
THE PRESIDENT OF THE REPUBLIC

Having regard to Articles 76 and 87 of the Constitution;
Having regard to Law no. 241 of 7th August 1990;
Having regard to Legislative Decree no. 89 of 24th February 1997;
Having regard to Legislative Decree no. 300 of 30th July 1999, as subsequently amended, concerning the reform of the Government organisation carried out under Article 11 of Law no. 59 of 15th March 1997, and particularly under Article 27 providing for the establishment of the Ministry of Production Activities;
Having regard to Council Regulation (EC) No. 1334/2000 of 22nd June 2000 setting up a Community regime for the control of exports of dual-use items and technology;
Having regard to the Council Joint Action No.2000/401/CFSP of 22nd June 2000 concerning the control of the technical assistance on some military purposes;
Having regard to the Council decision No. 2000/402/CFSP of 22nd June 2000 concerning the joint action on the control of exports of dual-use items;
Having regard to Article 4 of Law no. 422 of 29th December 2000, Community Law 2000, conferring on the Government the powers of establishing sanctions against the infringements of Community provisions and criminal rules that concern the exports of dual-use items and technology;
Having regard to the President of the Republic Decree no. 175 of 26th March 2001 regulating the organisation of the Ministry of Production Activities and, particularly, Article 8 (2) (g) on the competences of the Directorate General for Trade Policy;
Having regard to Article 4-bis of Decree-Law no. 353 of 28th September 2001 as amended and turned into Law no. 415 of 27th November 2001;
Having regard to Article 50 of Law no. 39 of 1st March 2002, Community Law 2001, conferring on the Government the powers of adjusting domestic rules to Community provisions and international agreements in the field of dual-use items and technology;
Having considered that Council Regulation (EC) No. 1334/2000 is directly enforceable although not in its integrity because it needs specific national rules of implementation;
Having considered the opportunity of issuing provisions aimed at the full implementation of Council Regulation (EC) No.1334/2000 and of the Council Joint Action of 22nd June 2000;
Having heeded the opinions of the relevant Commissions of the Chamber of Deputies and the Senate of the Republic;
Upon proposal of the Minister for Community Policies and the Minister of Production Activities, in agreement with the Minister of Foreign Affairs, the Minister of Justice, the Minister of Defence, the Home Minister, the Minister of Economy and Finance, the Minister of Communications, the Minister of Education, University and Research and the Health Minister;

HAS ISSUED

the following Legislative Decree:
Art. 1

Definitions

1. For the purpose of this Legislative Decree:
   a) "Regulation" means Council Regulation (EC) No. 1334/2000 of 22nd June 2000, as subsequently amended, setting up a Community regime for the control of exports of dual-use items and technology;
   b) "Joint action" means Council joint action no. 2000/401/CFSP of 22nd June 2000 concerning the controls on the technical assistance for some military purposes;
   c) "Dual-use items" means the products — including software, technology and services listed in Annexes I, II and IV of the Regulation as subsequently amended — that can have both a civil and a military use. The amendments to Annexes I, II and IV introduced at Community level and published in the Official Journal of the European Union are directly and immediately applied on the domestic territory;
   d) "Export" means:
      1) any export of items specified in Article 161 of the Community Customs Code (EC Regulation 2913/92);
      2) any re-export of items specified in Article 182 of the aforesaid Community Customs Code;
      3) the transmission of software or technology to a destination outside the Community territory by fax, telephone or other electronic media; oral transmission of technology by telephone occurs when the technology is contained in a document the relevant part of which is read or described over the phone in such a way as to achieve the same result;
   e) "exporter" means any natural or legal person on whose behalf an export declaration has been made, that is to say the person who holds the contract with the consignee in the third country and has the power for determining the sending of the item outside the customs territory of the Community at the moment of accepting the declaration. If no contract has been concluded of if the holder of the contract does not act on its own behalf, the power of determining the sending of the item outside the Community customs territory is decisive. "Exporter" also means any natural or legal person who decides to transmit software or technology to a destination outside the Community by fax, telephone or other electronic media. Where, pursuant to the contract on which the export is based, the benefit of the right to dispose of the dual-use item belongs to a person who is not a Community resident, the exporter is considered to be the Contracting Party established in the Community;
   f) "end user" means any natural or legal person who eventually uses the dual-use items that have been exported in pursuance with this Legislative Decree;
   g) "consignee" means any natural or legal person who imports the dual-use items under an export procedure set out in this Legislative Decree and who holds the right to sell the items;
   h) "competent Authority" means the entity indicated in Article 2.

