

Summary of Amendments to Council Regulation (EU) No. 428/2009 for 2020

INTRODUCTION

This document summarises the amendments to Annex I of Council Regulation (EC) No 428/2009 (as amended by Regulation (EU) No 2019/2199) to implement the changes in the control lists of the various international fora on non-proliferation regimes.

OVERVIEW

The changes are a result of the reviews carried by the Wassenaar Arrangement (WA), Missile Technology Control Regime (MTCR), Australia Group (AG) and Nuclear Suppliers Group (NSG) over 2019 until February 2020. There are also a number of editorial amendments.

Publically available Regime documents containing the changes are:

WA – List of Dual-Use Goods and Technologies and Munitions List (WA-LIST (19) 1)

MTCR – Equipment, Software and Technology Annex dated 29 May 2019 (MTCR/TEM/2019/Annex)

MTCR – Equipment, Software and Technology Annex dated 11 October 2019 (MTCR/TEM/2019/Annex)

NSG – Guidelines for nuclear Transfers (INFCIRC/254/Rev.14/Part 1)

NSG – Guidelines for transfers of nuclear-related dual-use equipment, materials, software, and related technology (INFCIRC/254/Rev.11/Part 2)

Note: the Regime documents containing the changes by the AG were not published until March 2020 on the public AG website. Nevertheless, it was decided to implement the changes into the current version of the Annex I.

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Summary of Amendments to Council Regulation (EU)
No. 428/2009 for 2020

SUMMARY OF CHANGES FOR EACH SECTION OF ANNEX I:

Bracketed terms mean the definition, Note or control entry has completely disappeared from Annex.

Contents, Notes & Acronyms	Regime	Comment
EEPROMS	WA	Entry removed
EMP	WA	New acronym/abbreviation
ESD	WA	New acronym/abbreviation
HDMI	WA	New acronym/abbreviation
LTT	WA	New acronym/abbreviation
MRAM	WA	Entry removed
NIJ	WA	New acronym/abbreviation
WHO	Edit	New acronym/abbreviation

Definition		
"Cyber incident response"	WA	New definition for Category 4
"Equivalent standards"	WA	New definition for Category 1
"Hard selectors"	WA	New definition for Category 5
"Instrumented range"	WA	Definition deleted
"Intrusion software"	WA	Category 5 reference added
"Personal area network"	WA	Definition amended and new note 2 added
"Resolution"	WA	Definition deleted
"Satellite navigation system"	WA	Definition amended
"Sub-orbital craft"	WA	New definition for Category 9
"Superalloys"	WA	Definition amended
"Vulnerability disclosure"	WA	New definition for Category 4

Category 0		
0B004.b.2.	Edit	Editorial change
0B006 <i>Notes a. & b.</i>	NSG	Sub-paras b. and c. amended
0C004 <i>Note 1</i>	NSG	Note amended

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No. 428/2009 for 2020

Category 1		
1A002 <i>Note 5</i>	WA	New decontrol note for certain carbon "fibrous or filamentary materials"
1A005.b.	WA	National equivalents replaced by "equivalent standards"
1A006	WA	Editorial change (acronym IEDs added after Improvised Explosive Devices in the chapeaux)
1A006 <i>Technical Note</i>		Editorial change
1B002	WA	Entry rewritten to include cascading structure
1B231.b.2.	NSG	Minor change
1C001.a. <i>Note 1.d.2.</i>	WA	Parameter amended
1C002 <i>Technical Note 3</i>	WA	Technical Note amended
1C003.c.2.	Edit	Editorial change
1C006.d.	WA	Chapeaux amended
1C010.c.1.	WA	Sub-para. amended to include cascading structure
1C010.e.2.c.	Edit	Editorial change
1C350.66, .67, .68, .69, .70, .71, .72, .73, .74, .75, .76, .77, .78, .79, .80, .81, .82, .83, .84, .85, .86, .87, .88 & .89	AG	24 new chemicals added
1C350 <i>Note 3</i>	AG	Note amended
1C351.a.59.	AG	New virus added (MERS-CoV)
1C353	Edit	Editorial change

