
STATUTORY INSTRUMENTS

2002 No. 2059

CUSTOMS AND EXCISE

The Export of Goods (Control) (Amendment) Order 2002

Made - - - - *3rd August 2002*

Coming into force - - *28th August 2002*

The Secretary of State, in exercise of powers conferred by section 1 of the Import, Export and Customs Powers (Defence) Act 1939⁽¹⁾ and now vested in her⁽²⁾, hereby makes the following Order.

1.—(1) This Order may be cited as the Export of Goods (Control) (Amendment) Order 2002 and shall come into force on 28th August 2002.

(2) In this Order “the principal Order” means the Export of Goods (Control) Order 1994⁽³⁾.

2.—(1) The principal Order shall be amended as follows.

(2) In Schedule 1, under “Prohibited Goods, Contents, Part I”, the heading “Group 3 Vehicles” shall be deleted.

(3) In Schedule 1, Part I, the sub-heading “Group 3 Vehicles” and paragraph 1 shall be deleted.

(4) In Schedule 1, Part III, the definitions “additives”, “military explosives” and “military pyrotechnics” shall be deleted.

(5) In Schedule 1, Part III, the following definitions shall be added:

(a) After the definition “end-effectors”,

“energetic materials” means substances or mixtures that react chemically to release energy required for their intended application; “explosives”, “pyrotechnics” and “propellants” are subclasses of energetic materials”;

(b) After the definition “energetic materials”,

“explosives” means solid, liquid or gaseous substances or mixtures of substances which, in their application as primary, booster, or main charges in warheads, demolition and other applications, are required to detonate”;

(c) After the definition “polyclonal antibodies”,

(1) 1939 c. 69.

(2) S.I. 1970/1537.

(3) S.I. 1994/1191. The relevant amending Orders are S.I. 1994/2711, which amended Schedule III and ML4; S.I. 1996/2663, which amended Schedule 1, Part III; S.I. 1997/323, which amended Schedule 3; S.I. 1997/2758, which amended Schedule 3 and Group 3, Part I, Schedule 1 and ML 8 and 10; S.I. 1999/63, which amended Schedule Part III; S.I. 1999/1777, which amended Group 3, Part I, Schedule I and ML8; S.I. 1999/335, which amended Schedule 3; S.I. 1999/3411 which amended Group 3, Part I, Schedule I; and S.I. 2001/729, which amended ML4.

“precursors” means speciality chemicals used in the manufacture of “explosives”;

(d) After the definition “programme”,

“propellants” means substances or mixtures that react chemically to produce large volumes of hot gases at controlled rates to perform mechanical work”;

(e) After the definition “propellants”,

“pyrotechnic(s)” means mixtures of solid or liquid fuels or oxidizers 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 oxidizers but ignite spontaneously on contact with air”;

(6) In the header to ML4, in Schedule 1, Part III the words “other explosive devices and charges” shall be inserted after the word “missiles.”

(7) In Schedule 1, Part III at ML 10(h), insert

(a) the words “and related equipment” after the word “parachutes”; and

(b) a new sub-paragraph “8”, after sub-paragraph 7,

“8. Equipment specially designed for high altitude parachutists (eg. suits, special helmets, breathing systems, navigation equipment).”

(8) In Schedule 1, Part III delete category ML8 and insert in its place the revised category ML8 set out in the Schedule to this order.

(9) In Schedule 3, under Article 3B, the countries “Croatia”, “Eritrea”, “Ethiopia”, and “Federal Republic of Yugoslavia” shall be deleted.

Nigel Griffiths,
Parliamentary Under Secretary of State for Small
Business,
Department of Trade and Industry

3rd August 2002

SCHEDULE

Article 2(8)

ML8.

In this entry, references in square brackets to Chemical Abstract Service [CAS] numbers are included for convenience only. Goods of which the description in this entry includes a CAS reference are specified in this entry whether or not they fall within that reference.

“Energetic materials”, and related substances, as follows:

a. “Explosives”, as follows, and mixtures thereof.

