;
- (vi) cyclotetramethylenetetranitramine (HMX); octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine; 1,3,5,7-tetranitro-1,3,5,7-tetrazacyclooctane; (octogen, octogene);
- (viii) hexanitrostilbene (HNS);
- (ix) diaminotrinitrobenzene (DATB);
- (x) triaminotrinitrobenzene (TATB);
- (xi) triaminoguanidinenitrate (TAGN);
- (xii) titanium subhydride of stoichiometry TiH 0.65-1.68;
- (xiii) dinitroglycoluril (DNGU, DINGU); tetranitroglycoluril (TNGU, SORGUYL);
- (xiv) tetranitrobenzotriazolobenzotriazole (TACOT);

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- (xv) diaminohexanitrobiphenyl (DIPAM);
- (xvi) picrylamino-dinitropyridine (PYX);
- (xvii) 3-Nitro-1,2,4-triazol-5-one (NTO or ONTA);
- (xviii) hydrazine in concentrations of 70% or more; hydrazine nitrate; hydrazine perchlorates; unsymmetrical dimethyl hydrazine; monomethyl hydrazine; symmetrical dimethyl hydrazine;
- (xix) ammonium perchlorate;
- (xx) cyclotrimethylenetrinitramine (RDX); cyclonite; T4; hexahydro-1,3,5-trinitro-1,3,5-triazine; 1,3,5-trinitro-1,3,5-triaza-cyclohexane (hexogen, hexogene);
- (xxi) hydroxylammonium nitrate (HAN); hydroxylammonium perchlorate (HAP);
- (xxii) 2-(5-Cyanotetrazolato) pentaamminecobalt(III)perchlorate (or CP);
- (xxiii) cis-bis (5-nitrotetrazolato)pentaamminecobalt(III) perchlorate (or BNCP);
- (xxiv) 7-Amino-4, 6-dinitrobenzofurazane-1-oxide (ADNBF); amino dinitrobenzo-furoxan;
- (xxv) 5, 7-Diamino-4, 6-dinitrobenzofurazane-1-oxide, (CL-14) or diamino dinitro-benzofurozan);
- (xxvi) 2, 4, 6-Trinitro-2, 4, 6-triazacyclohexanone (K-6 or Keto-RDX);
- (xxvii) 2, 4, 6, 8-Tetranitro-2, 4, 6, 8-tetraazabicyclo[3,3,0]octan-3-one (tetranitrosemiglycouril, K-55 or keto-bicyclic HMX);
- (xxviii) 1,1,3-Trinitroazetidine (TNAZ);
- (xxix) 1,4,5,8-Tetranitro-1,4,5,8-tetraazadecalin (TNAD);
- (xxx) hexanitrohexaazaisowurtzitane (CL-20) or HNIW; and clathrates of CL-20);

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- (xxxix) polynitrocubanes with more than four nitro groups;
- (xxxii) ammonium dinitramide (ADN or SR 12);
- (b) explosives and propellants that meet the following performance parameters -
  - (i) any explosive with a detonation velocity exceeding 8,700 m/s or a detonation pressure exceeding 340 kilobars;
  - (ii) other organic high explosives not listed elsewhere in this entry yielding detonation pressures of 250 kilobars or more that will remain stable at temperatures of 523 K (250 degsC) or higher for periods of 5 minutes or longer;
  - (iii) any other United Nations (UN) Class 1.1 solid propellant not listed elsewhere in this entry with a theoretical specific impulse (under standard conditions) of more than 250 seconds for non-metallised, or more than 270 seconds for aluminised compositions;
  - (iv) any UN Class 1.3 solid propellant with a theoretical specific impulse of more than 230 seconds for non-halogenised, 250 seconds for non-metallised and 266 seconds for metallised compositions;
  - (v) any other gun propellants not listed elsewhere in this entry having a force constant of more than 1,200 kJ/kg;
  - (vi) any other explosive, propellant or pyrotechnic not listed elsewhere in this entry that can sustain a steady-state burning rate of more than 38 mm per second under standard conditions of 68.9 bar pressure and 294 K (21 degs C);
  - (vii) elastomer modified cast double based propellants (EMCDB) with extensibility at maximum stress of more than 5% at 233 K (-40 degsC);
- (c) military pyrotechnics;
- (d) military high-energy solid or liquid fuels, including -
  - (i) aircraft fuels specially formulated for military purposes;