Article 2

Competent Authority

1. The Ministry of Production Activities — Department for Internationalisation is the authority in charge of implementing this Legislative Decree and of granting the export authorisations for dual-use items.

2. The Minister for Production Activities, after hearing the Advisory Committee under Article 11, shall lay down the modalities for granting authorisations as well as the other implementation provisions of this Legislative Decree. The said rules shall be adopted within one hundred eighty days from the coming into force of this Legislative Decree in conformity with Article 17 (3) of Law no. 406 dated 23rd August 1988.
Article 3

Types of export authorisations for dual-use items

1. The types of authorisations provided for in this Legislative Decree are as follows:
   a) Individual Specific Authorisation
   b) Individual Global Authorisation
   c) National General Authorisation
   d) Community General Authorisation

Article 4

Individual Specific Authorisation

1. The exportation of the dual-use items listed in Annexes I and IV of the Regulation may require an individual specific authorisation issued to an individual exporter for types or categories of dual-use items and for a specified end user.
2. The Individual Specific Authorisation is issued pursuant to the opinion of the Advisory Committee referred to in Article 11. It is limited in time and can be extended upon a request submitted within thirty days from the expiry date of the authorisation.
3. The application for an Individual Specific Authorisation shall be filed with the competent Authority utilising the Community form contained in Annex III-bis of the Regulation. The form shall be fully completed according to the accompanying instructions and signed by a legal representative of the exporter. If it results incomplete or erroneously completed, the applicant has the possibility of regularising the application. All the data and information contained in the application and in any attachment to it are under the responsibility of the exporter. Any change occurred after the submission of the application shall be immediately communicated to the competent Authority.
4. The application shall be integrated by a declaration of the end user. This shall necessarily contain the following:
   a) the precise name or corporate name, the exact indication of the registered office and the type of activity;
   b) the description of the imported items, their quantity and value, the details of the reference contract or a copy of it;
   c) the indication of the specific civil use of the items and their precise destination;
   d) the definite commitment not to use such items for military applications or nuclear explosives, for nuclear civil activities in plants that are not safeguarded by the I.A.E.A. (International Atomic Energy Agency) or in applications linked with the development and/or production of weapons of mass destruction and missiles that may be used as carriers of such weapons;
   e) the declared commitment not to re-export, transfer or deviate, during the journey, the imported items.
5. Such a declaration shall be dated, sealed and signed by a legal representative of the end user. If the competent Authority thus requires, the relevant foreign administrative authority and/or the Italian diplomatic authority shall authenticate the declaration.
6. The competent Authority may also ask the exporter for an international import certificate and/or a certificate of end use issued by the relevant administrative authority of the end user’s own Country.
7. Besides the provisions of sub-sections (4), (5) and (6), the competent Authority may ask the exporter for the submission of further specific documentation.
8. The Individual Specific Authorisation may be subject to particular conditions and the exporter may have the duty to fulfill specific obligations required by the competent Authority and identified in the authorisation itself.
9. The documents referring to exports made under the authority of Individual Specific Authorisation shall be kept in the records of the exporter’s registered office for a minimum of three years since the end of the calendar year in which the transactions were made. The
documentation shall be produced upon request of the competent Authority which may conduct or order an appropriate inspection and control in accordance with Article 12.

