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UK Introduces Export Controls for Emerging Technologies

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On 12 March 2024, the UK Export Control Joint Unit (ECJU) announced that UK export control regulations would be amended to introduce new controls on the export of emerging technologies and provide a number of technical updates. Implemented through the Export Control (Amendment) Regulations 2024, the amendments are set to come into force on 1 April 2024.

The Export Control Order 2008

The regulations introduce new export controls on military goods and dual-use emerging technologies. They include a prohibition on the export to any country of:

- Certain types of semiconductors, equipment designed for dry etching, scanning electron microscope equipment, integrated circuits, parametric signal amplifiers, cryogenic cooling systems and components, extreme ultraviolet masks, cryogenic wafer probing equipment and certain advanced materials. The export or transfer by electronic means of software and technology designed for the use, development or production of these items also is subject to export controls.
- Quantum computers and components, as well as software and technology for the development or production of quantum computing.
- Additive manufacturing equipment, as well as software and technology designed for the development or production of such equipment.

The export of these items from the UK to any country will now require an export licence.

The dual-use regulation

The new regulations also amend Annex I of Council Regulation (EC) 428/2009 of 5 May 2009 (the retained European Union dual-use regulation), which lists dual-use goods, software and technology that are subject to export controls in the UK for which an export licence is required. These changes include editorial amendments to the technical notes and definitions in certain entries, amendments to the control parameters for some items, and modifications to the decontrol note for commercial cryptography applications. As the UK is a member of the Wassenaar Arrangement[1] and other multilateral export control regimes, the amendments also seek to bring UK export controls in line with 'like-minded countries'.

Comments

These amendments demonstrate the UK's alignment with other countries – such as the US – insofar as the export restrictions that are being applied to emerging technologies can have dual-use applications. Businesses developing these technologies and operating in this space should ensure they follow robust compliance processes.

If you have any questions, please contact the Cooley authors listed below, who can advise you on the applicable export controls and how they affect you and your business.

Notes

1. The Wassenaar Arrangement is a voluntary export control regime comprised of 42 member states, which seeks to contribute to regional and international security and stability by promoting transparency and

greater responsibility in transfers of conventional arms and dual-use goods and technologies.

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