EXPLANATORY MEMORANDUM TO

THE EXPORT CONTROL (AMENDMENT) REGULATIONS 2026

2026 No. 1150

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Business, Innovation, Science and Trade and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Lord Anas Sarwar, Minister of State (Minister for Trade) at the Department for Business, Innovation, Science and Trade confirms that this Explanatory Memorandum meets the required standard.

2.2 Duncan Adams, Deputy Director for LITE and Continuous Improvement in Export Control and Sanctions, at the Department for Business, Innovation, Science and Trade confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Vikura Parmar at the Department for Business, Innovation, Science and Trade can be contacted at vikura.parmar@businessandtrade.gov.uk with any queries regarding the instrument. Alternatively, the department can be contacted on 0207 215 4594.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The Export Control (Amendment) Regulations 2026 update the United Kingdom's export control framework by amending the Export Control Order 2008 (S.I. 2008/3231) (the "2008 Order") and Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (Recast) (the "assimilated Dual-Use Regulation").

4.2 The instrument updates the list of items subject to export controls to reflect changes agreed through multilateral export control regimes. It also updates controls on certain advanced and emerging technologies, as part of the United Kingdom's commitment with like-minded partners to strengthen export controls for national security purposes. In addition, it corrects minor technical drafting errors and clarifies existing controls.

4.3 The instrument also updates the list of countries subject to stricter export, transfer and trade controls to reflect changes to the UK sanctions framework and removes a general export authorisation set out in the assimilated Dual-Use Regulation that has been superseded by an open general export licence issued under the 2008 Order.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the same as the extent of the instruments which it amends, that is

the United Kingdom (England and Wales, Scotland and Northern Ireland) for the 2008 Order; and Great Britain (England and Wales and Scotland) for the assimilated Dual-Use Regulation.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom for amendments to the 2008 Order and Great Britain for amendments to the assimilated Dual-Use Regulation.

5. Policy Context

What is being done and why?

5.1 This instrument ensures that the United Kingdom's strategic export control lists remain up to date and effective. The control lists identify military and dual-use goods, software and technology for which an export authorisation is required. The amendments implement changes agreed through the multilateral export control regimes, including the Wassenaar Arrangement and the Australia Group, and give effect to wider international commitments that support national security. They also help maintain alignment with the EU regulations that apply in Northern Ireland under the Windsor Framework.

5.2 Part 2 of the instrument updates the UK Military List in Schedule 2 to the 2008 Order to reflect changes agreed through the multilateral export control regimes and makes technical and drafting corrections. It also amends Schedule 4 to reflect changes to the relevant UK sanctions regimes by moving Haiti from Part 3 to Part 2 and the Central African Republic from Part 2 to Part 3.

5.3 Part 3 of the instrument updates the dual-use list in Annex I to the assimilated Dual-Use Regulation. These amendments implement changes agreed through the multilateral export control regimes and reflects the latest tranche of controls agreed with like-minded international partners for national security purposes and make technical corrections and clarifications.

5.4 Part 3 also removes General Export Authorisation No 001 ("GEA001") from Annex IIa to the assimilated Dual-Use Regulation and makes related transitional and consequential amendments. GEA001 has been superseded by an open general export licence issued by the Secretary of State under his relevant powers in the 2008 Order. A transitional provision allows exporters registered to use GEA001 on the date this instrument comes into force to continue using it until 1 April 2027, subject to its terms.

5.5 Regulation (EU) 2021/821 of the European Parliament and of the Council of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast) ("the EU Dual-Use Regulation") continues to apply in Northern Ireland by virtue of the Windsor Framework. Accordingly, the equivalent general export authorisation set out in Section A of Annex II to the EU Dual-Use Regulation, referred to as Union General Export Authorisation No EU001 ("EU GEA001"), will continue to apply in Northern Ireland. EU GEA001 will operate alongside the relevant open general export licence in Northern Ireland, providing an alternative authorisation where the respective scopes overlap.

What was the previous policy, how is this different?