10. The Individual Specific Authorisation can be refused, annulled, cancelled, suspended or varied, having heard the opinion of the advisory Committee under Article 11 and according to the contents of Article 8.

Article 5

Individual Global Authorisation

1. The exportation of the dual-use items listed in the Annex I and IV of the Regulation may require an Individual Global Authorisation issued to an individual exporter for types or categories of dual-use items and to one or more specified Countries of destination.

2. Individual Global Authorisations are granted for a maximum of three years, after hearing the opinion of the advisory Committee under Article 11. They may be extended upon request which shall be submitted within thirty days before the same authorisation expires. The issue of the authorisation is communicated to the Ministry of Economy and Finance - Customs Agency.

3. The application for an Individual Global Authorisation is filed by utilising the proper Community form (Annex III-bis of the Regulation), fully completed according to the accompanying instructions and signed by a legal representative of the exporter. If the application is incomplete or erroneously completed, the applicant has the possibility of regularising the application. All the data and information contained in the application and in any attachment are under the responsibility of the exporter. Any change occurred after the submission of the application shall be promptly communicated to the competent Authority.

4. Individual Global Authorisations cannot be issued in favour of occasional operators.

5. A declaration signed by a legal representative of the exporter shall be attached to the application. It formally engages the exporter in respecting, on each export operation, the following conditions:

a) to use the authorisation issued exclusively for the dual-use items and to the destination Countries there indicated;

b) to report the following phrase “Individual Global Authorisation (number and date of the measure)” on invoices and transport documents;

c) to demand, upon concluding a contract or at the moment of affirming the contract proposal, a declaration of commitment by the consignee and/or the end user that the dual-use items referred to in the contract or in the buying order will not be re-exported, transferred or, during the journey, diverted and that they will be exclusively used for civil purposes.

6. Within thirty days from the end of each calendar semester the exporter shall transmit, by mail, e-mail or fax, a summary list of the export transactions made under the Individual Global Authorisation regime to the competent Authority. Such communication shall contain the following elements: the essential data of the invoice and contract, quantity and value of the dispatched items, categories and sub-categories of reference, corresponding customs tariff sections, Country of destination, details of the consignee and of the end user, dispatch date, type of export (final, temporary, transit).

7. The exporter of any items requiring the Individual Global Authorisation shall maintain records in relation to each such export in its registered office for a minimum of three years since the end of the calendar year in which the transactions took place. The documents referred to shall be shown upon request of the competent Authority which can conduct or order appropriate inspection and control in accordance with Article 12.

8. The competent Authority, after hearing the opinion of the advisory Committee under Article 11 and according to the contents of Article 8, may refuse to grant Individual Global Authorisations and may annul, revoke, suspend or vary those already granted.
Article 6

National General Export Authorisation

1. A National General Authorisation may be required for the export of certain dual-use items listed in Annex I and Annex IV, part I, of the Regulation. In relation to those items and to certain Countries of destination, the Minister for Production Activities shall adopt a Decree within sixty days from the coming into force of this Legislative Decree.

2. The application for a National General Authorisation, signed by a legal representative of the exporter, shall be filed with the competent Authority. It shall contain the name or company name, the indication of the registered office and the names of the legal representatives of the exporter.

3. The competent Authority takes a decision on the application within sixty days. The names of the exporters intending to make exports under the National General Authorisation are entered in a special “registry of entities exporting under the authority of the National General Authorisation”. Each exporter is attributed a progressive serial number. The Authorisation issue is communicated to the Ministry of Economy and Finance - Customs Agency. The registered exporter shall promptly give notice of any change in the particulars referred to in subsection (2) to the competent Authority.

4. The shipping papers accompanying the dual-use items exported under the authority of a National General Authorisation shall bear the statement indicated in Annex 1 of this Legislative Decree.