Category 2		
2A001	WA	Chapeaux amended
2A001 (<i>Note</i>)		Note deleted
2A001.c.	WA	Para amended
2B001 <i>Note 4</i>	WA	New Note added
2B350.g.1.a., 2.a. & <i>Technical Note 3</i>	AG	Parameters changed for nominal size (DN) and nominal pipe size (NPS) of valves; new Technical Note 3 with reference <i>inter alia</i> to ISO standard (DN) and ASME standard (NPS)
2B352.b. <i>Technical Notes</i>	AG	New Technical Note 2 for cultivation chamber holding devices; existing Technical Note numbered 1

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No. 428/2009 for 2020

Category 3		
3B001.h. N.B.	WA	New Nota Bene to reference control entry 6B002
3D003, <i>Technical Note & (Note)</i>	WA	Chapeaux amended; new Technical Note for local definition for 'computational lithography'; former Note deleted
3E002.a., b., c., <i>Technical Notes 1 & 2</i>	WA	Technical Notes for local definitions to 'floating-point' and 'fixed-point'
3E004	WA	New entry and new Technical Note for the local definition of 'SFQR' ('site front least-squares range')

Category 4		
4E001 <i>Note 1 & (Technical Notes)</i>	WA	Definitions "vulnerability disclosure" and "cyber incident response" changed from local to global definitions; Technical Notes 1 and 2 deleted

Category 5 Part 1		
5A001.h.1.	Edit	Acronym IEDs added after Improvised Explosive Devices
5A001.j.2.a. & <i>(Technical Note)</i>	WA	Definition "hard selectors" changed from a local to a global definition; Technical Note deleted
5D001.e., <i>Technical Notes & Note</i>	WA	New entry for certain "software" including sub-paras 1 and 2 accompanied with Technical Notes 1 and 2 and a decontrol Note
5E001.a.	WA	Reference added to 5D001.e.
Category 5 Part 2		
5A002.a.	WA	Entry amended to refer to secure "cryptographic activation"
5A002.a., <i>Note 2.f.</i>	WA	Para. chapeaux and sub-para. 1 merged; sub-para. 2 deleted
5A002.a., <i>Note h.</i>	WA	Entry amended to include gateways (added after switches)
5A004.b.	WA	New entry including sub-paras 1 and 2 accompanied with a Technical Note and decontrol Notes 1 and 2
5D002.a.3.	WA	Entry amended to include sub-paras. a. and b.
5D002.c.3.	WA	Entry amended to include sub-paras. a. and b. and a decontrol Note
5E002.a.	WA	New decontrol Note

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No. 428/2009 for 2020

Category 6		
6A001.a.1.c.1.b. & <i>Technical Note</i>	Edit	Minor changes
6A004.c.4.	WA	Entry amended, per Kelvin added to the parameter
6A005.a.6.a.1. & 6A005.a.6.a.2.a.	WA	Entries amended (average deleted)
6A005.a.6.b. (<i>Technical Note</i>)	WA	Technical Note deleted
6A008.i., <i>Note b.1.</i> & <i>Technical Note</i>	WA	Definition 'instrumented range' changed from a global to a local definition in the chapeaux and in Note b.1. and new Technical Note added

Category 7		
7A103.c. & <i>Technical Notes 1 & 2</i>	MTCR	Definition 'CEP' changed from a global to a local definition in the chapeau; new Technical Note 2 for 'CEP'; existing Technical Note numbered 1 and renumbering of existing sub-paras. 1., 2. and 3. to a., b. and c.
7A117 & <i>Technical Note</i>	MTCR	'Circle of Equal Probability' replaced by 'CEP' (Circular Error Probable or Circle of Equal Probability)

Category 8		
<i>No Changes</i>		

Category 9		
9A004.h.	WA	New entry for "sub-orbital craft"
9A011 & <i>Technical Note</i>	WA	New local definition for 'combined cycle engines' including Technical Note
9A012 N.B.	WA	New Nota Bene to reference control entry 9A004.h.
9A101.a.1., 2. & <i>Technical Notes</i>	MTCR	Entries amended; new Technical Note 2 for clarification of specific fuel consumption; existing Technical Notes 2 and 3 renumbered 3 and 4
9A108.a. & b.	Edit	Editorial change
9B117	MTCR	Chapeaux modified
9C110	Edit	Editorial change
9D005 N.B.	Edit	New Nota Bene
9E003.a.11. & <i>Technical Note</i>	WA	Entry rewritten including sub-paras. a. and b., new local definition for 'fan blade' including a Technical Note

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