

Proposal for a Council Regulation amending Regulation (EC) No 1334/2000 with regard to intra-Community transfers and exports of dual-use items and technology

(2001/C 96 E/15)

(Text with EEA relevance)

COM(2000) 766 final — 2000/0300(ACC)

(Submitted by the Commission on 28 November 2000)

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Article 1

Regulation (EC) No 1334/2000 is amended as follows:

Having regard to the proposal from the Commission,

1. The following three indents are inserted in Part 2 of Annex II after the first indent:

Whereas:

- (1) Under Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology ⁽¹⁾, dual-use items and technology should be subject to effective control when they are exported from the Community.

— 0C001: “natural uranium” or “depleted uranium” or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing;

- (2) In order to enable the Member States and the EU to comply with their international commitments, particularly within the NSG (Nuclear Suppliers' Group) Category 0 as defined in Annex I to that Regulation (nuclear materials, facilities and equipment) was included in its entirety in Annex IV (items requiring authorisation for intra-Community transfer).

— 0C002: “special fissile materials” other than those specified in Annex IV;

- (3) It has since become apparent that intra-Community controls on non-sensitive nuclear materials under Regulation (EC) No 1334/2000 are hampering trade without improving the level of protection already conferred by the Euratom Treaty. The controls imposed on such materials should therefore be abolished.

— 0D001 (software) and 0E001 (technology) insofar as they relate to materials of 0C001 (“natural uranium” or “depleted uranium” or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing) or 0C002 special fissile materials other than those specified in Annex IV.’

2. In Part II of Annex IV the words ‘All Category 0 of Annex I is included in Annex IV’ are replaced by:

‘All Category 0 of Annex I is included in Annex IV except for the following materials:

- (4) In the 1984 Dublin Declaration on common policy, however, the Member States acknowledged the need for intra-Community controls on transfers of goods regarded as particularly sensitive in the context of weapons non-proliferation. Controls on certain special fissile materials under item 0C002 (separated plutonium and ‘uranium enriched in the isotopes 235 or 233’ to more than 20 %) should therefore remain in place.

— 0C001: this item is not included in Annex IV;

— 0C002: this item is included in Annex IV only as it relates to the following special fissile materials:

- (5) Regulation (EC) No 1334/2000 should be amended accordingly,

a) separated plutonium;

b) “uranium enriched in the isotopes 235 or 233” to more than 20 %;

⁽¹⁾ OJ L 159, 30.6.2000, p. 1.

- 0D001 (software) and 0E001 (technology) are included in Annex IV except insofar as they relate to decontrolled items, i.e. all of 0C001 and the part of 0C002 not covering the following special fissile materials: separated plutonium and “uranium enriched in the isotopes 235 or 233” to more than 20 %.’

Article 2

This Regulation shall enter into force on the fifth day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
