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NORTHERN IRELAND PROTOCOL AND EXPORT CONTROL LEGISLATION

I wanted to write about the amendments my Department will be making to export control legislation in preparation for the end of the transition period.

From 1st January 2021, although the outcomes will be the same, different rules will technically apply in Great Britain to those in Northern Ireland. The changes are made to make sure that export control rules in GB and NI continue to operate effectively.

In Northern Ireland, the following EU rules will continue to apply:

- 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;
- Council Directive 91/477/EEC of 18th June 1991 on control of the acquisition and possession of weapons;
- Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14th March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition;
- Directive 2009/43/EC of the European Parliament and of the Council of 6th May 2009 simplifying terms and conditions of transfers of defence-related products within the Community; and
- Regulation (EU) 2019/125 of the European Parliament and of the Council of 16th January 2019 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

The draft affirmative Statutory Instrument (Export Control (Amendment) (EU Exit) Regulations 2020) was laid in Parliament on 15th October and will be debated in the coming weeks.

The Statutory Instrument amends four existing instruments;

- The Export Control Order 2008
- The Export Control (Amendment) (EU Exit) Regulations 2019
- The Trade etc. in Dual-Use items and Firearms etc. (Amendment) (EU Exit) Regulation 2019
- The Trade in Torture etc. Goods (Amendment) (EU Exit) Regulations (unmade)

The amendments being made in respect of Northern Ireland are complex, because we are changing regulations made last year in preparation for EU exit that have not yet come into force. This new instrument provides for the continued implementation of the above-listed EU law in Northern Ireland, as required under the Protocol.

The instrument will also address several deficiencies in retained EU law. This is not related to the Protocol, but is necessary to allow for the continued implementation of export controls on goods that could be used for torture or capital punishment.

The whole of the United Kingdom will continue to be covered by the same legislation; the three EU Regulations will apply in Great Britain on 1st January 2021 too, but as domestic law, through the European Union (Withdrawal) Act 2018.

My officials can of course, provide further information on this Statutory Instrument or the operation of export controls in Northern Ireland after the end of the transition period, should that be helpful.

A handwritten signature in blue ink, appearing to read 'Ranil Jayawardena', with a long horizontal flourish extending to the right.

RANIL JAYAWARDENA MP
Minister for International Trade