1. ADNBF (aminodinitrobenzofuroxan or 7-amino-4, 6 dinitrobenzofurazane- 1 -oxide) (CAS 97096-78-1);
2. BNCP (cis-bis (5-nitrotetrazolato) tetra amine-cobalt (III) perchlorate) (CAS 117412-28-9);
3. CL-14 (diamino dinitrobenzofuroxan or 5,7-diamino-4, 6 dinitrobenzofurazane-1 -oxide) (CAS 117907-74-1);
4. CL-20 (HNIW or Hexanitrohexaazaisowurtzitane) (CAS 135285-90-4); chlathrates of CL-20;
5. CP (2-(5-cyanotetrazolato) penta amine-cobalt (III) perchlorate) (CAS 70247-32-4);
6. DADE (1,1-diamino-2,2-dinitroethylene, FOX7);
7. DATB (diaminotrinitrobenzene) (CAS 1630-08-6);
8. DDFP (1,4-dinitrodifurazanopiperazine);
9. DDPO (2,6-diamino-3,5-dinitropyrazine-1-oxide, PZO) (CAS 194486—77-6);
10. DIPAM (3,3'-diamino-2,2',4,4',6,6'-hexanitrobiphenyl or dipicramide) (CAS 17215-44-0);
11. DNGU (DINGU or dinitroglycoluril) (CAS 55510-04-8);
12. Furazans, as follows:
 - (a) DAAOF (diaminoazoxyfurazan);
 - (b) DAAzF (diaminoazofurazan) (CAS 78644-90-3);
13. HMX and derivatives, as follows:
 - (a) HMX (Cyclotetramethylenetetranitramine, octahydro-1,3,5,7-tetranitro-1,3,5,7-tetrazine, 1,3,5,7-tetranitro-1,3,5,7-tetraza-cyclooctane, octogen or octogene) (CAS 2691-41-0);
 - (b) difluoroaminated analogs of HMX;
 - (c) K-55 (2,4,6,8-tetranitro-2,4,6,8-tetraazabicyclo [3,3,0]-octanone-3, tetranitrosemiglycouril or keto-bicyclic HMX) (CAS 130256-72-3);
14. HNAD (hexanitroadamantane) (CAS 143850-71-9);
15. HNS (hexanitrostilbene) (CAS 20062-22-0);
16. Imidazoles, as follows:
 - (a) BNNII (Octahydro-2,5-bis(nitroimino)imidazo [4,5-d]imidazole);
 - (b) DNI (2,4-dinitroimidazole) (CAS 5213-49-0);
 - (c) FDIA (1-fluoro-2,4-dinitroimidazole);
 - (d) NTDNIA (N-(2-nitrotriazolo)-2,4-dinitroimidazole);
 - (e) PTIA (1-picryl-2,4,5-trinitroimidazole);
17. NTNMH (1-(2-nitrotriazolo)-2-dinitromethylene hydrazine);