5. Within thirty days from the end of each calendar semester, the exporter shall send the competent Authority, by post, e-mail, or fax, a brief list of the export transactions made under the regime of National General Authorisation. Such a notice shall contain the following information: entries of invoice and contract, quantity and value of the items; categories and sub-categories of reference, corresponding customs tariff section, Country of destination, particulars of the consignee and of the end-user, dispatch date, type of export (final, temporary, transit).

6. The papers relative to the exports made under the authority of the National General Authorisation shall be kept in the records of the exporter’s registered office for a minimum of three years starting from the end of the calendar year in which the transactions were made. This documentation shall be produced upon request of the competent Authority which may conduct or order inspections and controls in conformity with Article 12.

7. The National General Authorisation may be refused, annulled, suspended, revoked or varied in accordance with the provisions of Article 8.

Article 7

Community General Authorisation

1. The exportation of dual-use items may require a Community General Authorisation in the case of the items and destinations listed in Annex II of the Regulation and subject to the export procedure set out in Article 6 (2), (3), (5) and (6). Exports made under the authority of the Community General Authorisation are also subject to certain conditions and shall meet the requirements laid down in the same Annex II of the Regulation. The exporter’s name is entered in a special “registry of entities exporting under the authority of the Community General Authorisation”.

2. The shipping papers accompanying dual-use items exported under the authority of the Community General Authorisation shall bear the statement indicated in Annex 2 of this Legislative Decree.

3. The competent Director General of the Ministry of Production Activities may, by decree, modify Parts 2 and 3 of Annex II of the Regulation in relation with the cases referred to therein, after hearing the opinion of the advisory Committee under Article 11.

4. The Community General Authorisation may be refused, annulled, revoked, suspended or varied as set out in Article 8.
Article 8

Refusal, annulment, revocation, suspension and modification of the Authorisation

1. The Authorisations referred to in Article 3 cannot be granted if the exportation does not comply with the conditions under Article 8 of the Regulation.

2. The Authorisations referred to in Article 3 may be annulled, revoked, suspended or modified in the following cases:
   a) if they do not comply any longer with the conditions set out in Article 8 of the Regulation;
   b) whether the requirements of this Legislative Decree have ceased to exist or the conditions thereof cannot be respected;
   c) whether the exporter violates national and international rules;
   d) if the exporter fails to comply with any obligation attached to the authorisation;
   e) if circumstances have substantially changed since the granting of the authorisation that they impose the adoption of such measures in consideration of the commitments and obligations assumed by Italy as a member of the relevant non-proliferation regimes and export controls arrangements or by ratification of relevant international treaties.

3. In the cases referred to in subsection (2), the competent Authority may revoke the authorisation which it had originally granted. The relevant measure is notified to the Ministry of Economy and Finance - Customs Agency and to the exporter concerned. The revocation is also recorded on the appropriate registry if the authorisation revoked were a National General Authorisation or a Community General Authorisation.

4. The competent Authority, having heard the opinion of the advisory Committee under Article 11, may refuse to grant the authorisation or may suspend the decision on the application if the exporter has not fulfilled the obligations of or has not complied with the conditions attached to previous authorisations.

Article 9

Authorisation for dual-use items not included in the list of Annex I of the Regulation

1. In accordance with Article 4 (1), (2) and (3) of the Regulation, the competent Authority may impose an authorisation requirement as set out in Article 4 for the exportation of dual-use items not listed in Annex I of the Regulation. Such measure shall be immediately notified to the Ministry of Foreign Affairs, the Ministry of Defence and the Home Ministry.

2. The export of such items may also be subject to the granting of the authorisation under Article 4 at the specific request of the Ministry of Foreign Affairs or the Ministry of Defence or the Home Ministry. The request is sent to the competent Authority and notified to the two other Ministries.

