

STATES OF JERSEY



DRAFT COMMUNITY PROVISIONS (EXPORTS OF DUAL-USE ITEMS) (REVOCAATION) (JERSEY) REGULATIONS 201-

**Lodged au Greffe on 6th February 2018
by the Minister for Home Affairs**

STATES GREFFE



Jersey

DRAFT COMMUNITY PROVISIONS (EXPORTS OF DUAL-USE ITEMS) (REVOCATION) (JERSEY) REGULATIONS 201-

REPORT

These Regulations are related to the lodging of the Draft Export Control (Jersey) Law 2009 (Appointed Day) Act 201- (*see* P.24/2018).

The Regulations revoke the [Community Provisions \(Control of Exports of Dual-Use Items and Technology\) \(Application\) \(Jersey\) Regulations 2002](#) and the [Community Provisions Dual-Use Items \(Export Control\) \(Jersey\) Regulations 2002](#).

As is outlined in the report accompanying the Draft Appointed Day Act, the Minister for Home Affairs will make an Order, once the Export Control (Jersey) Law 2009 (the “2009 Law”) has been brought into force, to control trade in military and dual-use items, provided that the export or trade of such goods or technology would have any of the consequences mentioned in the Schedule to the 2009 Law (including, for example, an adverse effect on national security).

The Draft Export Control (Military and Related Dual-Use Items) (Jersey) Order 201- will provide sufficient powers to ensure that Jersey’s export control standards for such items are equivalent to those of the UK (and therefore also, at present, the EU) and, consequentially, the Regulations are superseded and no longer required.

Collective responsibility under Standing Order 21(3A)

The Council of Ministers has a single policy position on this proposition, and as such, all Ministers, and the Assistant Minister for Home Affairs, are bound by the principle of collective responsibility to support the proposition, as outlined in the Code of Conduct and Practice for Ministers and Assistant Ministers ([R.11/2015](#) refers).

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

Explanatory Note

These Regulations revoke the Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 2002 (“2002 Application Regulations”). Those Regulations make provision for Council Regulation (EC) No 1334/2000 of 22nd June 2000 setting up a Community regime for the control of exports of dual-use items and technology (OJ L159, 30.6.2000 p.1) (“2000 Council Regulation”) to apply as part of the law of Jersey to the same extent as in the United Kingdom.

These Regulations also revoke the Community Provisions Dual-Use Items (Export Control) (Jersey) Regulations 2002 which also give effect to the 2000 Council Regulation.

The 2000 Council Regulation has been revoked and replaced by Council Regulation (EC) No 428/2009 of 5th May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L134, 29.5.2009 p.1) (“2009 Council Regulation”). Regulations equivalent to the 2002 Application Regulations are not needed because the Export Control (Jersey) Law 2009 gives sufficient powers for the provisions required to give effect to the 2009 Council Regulation to be included in an Order under that Law.

These Regulations will come into force on the same day that the Export Control (Jersey) Law 2009 comes into force.



Jersey

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Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES, in pursuance of Articles 2 and 6 of the European Union Legislation (Implementation) (Jersey) Law 2014¹, have made the following Regulations –

1 Regulations revoked

- (1) The Community Provisions (Control of Exports of Dual-Use Items and Technology) (Application) (Jersey) Regulations 2002² are revoked.
- (2) The Community Provisions Dual-Use Items (Export Control) (Jersey) Regulations 2002 are revoked³.

2 Citation and commencement

These Regulations may be cited as the Community Provisions (Exports of Dual-Use Items) (Revocation) (Jersey) Regulations 201- and shall come into force on the same day that the Export Control (Jersey) Law 2009⁴ comes into force.

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- ¹ *chapter 17.245*
² *R&O.55/2002 (chapter 17.245.70)*
³ *R&O.53/2002 (chapter 17.245.80)*
⁴ *L.19/2009*