(Acts adopted pursuant to Title V of the Treaty on European Union)

COUNCIL DECISION

of 26 June 1997

amending Decision 94/942/CFSP on the joint action adopted by the Council on the basis of Article J.3 of the Treaty on European Union concerning the control of exports of dual-use goods

(97/419/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article J.3 thereof,

Having regard to the general guidelines given by the European Council held at Lisbon on 26 and 27 June 1992,

Having regard to Decisions 94/942/CFSP [1] and 97/100/CFSP [2],

Whereas the lists of goods in Annexes I and IV to Decision 94/942/CFSP should be updated in order to take into account developments in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, in the Australia Group, in the Missile Technology Control Regime and in the Nuclear Suppliers' Group,

HAS DECIDED AS FOLLOWS:

Article 1

1. The list of dual-use goods in Annex I to Decision 94/942/CFSP, referred to in Article 2 of that Decision and in Article 3 (1) of Council Regulation (EC) No 3381/94 of 19 December 1994 setting up a Community regime for the control of exports of dual-use goods [3], shall be amended in accordance with Annex I hereto.

2. Annex IV to Decision 94/942/CFSP, referred to in Article 5 of that Decision and in Article 19 (1) (b) of Regulation (EC) No 3381/94, shall be amended in accordance with Annex II hereto.

Article 2

This Decision shall be published in the Official Journal.

Article 3

This Decision shall enter into force on the day of its publication.

It shall apply from the thirtieth day following the date of publication.

Done at Luxembourg, 26 June 1997.

For the Council
The President
H. VAN MIERLO

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[1] OJ No L 367, 31. 12. 1994, p. 8. Decision as amended by Decision 96/613/CFSP (OJ No L 278, 30. 10. 1996, p. 1).
[2] OJ No L 34, 4. 2. 1997, p. 1.
[3] OJ No L 367, 31. 12. 1994, p. 1. Regulation as amended by Regulation (EC) No 837/95 (OJ No L 90, 21. 4. 1995, p. 1).

ANNEX I

Annex I to Decision 94/942/CFSP, as amended by Decision 96/613/CFSP, itself amended by Decision 97/100/CFSP, shall be amended as follows:

1. **1C111.c.1**

   For this sub-entry substitute the following:

   'SEE MILITARY GOODS CONTROLS FOR Butacene'

2. **1C351.d**

   After sub-entry 1C351.d.10 insert the following new sub-entry:

   '11. Aflatoxins'

3. **2B109 Technical Note 2**

   For this note substitute the following:

   '2. 2B109 does not control machines that are not usable in the production of propulsion components and equipment (e.g. motor cases) for systems specified in 9A005, 9A007.a. or 9A105.a.'

4. **9A105**

   For this entry substitute the following:

   '9A105 Liquid propellant rocket engines, as follows:

   N.B.: SEE ALSO 9A119.

   (a) Liquid propellant rocket engines, usable in "missiles", other than those specified in 9A005, having a total impulse capacity of 1.1 MNs or greater;

   (b) Liquid propellant rocket engines, usable in complete rocket systems or unmanned air vehicles, capable of a range of at least 300 km, other than those specified in 9A005 or 9A105.a., having a total impulse capacity of 0,841 MNs or greater.'

5. **9A107**

   For this entry substitute the following:

   '9A107 Solid propellant rocket engines, usable in complete rocket systems or unmanned air vehicles, capable of a range of at least 300 km, other than those specified in 9A007, having total impulse capacity of 0,841 MNs or greater.

   N.B.: SEE ALSO 9A119.'

6. **9A119**

   For this entry substitute the following:

   '9A119 Individual rocket stages, usable in complete rocket systems or unmanned air vehicles, capable of a range of at least 300 km, other than those specified in 9A005, 9A007, 9A009, 9A105, 9A107 and 9A109.'