3. In case one of the Ministries under subsections (1) and (2) raises objection within three days from the receipt of the notice or request, the competent Authority convenes a conference of services for its examination within the following three days. If the conference decides to adopt an authorisation requirement on the export, the competent Authority shall immediately communicate the decision to the exporter concerned and to the Ministry of Economy and Finance - Customs Agency.

4. In case none of the Ministries under subsections (1) and (2) raises objection, the competent Authority, where the export requires an authorisation, immediately informs the exporter concerned and the Ministry of Economy and Finance - Customs Agency that the export is subject to authorisation.

5. Pursuant to Article 4 (4) of the Regulation, the exporter who is aware that the dual-use items he wishes to export are not listed in Annex I of the Regulation but are intended, in their entirety or in part, for any of the uses referred to in Article 4 (1), (2) and (3) of the Regulation, shall inform the competent Authority furnishing all the necessary documents.

6. Pursuant to Article 4 (5) of the Regulation, the exporter who has ground for suspecting that the dual-use items which are not included in the list of Annex I of the Regulation and which he wishes to export, are or may be intended, in their entirety or in part, for any of the uses referred
to in Article 4 (1) of the Regulation shall inform the competent Authority, furnishing all the necessary documents.

7. The competent Authority shall send copy of any of the notices referred to in subsections (5) and (6) not considered to be manifestly groundless to the Ministry of Foreign Affairs, the Ministry of Defence and the Home Ministry, initiating the procedure under subsections (1), (2), (3) and (4).

8. The proceedings referred to in this Article may be stipulated, exclusively for procedural aspects, in a measure to be adopted in pursuance with Article 17 (3) of Law no. 400 of 23rd August 1988 on the grounds of the principles and guidelines identified in Law no. 59 of 15th March 1997.

Article 10

Modalities of imposition of the export prohibition for dual-use items not listed in Annex I of the Regulation (EC) no. 1334/2000

1. Pursuant to Article 5 of the Regulation, the export prohibition or the requirement of a previous export authorisation for the dual-use items not listed in Annex I of the Regulation is provided for by decree of the Ministry of Production Activities, having heard the Ministries of Foreign Affairs, Defence, Home, Economy and Finance, Health and Communications.

Article 11

Advisory Committee

1. An advisory Committee for the exportation of dual-use items is established within the competent Authority.

2. The advisory Committee for the exportation of dual-use items shall, within sixty days from receiving the request of the competent Authority, express its mandatory but non-binding opinion on the granting, denial, annulment, revocation, suspension and modification of authorisations in the cases referred to in this Legislative Decree. The aforesaid deadline may be extended for other ninety days if the Committee deems it necessary to proceed to a further inquiry. In addition, the Committee shall, upon request of the competent Authority or of other Ministries concerned, express opinions on questions of particular and/or general nature related to the activities of authorisation and control for the export of dual-use goods and on questions linked with the updating of the relevant rules.

3. The advisory Committee is chaired by a director general of the Ministry of Foreign Affairs while a director general of the Ministry of Production Activities - Internationalisation Department acts as deputy chair. Other members of the Committee are two representatives of the Ministry of Economy and Finance, one of whom belongs to the Customs Agency and by a representative each from the Ministries of Foreign Affairs, Production Activities - Internationalisation Department, Defence, Home, Communications, Education, Universities and Scientific Research and Health. In case of absence of the Committee’s chair and deputy chair, their voting rights shall be exercised, respectively, by the representatives of the Ministry of Foreign Affairs and the Ministry of Production Activities - Internationalisation Department. An executive director of the competent Authority shall function as Secretary. Four non-governmental technical experts, with competence in each one of the control regimes applied to dual-use items, shall also take part, without voting rights, in the Committee meetings.

4. The components of the advisory Committee, their deputies and the technical experts are appointed by decree of the Minister for Production Activities. They are respectively nominated by the Ministries or by the organisations they work for within thirty days from the request of the Ministry of Production Activities. The Committee shall be renewed every five years.