- (ii) liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) or oxygen difluoride;
  - (iii) military materials containing thickeners for hydrocarbon fuels specially formulated for use in flamethrowers or incendiary munitions, such as metal stearates or palmates (also known as octol) and M1, M2, M3 thickeners;
- (e) additives, precursors and stabilisers, the following -
- (i) azidomethylmethyloxetane (AMMO) and its polymers;
  - (ii) basic copper salicylate; lead salicylate;
  - (iii) bis(2,2-dinitropropyl)formal or bis(2,2-dinitropropyl)acetal;
  - (iv) bis(2-fluoro-2,2-dinitroethyl)formal (FEFO);
  - (v) bis(2-hydroxyethyl)glycolamide (BHEGA);
  - (vi) bis(2-methylaziridinyl) methylaminophosphine oxide (Methyl BAPO);
  - (vii) bisazidomethyloxetane and its polymers;
  - (viii) bischloromethyloxetane (BCMO);
  - (ix) butadienenitrileoxide (BNO);
  - (x) butanetrioltrinitrate (BTTN);
  - (xi) catocene, N-butyl-ferrocene and other ferrocene derivatives;
  - (xii) cyanoethylated polyamine and its salts;
  - (xiii) cyanoethylated polyamine adducted with glycidol & salt;
  - (xiv) dinitroazetidene-t-butyl salt;
  - (xv) energetic monomers, plasticisers and polymers containing nitro, azido, nitrate, nitraza or difluoroamino groups;

- (xvi) poly-2,2,3,3,4,4-hexafluoropentane-1,5-diol formal(FPF-1);
- (xvii) poly-2,4,4,5,5,6,6-heptafluoro-2-trifluoromethyl-3-oxaheptane-1,7 diol formal (FPF-3);
- (xviii) glycidylazide Polymer (GAP) and its derivatives;
- (xix) guanidine nitrate;
- (xx) hexabenzylhexaazaisowurtzitane (HBIW);
- (xxi) hexanitrostibene;
- (xxii) hydroxyl terminated polybutadiene (HTPB) with a hydroxyl functionality of less than 2.16, a hydroxyl value of less than 0.77 meq/g, and a viscosity at 30 degsC of less than 47 poise;
- (xxiii) hydrogen peroxide in concentrations of greater than 85%;
- (xxiv) superfine iron oxide (Fe<sub>2</sub>O<sub>3</sub> hematite) with a specific surface area more than 250 m<sup>2</sup>/g and an average particle size of 0.003 micrometre or less;
- (xxv) lead beta-resorcylate;
- (xxvi) lead stannate, lead maleate, lead citrate;
- (xxvii) lead-copper chelates of beta-resorcylate or salicylates;
- (xxviii) nitratomethylmethyloxetane or poly (3-Nitratomethyl, 3-methyl oxetane); (Poly-NIMMO) (NMMO);
- (xxix) n-methyl-p-nitroaniline.
- (xxx) organo-metallic coupling agents, specifically:
  - (aa) neopentyl [diallyl] oxy, tri [dioctyl] phosphato titanate; also known as titanium IV, 2,2[bis 2-propenolato-methyl, butanolate or tris [dioctyl] phosphato-O], or LICA 12;