7. **1A102**

   For: '. . . for systems specified in 9A004 or 9A104.'

   read: '. . . for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

8. **4A101**

   For: '. . . for use in systems specified in 9A004 or 9A104.'

   read: '. . . for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

9. **4A102**

For: '... design integration of systems specified in 9A004 or 9A104.'

read: '... design integration of space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

10. **6A108.a**

For: '... for use in systems specified in 9A004 or 9A104;'

read: '... for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104;'

11. **7A103.b**

For: '... for use in systems specified in 9A004 or 9A104.'

read: '... for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

12. **7A105**

For: '... for use in systems specified in 9A004 or 9A104;'

read: '... for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104;'

13. **7A106**

For: '... for use in systems specified in 9A004 or 9A104.'

read: '... for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

14. **7A115**

For: '... for use in systems specified in 9A004 or 9A104.'

read: '... for use in space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

15. **7A116**

For: '... for systems specified in 9A004 or 9A104:'

read: '... for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104:'

16. **7D103**

For: '... design integration with the systems specified in 9A004 or 9A104.'

read: '... design integration with the space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.'

17. **9A110**

For: '... for use in the systems specified in 9A004 or 9A104 ...'

read: '... for use in the space launch vehicles specified in 9A004 or sounding rockets specified in 9A104 ...'

18. **9A115**

For: '... for systems specified in 9A004 or 9A104,'

read: '... for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104,'

19. **9B116**

For this entry, substitute the following:

'9B116 Specially designed "production facilities" for the space launch vehicles specified in 9A004, or systems, sub-systems, and components specified in 9A005 to 9A009, 9A011, 9A101, 9A104 to 9A109, 9A111 or 9A116 to 9A119.'

20. **9D103**

For: '... design integration of the systems specified in 9A004 or 9A104, or the sub-systems ...'

read: '... design integration of the space launch vehicles specified in 9A004 or sounding rockets specified in 9A104, or the sub-systems ...'

21. **9E102**

For this entry, substitute the following:

'9E102 "Technology" according to the General Technology Note for the "use" of: space launch vehicles specified in 9A004, or goods specified in 9A005 to 9A011, 9A101, 9A104 to 9A111, 9A115 to 9A119, 9B105, 9B106, 9B115, 9B116, 9B117, 9D101 or 9D103.'

22. **3A202**

This entry is deleted.

ANNEX II

Entries 4A001b. and 4D003c. in Annex IV to Decision 94/942/CFSP, as amended by Decision 96/613/CFSP, itself amended by Decision 97/100/CFSP, shall be amended to read as follows:

'4A001b. Electronic computer and related equipment, as follows, and "electronic assemblies", and specially designed components therefor, having characteristics or performing functions exceeding the limits in Category 5 Part 2 ("Information Security");

except:

"digital computers" having characteristics or performing functions described by 4 in Category 5 Part 2 of this Annex when they are for personal use and accompanying their user.'

'4D003c. "Software" having characteristics or performing functions exceeding the limits in Category 5 Part 2 ("Information Security");

except:

"Software" having characteristics or performing functions described at:

(a) 1. of Category 5 Part 2 of this Annex and without end-to-end encryption or decryption capability; or

(b) 4. of Category 5 Part 2 of this Annex when they are for personal use and accompanying their user.'

'Category 5 All goods specified in Part 2 — ("Information Security"), other than:

1. Portable or mobile radiotelephones designed to recognized national, regional or international civil standards, e.g., portable or mobile radiotelephones for use with commercial civil cellular radiocommunication systems;

2. Commercial civil cellular radiocommunication base stations having all of the following:

   (a) limited to supporting radiotelephones which are not capable of employing cryptographic techniques on message traffic between handsets except over direct links between radiotelephones and base stations (known as the Air Interface); and

   (b) not capable of employing cryptographic techniques on message traffic except over the air interface;

3. Equipment specified in 5B002 for equipment described in 2 above;

4. Those not capable of on-line voice encryption or decryption and designed to be used in conjunction with "digital computers" (including those described by Category 4) for personal use when accompanying their user;

5. "Software" when incorporated as part of the goods whose characteristics or performing functions are described in:

   (a) 1. to 3. above; or

   (b) 4. above and is for personal use when accompanying the user;

6. "Technology" for the "use" of goods described in 1 to 5 above.'