5. The Committee’s meetings are open to the participation, without voting rights, of officials representing bodies concerned with public security, customs, tax and monetary controls as well as other experts who do not belong to the Public Administration. They may take part on the grounds of specific needs at the request of the competent Authority or of the Committee chairman within the existing budgetary constraints.
6. The advisory Committee is validly constituted when the majority of its members are present. It takes decisions by majority of those present.
7. The Minister for Production Activities shall lay down, by his own decree, the rules of procedure of the Committee, having heard the other Ministries referred to in subsection (3).

Article 12
Control measures
1. All control activity, in connection to both the preliminary and the successive phases of the exportation for dual-use items, is carried out by the competent Authority. Exemption is made for the powers and competences conferred upon the bodies concerned with public security; customs, tax and monetary controls as well as the intelligence and security agencies of the State. These bodies shall in any case directly give notice to the competent Authority of any piece of information relevant to this Legislative Decree.
2. In order to ensure the correct application of the Regulation and of this Legislative Decree, the competent Authority, in accord with each Ministry concerned, may avail itself of the collaboration of the bodies under subsection (1). This will be useful to gather information and to conduct the verifications and inspections needed in conformity with Article 17 of the Regulation. The Guardia di Finanza\(^1\) operates in compliance with the rules of and with the powers conferred by Articles 51 and 52 of the President of the Republic Decree no. 633 of 26th October 1972 and Articles 32 and 33 of the President of the Republic Decree no. 600 of 29th September 1973 as amended. The Customs Agency operates in compliance with Article 52, subsections (4) to (10), of the President of the Republic Decree no. 633 of 26th October 1972.
3. The Minister for Production Activities regulates, by his own decree, the implementation modalities of the controls under subsections (1) and (2), having heard the Ministries involved.

Article 13
Intra-Community transfers
1. An authorisation shall be required for intra-Community transfers of dual-use items listed in Annex IV of the Regulation. The provisions set out in Article 21 of the Regulation are fully applied.
2. A National General Authorisation granted in accordance with the procedure referred to in Article 6 may be imposed for the intra-Community transfers of the dual-use items listed in Part I of Annex IV of the Regulation.

Article 14
Controls on technical assistance related to certain military end-uses
1. Without prejudice to the provisions of this Legislative Decree and referring to the contents of Article 2 and Article 5 of the Joint Action, technical assistance intended for the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or of other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons is prohibited.
2. Pursuant to the provisions of Article 3 and Article 5 of the Joint Action, technical assistance is prohibited if it relates to military purposes other than those under subsection (1) and is supplied to one of the destination Countries subject to an arms embargo decided by a common position or joint action adopted by the Council or by a decision of the OSCE or an arms embargo imposed by a binding resolution of the UN Security Council. For the purposes of this subsection, technical assistance for military end-uses shall include:
   a) incorporation into military items appearing in the military lists of Member States;

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\(^{1}\) Fiscal Police [translator’s note]
b) use of production-, test-, or analytical equipment and components therefor, for the
development, production, maintenance of the military items specified in (a);
c) use of any unfinished products in a plant for the production of the military items specified
in (a).
3. The provisions of subsection (1) do not apply to technical assistance:
   a) where it is supplied to one of the Countries listed in Part 3 of Annex II of the Regulation;
   b) where it takes the form of transferring information that is “in the public domain” or “basic
      scientific research”, as these terms are respectively defined in the international export control
      regimes, bodies and treaties;
   c) where it is in oral form and not related to items required to be controlled by one or more
      of the international export control regimes, bodies or treaties.

Article 15

Internet

1. Under this Legislative Decree, a preliminary authorisation shall be required for the
   transmission, by internet or by other electronic media, fax or telephone, of any project, design,
   formula, software and technology which is, on any ground, related to the development,
   production or use of dual-use items contained in Annexes I and IV of the Regulation.
2. Commercial advertisement of dual-use items shall not be subject to preliminary authorisation
   provided that it does not include the dissemination of the product’s technical characteristics.