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- (bb) titanium IV, [(2-propenolato-1)methyl, N-propanolatomethyl] butanolato-1, also known as tris[dioctyl]pyrophosphato or KR3538;
- (cc) titanium IV, [(2-propenolato-1)methyl, N-propanolatomethyl] butanolato-1, also known as tris(dioctyl)phosphate or KR3512;
- (xxxix) polycyanodifluoroaminoethyleneoxide (PCDE);
- (xxxixii) polyfunctional aziridine amides: with isophthalic, trimesic (BITA); butylene imine trimesamide isocyanuric; or trimethyladipic backbone structures and 2-methyl or 2-ethyl substitutions on the aziridine ring;
- (xxxixiii) polyglycidylnitrate or poly (nitratomethyl oxirane); (Poly-GLYN) (PGN);
- (xxxixiv) polynitroorthocarbonates;
- (xxxixv) propyleneimide, 2-methylaziridine;
- (xxxixvi) tetraacetyldibenzylhexaazaisowurtzitane (TAIW);
- (xxxixvii) tetraethylenepentamineacrylonitrile (TEPAN); cyanoethylated polyamine and its salts;
- (xxxixviii) tetraethylenepentamineacrylonitrileglycidol (TEPANOL); cyanoethylated polyamine adducted with glycidol and its salts;
- (xxxixix) triphenyl bismuth (TPB);
- (xxxixxx) tris vinoxyl propane adduct (TVOPA);
- (xxxixxxi) tris-1-(2-methyl)aziridinyl phosphine oxide (MAPO); bis(2-methyl aziridinyl) 2-(2-hydroxypropanoxy) propylamino phosphine oxide (BOBBA 8); and other MAPO derivatives;
- (xxxixxxiii) 1,2,3-Tris[1,2-bis(difluoroamino)ethoxy] propane; tris vinoxyl propane adduct (TVOPA);
- (xxxixxxiv) 1,3,5-Trichlorobenzene;

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- (xxxxv) 1,2,4-Trihydroxybutane (1,2,4-butanetriol);
- (xxxxvi) 1,3,5,7-Tetraacetyl-1,3,5,7-tetraazacyclooctane (TAT);
- (xxxxvii) 1,4,5,8-Tetraazadecalin;
- (xxxxviii) low (less than 10,000) molecular weight, alcohol-functionalised, poly(epichlorohydrin); poly(epichlorohydrindiol) and triol;

in this entry -

"additives " means substances used in explosive formulations to improve their properties;

"military propellants " means solid, liquid or gaseous substances or mixtures of substances used for propelling projectiles and missiles, or to generate gases for powering auxiliary devices for military equipment which, when ignited, burn or deflagrate to produce quantities of gas capable of performing work, but in their application these quantities are required not to undergo a deflagration to detonation transition.

**ML9:** combatant vessels or vessels (surface or underwater) specially designed or modified for offensive or defensive action, whether or not converted to non-military use, regardless of current state of repair or operating condition, and whether or not they contain weapon delivery systems or armour, and specially designed components therefore.

**PL5029:** nuclear power generating or propulsion equipment, including nuclear reactors, specially designed for military use and components therefor specially designed or modified for military use.

**ML10:** aircraft, unmanned airborne vehicles, aero-engines and aircraft equipment, related goods, as follows, and components therefor specially designed or modified for military use -

- (a) combat aircraft;
- (b) other aircraft specially designed or modified for military use;
- (c) aero-engines specially designed or modified for military use;
- (d) unmanned airborne vehicles, including remotely piloted air vehicles (RPVs), and autonomous, programmable vehicles specially designed or modified for military use, and their

launchers ground support and associated equipment for command and control;