18. NTO (ONTA or 3-nitro-1,2,4-triazol-5-one) (CAS 932-64-9);
19. Polynitrocubanes with more than four nitro groups;
20. PYX (2,6-Bis(picrylamino)-3,5-dinitropyridine) (CAS 38082-89-2);
21. RDX and derivatives, as follows:
 - (a) RDX (cyclotrimethylenetrinitramine, cyclonite, T4, hexahydro-1,3,5-trinitro-1,3,5-triazine, 1,3,5-trinitro-1,3,5-triaza-cyclohexane, hexogen or hexogene) (CAS 121-82-4);
 - (b) Keto-RDX (K-6 or 2,4,6-trinitro-2,4,6-triazacyclohexanone) (CAS 115029-35-1);
22. TAGN (triaminoguanidinenitrate) (CAS 4000-16-2);
23. TATB (triaminotrinitrobenzene) (CAS 3058-38-6);
24. TEDDZ (3,3,7,7-tetrakis(difluoroamine) octahydro-1,5-dinitro-1,5diazocine);
25. Tetrazoles, as follows:
 - (a) NTAT (nitrotriazol aminotetrazole);
 - (b) NTNT (1-N-(2-nitrotriazolo)-4-nitrotetrazole);
26. Tetryl (trinitrophenylmethylnitramine) (CAS 479-45-8);
27. TNAD (1,4,5,8-tetranitro-1,4,5,8-tetraazadecalin) (CAS 135877-16-6);
28. TNAZ (1,3,3-trinitroazetidine) (CAS 97645-24-4);
29. TNGU (SORGUYL or tetranitroglycoluril) (CAS 55510-03-7);
30. TNP (1,4,5,8-tetranitro-pyridazino[4,5-d]pyridazine) (CAS 229176-04-9);
31. Triazines, as follows:
 - (a) DNAM (2-oxy-4,6-dinitroamino-s-triazine) (CAS 19899-80-0);
 - (b) NNHT (2-nitroimino-5-nitro-hexahydro-1,3,5-triazine) (CAS 130400-13-4);
32. Triazoles, as follows:
 - (a) 5-azido-2-nitrotriazole;
 - (b) ADHTDN (4-amino-3,5-dihydrazino-1,2,4-triazole dinitramide) (CAS 1614-08-0);
 - (c) ADNT (1-amino-3,5-dinitro-1,2,4-triazole);
 - (d) BDNTA ([bis-dinitrotriazole]amine);
 - (e) DBT (3,3'-dinitro-5,5-bi-1,2,4-triazole) (CAS 30003-46-4);
 - (f) DNBT (dinitrobistriazole) (CAS 70890-46-9);
 - (g) NTDNA (2-nitrotriazole 5-dinitramide) (CAS 75393-84-9);
 - (h) NTDNT (1-N-(2-nitrotriazolo) 3,5-dinitrotriazole);
 - (i) PDNT (1-picryl-3,5-dinitrotriazole);
 - (j) TACOT (tetranitrobenzotriazolobenzotriazole) (CAS 25243-36-1);
33. Any explosive not listed elsewhere in ML8.a. with a detonation velocity exceeding 8,700 m/s at maximum density or a detonation pressure exceeding 34 GPa (340 kbar);
34. Other organic explosives not listed elsewhere in ML8.a. yielding detonation pressures of 25 GPa (250 kbar) or more that will remain stable at temperatures of 523K (250°C) or higher for periods of 5 minutes or longer.
 - b. "Propellants", as follows:

1. Any United Nations (UN) Class 1.1 solid “propellant” with a theoretical specific impulse (under standard conditions) of more than 250 seconds for non-metallized, or more than 270 seconds for aluminized compositions;

2. Any UN Class 1.3 solid “propellant” with a theoretical specific impulse (under standard conditions) of more than 230 seconds for non-halogenized, 250 seconds for non-metallized compositions and 266 seconds for metallized compositions;

3. “Propellants” having a force constant of more than 1,200 kJ/kg;

4. “Propellants” that can sustain a steady-state linear burning rate of more than 38 mm/s under standard conditions (as measured in the form of an inhibited single strand) of 6.89 Mpa (68.9 bar) pressure and 294K (21°C);

5. Elastomer modified cast double base (EMCDB) “propellants” with extensibility at maximum stress of more than 5% at 233K (−40°C);

6. Any “propellant” containing substances listed in ML8.a.

c. “Pyrotechnics”, fuels and related substances, as follows, and mixtures thereof:

1. Aircraft fuels specially formulated for military purposes;

2. Alane (aluminum hydride) (CAS 7784-21-6);

3. Carboranes; decaborane (CAS 17702-41-9); pentaboranes (CAS 19624-22-7 and 18433-84-6) and their derivatives;

4. Hydrazine and derivatives, as follows (see also ML8.d.8. and d.9. for oxidising hydrazine derivatives):

(a) Hydrazine (CAS 302-01-2) in concentrations of 70% or more;

(b) Monomethyl hydrazine (CAS 60-34-4);

(c) Symmetrical dimethyl hydrazine (CAS 540-73-8);

(d) Unsymmetrical dimethyl hydrazine (CAS 57-14-7);

5. Metal fuels in particle form whether spherical, atomized, spheroidal, flaked or ground, manufactured from material consisting of 99% or more of any of the following:

a. Metals and mixtures thereof, as follows:

1. Beryllium (CAS 7440-41-7) in particle sizes of less than 60µm;

2. Iron powder (CAS 7439-89-6) with particle size of 3µm or less produced by reduction of iron oxide with hydrogen;

b. Mixtures, which contain any of the following:

1. Zirconium (CAS 7440-67-7), magnesium (CAS 7439-95-4) or alloys of these in particle sizes of less than 60µm;

2. Boron (CAS 7440-42-8) or boron carbide (CAS 12069-32-8) fuels of 85% purity or higher and particle sizes of less than 60µm;

except: boron and boron carbide enriched with boron-10 (20% or more of total boron-10 content);