Article 16

Sanctions

1. Any person who according to the Regulation and this Legislative Decree has exported dual-
   use items without the prescribed authorisation or under the authority of an authorisation
   obtained by furnishing false statements or documents is liable to imprisonment for a term of two
   to six years or a fine ranging from EUR 25,000 to 250,000.
2. Any person who has exported dual-use items failing to comply with the obligations
   prescribed in the authorisations is liable to imprisonment for a term of two to four years or a fine
   ranging from EUR 15,000 to 150,000.
3. Any conviction or ruling delivered pursuant to Article 444 of the Criminal Procedure Law for
   the offences in subsections (1) and (2) entails the forfeiture of the items intended for export.
4. Any exporter of dual-use items not listed in Annex I of the Regulation who, according to
   Article 4 (4) of the same Regulation, does not furnish the competent Authority with the required
   information is liable to arrest and may be held under custody for up to two years.
5. Exporters of dual-use items shall notify any change in the information and data occurred after
   submitting the application and indicate the elements referred to in Article 16, paragraph 1 of the
   Regulation on the documents and records. Any exporter who fails to give notice of those
   changes or fails to comply with the provisions of Article 16 (1) or fails to keep legal documents
   for three years after the export has been made is liable to an administrative fine ranging from
   EUR 15,000 to 90,000, provided that the omission is not a crime. The same sanction is applied to
   any person who fails to notify, on request of the competent Authority, the information
   required or fails to furnish papers and documents relative to dual-use exports.
6. Any person who contravenes the prohibition under Article 14 (1) is liable to imprisonment for
   a term of two to four years or a fine ranging from EUR 15,000 to 150,000.
7. Any person who contravenes the prohibition under Article 14 (2) is liable to imprisonment for
   a term of not exceeding two years or a fine ranging from EUR 10,000 to 50,000.
8. Any person who performs the operations under Article 15 without the required authorisation
   or under the authority of an authorisation obtained furnishing false statements and documents is
   liable to imprisonment for a term of not exceeding two years or a fine ranging from EUR 10,000
   to 50,000. The court shall order the seizure of the website containing the information under
   Article 15 (1).
Article 17

Compulsory notification by Judicial Authorities

1. The Court hearing the offences specified in Article 16 shall immediately send notice of it to the competent Authority for the adoption of the relevant measures.

Article 18

Repeals

1. From the date of coming into force of this Legislative Decree the following provisions are repealed:
   a) Legislative Decree no. 89 of 24th February 1997;
   b) subsections (4), (5), (6), (7), (8) and (9) of Article 4 of Law no. 422 of 29th December 2000;
   c) Article 4-bis of the decree-law of 28th September 2001 as amended and turned into Law no. 415 of 27th November 2001;
   d) Minister for Foreign Trade decree no. 273 of 18th June 1997;
   e) Minister for Foreign Trade decree no. 289 of 12th June 1998;
   f) Minister for Foreign Trade decree no. 280 of 25th July 2000;

This decree, complete with the State seal, shall be inserted into the Official Collection of the Laws of the Italian Republic. It is ordered to all those who are concerned to respect this Regulation and make it respected.

Done in Rome, 9th April 2003

CIAMPI

BERLUSCONI, President of the Ministers' Council
BUTTIGLIONE, Minister of Community Policies
MARZANO, Minister of Production Activities
FRATTINI, Minister of Foreign Affairs
CASTELLI, Minister of Justice
MARTINO, Minister of Defence
PISANI, Home Minister
TREMONTI, Minister of Economy and Finance
GASPARRI, Minister of Communications
MORATTI, Minister of Education, University and Research
SIRCHIA, Minister of Health

Approved by the Minister of Justice: CASTELLI
ANNEX 1
(provided for under Article 6 (4))