- (e) airborne equipment, including airborne refuelling equipment, specially designed for use with the aircraft specified in heads (a) or (b) above or the aero-engines specified in head (c) above;
- (f) pressure refuellers, pressure refuelling equipment, equipment specially designed to facilitate operations in confined areas and ground equipment, developed specially for aircraft specified in heads (a) or (b) above, or for aero-engines specified in head (c) above;
- (g) pressurised breathing equipment and partial pressure suits for use in aircraft, anti-g suits, military crash helmets and protective masks, liquid oxygen converters used for aircraft or missiles, and catapults and cartridge actuated devices for emergency escape of personnel from aircraft;
- (h) parachutes used for combat personnel, cargo dropping or aircraft deceleration, as follows -
  - (i) parachutes for -
    - (aa) pin point dropping of military personnel;
    - (bb) dropping of paratroopers;
  - (ii) cargo parachutes;
  - (iii) paragliders (drag parachutes, drogue parachutes for stabilisation and attitude control of dropping bodies, e.g., recovery capsules, ejection seats, bombs);
  - (iv) drogue parachutes for use with ejection seat systems for deployment and inflation sequence regulation of emergency parachutes;
  - (v) recovery parachutes for guided missiles, RPVs or space vehicles;
  - (vi) approach parachutes and landing deceleration parachutes;
  - (vii) other military parachutes;

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- (i) automatic piloting systems for parachuted loads; equipment specially designed or modified for military use for controlled opening jumps at any height, including oxygen equipment.

**ML11:** electronic equipment not specified elsewhere in this Schedule specially designed for military use and specially designed components therefor.

**ML13:** armoured or protective goods and constructions, as follows -

- (a) armoured plate;
- (b) combinations and constructions of metallic and non-metallic materials specially designed to provide ballistic protection for military systems;
- (c) military helmets, other than those specified in head (g) of entry ML10; except -
  - (i) conventional steel helmets not equipped with, modified or designed to accept any type of accessory device; or
  - (ii) helmets manufactured before 1945;
- (d) body armour, bullet-proof or bullet-resistant clothing, and specially designed components therefor except -
  - (i) goods specially designed for protection against knife attacks; or
  - (ii) equipment designed for protection for sporting activities.

**PL5014:** specially designed components for the goods specified in heads (a), (b). or (c) of entry ML13 in this Schedule.

**ML14:** specialised equipment for military training or for simulating military scenarios, and specially designed components and accessories therefor.

**ML15:** imaging or countermeasure equipment, as follows, specially designed for military use, and specially designed components and accessories therefor -

- (a) recorders and image processing equipment;

(b) cameras, photographic equipment and film processing equipment;

(c) image intensifier equipment; except:

First generation image intensifier tubes;

(d) Infrared or thermal imaging equipment;

(e) Imaging radar sensor equipment;

(f) countermeasure or counter-countermeasure equipment for the equipment specified in heads (a) to (e) above.

**ML16:** forgings, castings and semi-finished products specially designed for goods specified in entries ML1, ML2, ML3, ML4, ML6, ML9, ML10, ML23 or ML26.

**PL5020:** forgings, castings and semi-finished products specially designed for goods specified in entries PL5006, PL5029 or PL5018.

**ML17:** miscellaneous goods, as follows, and specially designed components therefor -

(a) self-contained diving and underwater swimming apparatus, as follows -

(i) closed or semi-closed circuit (rebreathing) apparatus;

(ii) specially designed components for use in the conversion of open-circuit apparatus to military use;

(iii) articles designed exclusively for military use with self-contained diving and underwater swimming apparatus;

(b) construction equipment specially designed for military use;

(c) fittings, coatings and treatments for signature suppression;

(d) field engineer equipment specially designed for use in a combat zone;

(e) robots, robot controllers and robot end effectors, having any of the following characteristics:

- (i) specially designed for military use;
  - (ii) incorporating means of protecting hydraulic lines against externally induced punctures caused by ballistic fragments and designed to use hydraulic fluids with flash points higher than 839 K (566 degsC);
  - (iii) operable at altitudes exceeding 30,000m; or
  - (iv) specially designed or rated for operating in an electro-magnetic pulse (EMP) environment;
- (f) libraries (parametric technical databases) specially designed for military use with goods specified in this Schedule;

in this entry, "libraries" means collections of technical information of a military nature, reference to which may enhance the performance of military equipment or systems.