6. Military materials containing thickeners for hydrocarbon fuels specially formulated for use in flame throwers or incendiary munitions, such as metal stearates or palmates (eg octal (CAS 637-12-7)) and M1, M2 and M3 thickeners;

7. Perchlorates, chlorates and chromates composited with powdered metal or other high energy fuel components;

8. Spherical aluminum powder (CAS 7429-90-5) with a particle size of 60µm or less, manufactured from material with an aluminum content of 99% or more;

9. Titanium subhydride (TiH_n) of stoichiometry equivalent to n=0.65-1.68.

d. Oxidizers, as follows, and mixtures thereof:

1. ADN (ammonium dinitramide or SR12) (CAS 140456-78-6);

2. AP (ammonium perchlorate) (CAS 7790-98-9);

3. Compounds composed of fluorine and any of the following:

(a) Other halogens;

(b) Oxygen; *or*

(c) Nitrogen;

except: chlorine trifluoride;

4. DNAD (1,3-dinitro-1,3-diazetidene) (CAS 78246-06-7);

5. HAN (hydroxylammonium nitrate) (CAS 13465-08-2);

6. HAP (hydroxylammonium perchlorate) (CAS 15588-62-2);

7. HNF (hydrazinium nitroformate) (CAS 20773-28-8);

8. Hydrazine nitrate (CAS 37836-27-4);

9. Hydrazine perchlorate (CAS 27978-54-7);

10. Liquid oxidisers comprised of or containing inhibited red fuming nitric acid (IRFNA) (CAS 8007-58-7);

e. Binders, plasticizers, monomers, polymers, as follows:

1. AMMO (azidomethylmethyloxetane and its polymers) (CAS 90683-29-7);

2. BAMO (bisazidomethyloxetane and its polymers) (CAS 17607-20-4);

3. BDNPA (bis (2,2-dinitropropyl) acetal) (CAS 5108-69-0);

4. BDNPF (bis (2,2-dinitropropyl) formal) (CAS 5917-61-3);

5. BTTN (butanetrioltrinitrate) (CAS 6659-60-5);

6. Energetic monomers, plasticizers and polymers containing nitro, azido, nitrate, nitraza or difluoroamino groups specially formulated for military use;

7. FAMAO (3-difluoroaminomethyl-3-azidomethyl oxetane) and its polymers;

8. FEFO (bis-(2-fluoro-2,2-dinitroethyl) formal) (CAS 17003-79-1);

9. FPF-1 (poly-2,2,3,3,4,4-hexafluoropentane-1,5-diol formal) (CAS 376-90-9);

10. FPF-3 (poly-2,4,4,5,5,6,6-heptafluoro-2-tri-fluoromethyl-3-oxaheptane-1,7-diol formal);

11. GAP (glycidylazide polymer) (CAS 143178-24-9) and its derivatives;

12. HTPB (hydroxyl terminated polybutadiene) with a hydroxyl functionality equal to or greater than 2.2 and less than or equal to 2.4, a hydroxyl value of less than 0.77 meq/g and a viscosity at 30°C of less than 47 poise (CAS 69102-90-5);

13. Low (less than 10,000) molecular weight, alcohol functionalised, poly(epichlorohydrin); poly(epichlorohydrindiol) and triol;

14. NENAs (nitrateethylnitramine compounds) (CAS 17096-47-8, 85068-73-1, 82486-83-7, 82484-82-6 and 85954-06-9);

15. PGN (poly-GLYN, polyglycidynitrate or poly(nitratomethyl oxirane) (CAS 27814-48-8);

16. Poly-NIMMO (poly nitratomethylmethyloxetane) or poly-NMMO (poly[3-Nitratomethyl-3-methyloxetane]) (CAS 84051-81-0);

17. Polynitroorthocarbonates;

18. TVOPA (1,2,3-tris[1,2-bis(difluoroamino)ethoxy] propane or tris vinoxyl propane adduct) (CAS 53159-39-0).

f. "Additives", as follows:

1. Basic copper salicylate (CAS 62320-94-9);

2. BHEGA (*bis*-(2-hydroxyethyl) glycolamide) (CAS 17409-41-5);

3. BNO (butadienenitrileoxide) (CAS 9003-18-3);

4. Ferrocene derivatives, as follows:

(a) Butacene (CAS 125856-62-4);

(b) Catocene (2,2-bis-ethylferrocenyl propane) (CAS 37206-42-1);