5.6 Prior to this instrument, the military and dual-use lists reflected the previous annual updates. This instrument implements subsequent internationally agreed changes and corrects identified technical issues.

5.7 Prior to this instrument coming into force, the Central African Republic was listed in Part 2 of Schedule 4 and Haiti appeared in Part 3. The instrument reverses those listings, resulting in a narrower scope of controls for the Central African Republic and broadening those applying to Haiti, to reflect the current scope of the relevant arms embargoes under the UK sanctions regimes.

5.8 Prior to this instrument coming into force, GEA001 formed part of the assimilated Dual-Use Regulation in Great Britain. This instrument revokes GEA001, subject to the time-limited transitional provision for existing registered users. The equivalent authorisation (EU GEA001) continues to apply in Northern Ireland under the EU Dual-Use Regulation.

6. Legislative and Legal Context

How has the law changed?

6.1 The instrument is made under powers in the Export Control Act 2002 (the "2002 Act") and the assimilated Dual-Use Regulation.

6.2 The powers under the 2002 Act include the power to impose export controls, transfer controls and trade controls in relation to any description of goods, software and technology within one or more of the categories specified in the Schedule to that Act. These powers are used to:

- amend Schedule 2 to the 2008 Order to reflect changes agreed to the Wassenaar Arrangement Munitions List;
- insert and amend controls in Annex I of the assimilated Dual-Use Regulation, to reflect changes agreed at the multilateral export control regimes including the Wassenaar Arrangement and the Australia Group and commitments the UK has made with like-minded international partners.

6.3 For completeness, the amendments to the assimilated Dual-Use Regulation described above have been made under the powers in the 2002 Act when read with paragraphs 3 and 4 of Schedule 8 to the European Union (Withdrawal) Act 2018 ("EUWA"). That is on the basis the assimilated Dual-Use Regulation is assimilated direct legislation, and those provisions of the EUWA provide that a power to make subordinate legislation conferred before the EUWA entered into force (as were the powers in the 2002 Act) may be read, so far as the context requires or permits, as being capable of being exercised to modify assimilated direct legislation. The context requires or permits the exercise in this instance as:

- No other power is capable of making these changes. The usual power to update the control lists in the assimilated Dual-Use Regulation is Article 15 of that regulation itself. That only confers a limited power to update the dual use lists where that is in conformity with the relevant obligations and commitments the UK has accepted as a member of international non-proliferation regimes and export control arrangements, or by ratification of relevant international treaties. That does not apply to these controls which are being implemented in line with commitments the UK has made with like-

minded nations, but not obligations or commitments in a non-proliferation regime, export control arrangement or relevant treaty.

- Control of the items makes them subject to the export control in Article 3 of the assimilated Dual-Use Regulation; this is a control that falls within the 2002 Act powers.
- This approach avoids the regulatory duplication that would otherwise be placed on Northern Ireland were the amendments to be made in the 2008 Order, as both the 2008 Order and the EU Dual-Use Regulation apply there.

6.4 The 2002 Act powers, read with paragraphs 3 and 4 of Schedule 8 to the EUWA, have been used to remove GEA001, with a transitional period for those users registered to use it on the date this instrument comes into force to continue relying on it for a period ending on 1 April 2027. The context requires or permits the exercise in this instance as no other power in the assimilated Dual-Use Regulation or the 2008 Order is capable of revoking GEA001 administratively by the Secretary of State and there are no other relevant powers in the assimilated Dual-Use Regulation to amend, revoke or modify its terms.

6.5 The 2002 Act also contains powers to make provision in connection with trade controls. Under those powers, Schedule 4 to the 2008 Order sets out countries and destinations subject to stricter export or trade controls. These powers have been used to move Haiti from Part 3 to Part 2 and the Central African Republic from Part 2 to Part 3.

6.6 The power under Article 15 of the assimilated Dual-Use Regulation is capable of and has been used to make amendments to Annex I to the assimilated Dual-Use Regulation in line with the UK's commitments as a member of the multilateral export control regimes, such as the Wassenaar Arrangement, Australia Group, Missile Technology Control Regime and Nuclear Suppliers Group.