**PL5032:** Goods coated or treated for signature suppression specially designed for military use, other than those specified elsewhere in this Schedule.

**ML18:** Equipment and technology for the production of goods specified in this Schedule, as follows -

- (a) specially designed or modified production equipment for the production of products specified in this Schedule and specially designed components therefor;
- (b) specially designed environmental test facilities, and specially designed equipment therefor, for the certification, qualification, or testing of products specified in this Schedule;
- (c) production technology, even if the equipment with which such technology is to be used is not specified in this Schedule;
- (d) technology specific to the design of, the assembly of components into, and the operation, maintenance and repair of, complete production installations even if the components themselves are not specified in this Schedule.

**PL5017:** equipment specially designed or modified for the development or use of military goods specified in this Schedule.

**ML20:** cryogenic and superconductive equipment, as follows, and specially designed components and accessories therefor -

- (a) equipment specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications, capable of operating while in motion and of producing or maintaining temperatures below 103K (-170 degsC);
- (b) superconductive electrical equipment (rotating machinery and transformers) specially designed or configured to be installed in a vehicle for military ground, marine, airborne or space applications and capable of operating while in motion; except -

direct-current hybrid homopolar generators that have single-pole normal metal armatures which rotate in a magnetic field produced by superconducting windings, provided those windings are the only superconducting component in the generator.

**ML23:** directed energy weapons (DEW) systems, related or countermeasure equipment and test models, as follows, and specially designed components therefor -

- (a) laser systems specially designed for destruction or effecting mission-abort of a target;
- (b) particle beam systems capable of destruction or effecting mission-abort of a target;
- (c) high power radio-frequency (RF) systems capable of destruction or effecting mission-abort of a target;
- (d) equipment specially designed for the detection or identification of, or defence against, systems specified in heads (a), (b) or (c) above;
- (e) physical test models and related test results for the systems, equipment and components specified in heads (a) to (d) above.

**ML24:** software, as follows -

- (a) software specially designed or modified for the development, production, or use of goods specified in this Schedule;
- (b) specific software, as follows -

- (i) software specially designed for:
  - (aa) modelling, simulation or evaluation of military weapon systems;
  - (bb) development, monitoring, maintenance or updating of software embedded in military weapon systems;
  - (cc) modelling or simulating military operation scenarios, not specified in entry ML14 in this Schedule.
  - (dd) command, Communications, Control and Intelligence (C3;I) applications;
- (ii) software for determining the effects of conventional, nuclear, chemical or biological warfare weapons.

**ML26:** kinetic energy weapon systems and related equipment, as follows, and specially designed components therefor -

- (a) kinetic energy weapons systems specially designed for destruction or effecting mission-abort of a target;
- (b) specially designed test and evaluation facilities and test models, including diagnostic instrumentation and targets, for dynamic testing of kinetic energy projectiles and systems.

**PL5001:** other security and para-military police goods, as follows -

- (a) acoustic devices represented by the manufacturers or suppliers thereof as suitable for riot control purposes, and specialised components therefor;
- (b) anti-riot shields, anti riot helmets and components therefor;
- (c) leg-irons, shackles (excluding any pair of handcuffs the maximum dimension of which when locked does not exceed 240 mm) and gangchains, specially designed for restraining human beings;

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- (d) portable anti-riot devices for administering an electric shock or an incapacitating substance, and specialised components therefor;
- (e) water cannon and components therefor;
- (f) riot control vehicles which have been specially designed or modified to be electrified to repel boarders.

**PL5027:** technology applicable to the development or use of goods specified in entries ML11, ML18, PL5017, PL5029, heads (a) or (b) of entry ML4, heads (a) or (b) of entry ML5, head (j) of entry ML6, heads (a), (b), or (c) of entry ML10, or heads (a), (b), (d), or (e) of entry ML8 of this Schedule.

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**PL5028:** technology applicable to the development or use of goods specified in this Schedule other than that specified in PL 5027.