Statement to be put on the shipping papers accompanying the dual-use items exported under the authority of a National General Authorisation:

"La merce oggetto della presente esportazione è esportata con autorizzazione generale nazionale che può essere utilizzata solamente per le seguenti destinazioni .........................................................
La merce non può essere inviata ad altre destinazioni senza approvazione delle autorità italiane e può essere riesportata secondo le normative nazionali."
("These items are exported under the authority of a National General Authorisation that can solely be used for the following destinations .........................................................
These items cannot be sent to other destinations without the Italian Authorities prior approval and can be re-exported according to domestic rules.")

ANNEX 2
(provided for under Article 7 (2))

Statement to be put on the shipping papers accompanying the dual-use items exported under the authority of the Community General Authorisation referred to in Annex 2 of the Regulation:

"La merce oggetto della presente esportazione è esportata con autorizzazione generale comunitaria che può essere utilizzata solamente per le seguenti destinazioni: Australia, Canada, Giappone, Norvegia, Nuova Zelanda, Polonia, Repubblica ceca, Stati Uniti d'America, Svizzera, Ungheria. La merce non può essere inviata ad altre destinazioni senza approvazione delle autorità italiane e può essere riesportata secondo le normative nazionali."
("These items are exported under the authority of a Community General Authorisation which can be solely used for the following destinations: Australia, Canada, Czech Republic, Hungary, Japan, Norway, New Zealand, Poland, Switzerland, and United States of America. These items cannot be sent to other destinations without the Italian Authorities prior approval and can be re-exported according to national rules.")
DECREE. 4th August 2003


THE DEPUTY MINISTER
FOR PRODUCTION ACTIVITIES

Having regard to the Council Regulation (EC) no. 1334/2000 of 22nd June 2000 setting up a Community regime for the control of exports of dual-use items and technologies;

Having regard to Legislative Decree no. 96 of 9th of April 2003 which implements some provisions of the Regulation (EC) no. 1334/2000 setting up a Community regime for the control of exports or dual-use items and technologies as well as of the technical assistance for military uses under Article 50 of Law no. 39 of 1st March 2002;

Having regard, in particular, to Article 6 establishing that the export of the dual-use items in Annex I and Annex IV, part I, to the Regulation may require a National General Export Authorisation only in relation to the items and Countries of destination provided for under a Decree of the Minister for Production Activities, to be adopted within sixty days from the coming into force of the Legislative Decree;

MAKES THE FOLLOWING DECREE:

Article 1

A National General Export Authorisation may be required for all dual-use items under one of the entries in Annex I of the Regulation (EC) no. 1334/2000, as subsequently amended, except:

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;

0C002 – “Special fissile material” diverse from those indicated in Annex IV;

0D001 – “Software” specially designed or modified for the “development”, “production” or “use” of goods specified in Category 0, to an extent which falls within the scope of 0C001 or refers to 0C002 goods excluded from Annex IV;

0E001 – “Technology” according to the Nuclear Technology Note for the “development”, “production” or “use” of goods specified in Category 0 to an extent which falls within the scope of 0C001 or refers to 0C002 goods excluded from Annex IV;

1A102 – Re-saturated pyrolysed carbon-carbon components designed for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104;

1C351 – Human pathogens, zoonoses and “toxins”;

1C352 – Animal pathogens;
7E104 – “Technology” for the integration of the flight control, guidance, and propulsion data into a flight management system for the optimisation of rocket system trajectory;

9A009.a – Hybrid rocket propulsion systems with total impulse capacity exceeding 1,1 MNs;

9A117 – Staging mechanisms, separation mechanisms, and interstages, usable in “missiles”;

all the items specified in Annex IV.

Article 2

Items under Article 1 may be exported to the following Countries of destination:

Antarctica (Italian station);
Argentina;
South Korea;
Turkey.

Rome, 4th August 2003

The Deputy Minister: URSO