

Council Regulation (EC) No 880/2002
of 27 May 2002

amending Regulation (EC) No 1334/2000 setting up a Community regime for the
control of exports of dual-use items and technology

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the Commission,

Whereas:

(1) Under Regulation (EC) No 1334/2000(1) dual-use items (including software and
technology) must be subject to effective control when they are exported from the
Community.

(2) Under Article 21 of Regulation (EC) No 1334/2000, an authorisation is required
for intra-Community transfers of the dual-use items and technology listed in Annex
IV to that Regulation. That Annex includes in particular items subject to control in the
context of the Nuclear Suppliers Group (NSG) and the Wassenaar Arrangement.

(3) The political commitments made by the Member States in the context of the NSG
or the Wassenaar Arrangement must be applied in strict compliance with the
principles established by Community law, particularly the Treaty establishing the
European Community and the Treaty establishing the European Atomic Energy
Community. Both Treaties establish the principle of the free movement of goods
within the Community, and dual-use items are subject to this principle.

(4) Annex IV to Regulation (EC) No 1334/2000 constitutes an exception to the
principle of the free movement within the Community of dual-use items. This
exception arises from the political commitments made by the Member States and the
sensitivity of the items concerned.

(5) Since some of the items are less sensitive in terms of proliferation, control of their
transfer within the Community under Regulation (EC) No 1334/2000 does not seem
justified.

(6) Regulation (EC) No 1334/2000 should therefore be amended accordingly,
HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EC) No 1334/2000 is hereby amended as follows:

1. In Part I, headings 3A002.g.2, 6A001.a.1.b.2, 6A001.a.1.b.3, 6A001.a.1.b.4,
6A001.a.1.b.5, 6A001.a.2.d, 8A002.o.3.a, 8A002.p and 8D002 shall be deleted.

2. Part II shall be amended as follows:

(a) headings 1C012.a, 3A201.a, 3A228.c, 6A203.b and 6E201 shall be deleted;

(b) heading 1E001 shall be replaced by the following: ">TABLE POSITION>";

(c) heading 3E201 shall be replaced by the following: ">TABLE POSITION>"

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.

Done at Brussels, 27 May 2002.

For the Council
The President
M. Arias Cañete

(1) OJ L 159, 30.6.2000, p. 1. Regulation as last amended by Regulation (EC) No 2432/2001 (OJ L 338, 20.12.2001, p. 1).