Why was this approach taken to change the law?

6.7 Legislation is required to amend the statutory control lists, change the Schedule 4 country listings and remove the general authorisation embedded in assimilated legislation. Incorporating the changes in one instrument provides a coordinated annual update and avoids a separate instrument for GEA001. This approach also helps maintain alignment between controls in Great Britain and Northern Ireland.

7. Consultation

Summary of consultation outcome and methodology

7.1 No formal public consultation was undertaken. The control list amendments implement technical agreements reached through the multilateral export control regimes, coordinated national security commitments and technical corrections. In accordance with the Consultation Principles, consultation was not considered appropriate because of the national security implications and the absence of alternative policy options that would achieve the same outcome.

8. Applicable Guidance

8.1 Comprehensive guidance on strategic export controls is available on GOV.UK[1]. The consolidated list of strategic military and dual-use items requiring export authorisation

[1] https://www.gov.uk/government/organisations/export-control-joint-unit

also is available on GOV.UK[2] will be updated to reflect this instrument. A Notice to Exporters and advance communications will be issued before commencement. Licensing systems and relevant guidance will also be updated.

8.2 Guidance and communications concerning the revocation of GEA001 and the transitional period will also explain the arrangements for existing registered exporters.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared because the amendments are primarily technical and administrative, implementing routine updates to maintain alignment with international commitments. These changes are not expected to meet the £10 million annual net cost threshold.

Impact on businesses, charities and voluntary bodies

9.2 The instrument is expected to have no significant impact on businesses, charities or voluntary bodies. Exporters of newly controlled items may need to determine whether an authorisation is required and, where necessary, apply for a licence. Technical corrections and annual list updates principally maintain the existing regulatory framework.

9.3 The impacts of the revocation of GEA001 are mitigated by the availability of an existing Open General Export Licence and by the transitional provision for existing registered users until 1 April 2027. Communications, guidance and system changes will support the transition.

9.4 The legislation applies to activities undertaken by small and micro businesses. No exemption is provided because exempting such businesses would undermine the effectiveness and consistency of strategic export controls, which apply irrespective of business size.

9.5 There is no significant impact on the public sector. Guidance and relevant systems will be updated as part of the implementation of the instrument.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The Department for Business, Innovation, Science and Trade will monitor implementation through licensing data, operational engagement and feedback from exporters, industry bodies and relevant government departments. Issues identified will be considered as part of the continuing maintenance of the export control framework.

10.2 The instrument does not include a statutory review clause. The amendments update the scope and administration of the existing export control regime. Given the expected limited economic impact and the established process of regularly reviewing and updating the control lists, a separate statutory review would be disproportionate.

[2] https://www.gov.uk/guidance/uk-strategic-export-controls

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 The changes to controls on specific emerging technologies which the United Kingdom has committed to introduce, alongside a number of like-minded countries, for national security purposes are inserted into the assimilated Dual-Use Regulation using powers in the 2002 Act read with paragraphs 3 and 4 of Schedule 8 to EUWA. This is because Article 15(1) of the assimilated Dual-Use Regulation is limited to changes conforming with specified international obligations and commitments and is not available for controls agreed with like-minded partners outside those arrangements. The approach also avoids duplicate regulation in Northern Ireland.

11.2 The instrument also removes GEA001 from Great Britain while preserving its use by exporters registered at commencement until 1 April 2027. These changes also use powers in the 2002 Act read with paragraphs 3 and 4 of Schedule 8 to EUWA. This is similarly because no powers are available to remove GEA001 in the assimilated Dual-Use Regulation.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").

13.2 It does, however, relate to the withdrawal of the United Kingdom from the European Union. The assimilated Dual-Use Regulation applies in Great Britain, while the EU Dual-Use Regulation applies in Northern Ireland under the Windsor Framework. The instrument amends the Great Britain regime and, where appropriate, seeks to maintain coherent and effective controls across the United Kingdom. As explained in sections 6 and 11, certain powers are exercised in relation to assimilated direct legislation when read with Schedule 8 to EUWA.