(c) Ferrocene carboxylic acids;

(d) n-butyl-ferrocene (CAS 319904-29-7);

(e) Other adducted polymer ferrocene derivatives;

5. Lead beta-resorcylate (CAS 20936-32-7);

6. Lead citrate (CAS 14450-60-3);

7. Lead-copper chelates of beta-resorcylate or salicylates (CAS 68411-07-4);

8. Lead maleate (CAS 19136-34-6);

9. Lead salicylate (CAS 15748-73-9);

10. Lead stannate (CAS 12036-31-6);

11. MAPO (tris-1-(2-methyl)aziridinyl phosphine oxide) (CAS 57-39-6), and BOBBA 8 (bis(2-methyl aziridinyl) 2-(2-hydroxypropanoxy) propylamino phosphine oxide); and other MAPO derivatives;

12. Methyl BAPO (bis(2-methyl aziridinyl) methylamino phosphine oxide) (CAS 85068-72-0);

13. N-methyl-p-nitroaniline (CAS 100-15-2);

14. 3-Nitrazo-1,5-pentane diisocyanate (CAS 7406-61-9);

15. Organo-metallic coupling agents, as follows:

(a) Neopentyl[di-allyl]oxy, tri[diocetyl]phosphato-titanate (CAS 103850-22-2); also known as titanium IV, 2,2[bis 2-propenolato-methyl, butanolato, tris (diocetyl) phosphato] (CAS 110438-25-0); or LICA 12 (CAS 103850-22-2);

(b) Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris[diocetyl] pyrophosphate or KR3538;

(c) Titanium IV, [(2-propenolato-1) methyl, n-propanolatomethyl] butanolato-1, tris(diocetyl)phosphate;

16. Polycyanodifluoroaminoethyleneoxide;

17. Polyfunctional aziridine amides with isophthalmic, trimesic (BITA or butylene imine trimesamide), isocyanuric or trimethyladipic backbone structures and 2-methyl or 2-ethyl substitutions on the aziridine ring;

18. Propyleneimine (2-methylaziridine) (CAS 75-55-8);

19. Superfine iron oxide (Fe₂O₃) with a specific surface area more than 250 m²/g and an average particle size of 3.0 nm or less;

20. TEPAN (tetraethylenepentaamineacrylonitrile) (CAS 68412-45-3); cyanoethylated polyamines and their salts;

21. TEPANOL (tetraethylenepentaamineacrylonitrileglycidol) (CAS 68412-46-4); cyanoethylated polyamines adducted with glycidol and their salts;

22. TPB (triphenyl bismuth) (CAS 603-33-8).

g. "Precursors", as follows:

1. BCMO (bischloromethyloxetane) (CAS 142173-26-0);
2. Dinitroazetidene-t-butyl salt (CAS 125735-38-8);
3. HBIW (hexabenzylhexaazaisowurtzitane) (CAS 124782-15-6);
4. TAIW (tetraacetyldibenzylhexaazaisowurtzitane);
5. TAT (1,3,5,7 tetraacetyl-1,3,5,7,-tetraaza cyclo-octane) (CAS 41378-98-7);
6. 1,4,5,8-tetraazadecalin (CAS 5409-42-7);
7. 1,3,5-trichlorobenzene (CAS 108-70-3);
8. 1,2,4-trihydroxybutane (1,2,4-butanetriol) (CAS 3068-00-6).

EXPLANATORY NOTE

(This note is not part of the Order)

The Export of Goods (Control) (Amendment) Order 2002 makes a number of changes to the Export of Goods (Control) Order 1994:

- (a) Article 2(2) and (3) deletes the national controls on four wheel drive civil vehicles to the Federal Republic of Yugoslavia;
- (b) Article 2(4) deletes the definitions of additives, military explosives and pyrotechnics;
- (c) Article 2(5) broadens the definition of explosives and pyrotechnics by widening what can constitute these materials;
- (d) Article 2(7)(a) and (b) extends the scope of the principle Order to cover "special forces" parachuting equipment;
- (e) Article 2(8) replaces the current explosives Military List with the Schedule to this Order. This takes into account changes made at the Wassenaar Plenary in June 2002 to reflect current technological usage;

- (f) Article 2(9) removes countries from Schedule 3 which are no longer subject to arms embargoes.