

## **EXPORT LICENCE**

**Open General Export Licence (Exports of non-lethal military and dual-use goods : To UK Diplomatic Missions or Consular Posts)** dated 11 June 2008 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 6(2) of Council Regulation (EC) No.1334/2000 ("the Regulation")<sup>(a)</sup> and Article 12 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003<sup>(b)</sup> ("the Order"), hereby grants the following Open General Export Licence:

### *Licence*

1. Subject to the following provisions of this Licence goods specified in Schedule 1 hereto may be exported from the United Kingdom to a UK Diplomatic mission or Consular post overseas for exclusive use of HMG personnel, providing the export is in relation to an eligible United Kingdom Government Contract.

### *Exclusions*

2. This Licence does not authorise the export of goods:

- (1) to a destination within a Customs Free Zone;
- (2) if the exporter has been informed by a competent authority, or is otherwise aware, (e.g. from information received from the manufacturer), that they have been classified by the Ministry of Defence as having a protective marking of CONFIDENTIAL or above

**unless:**

- a. the exporter has a current written Security Transportation Plan and has applied for and obtained a current written letter of clearance issued by MOD DE&S Security Advisers Office which relates to all goods associated with the particular export of the protectively marked goods which are CONFIDENTIAL or above.

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<sup>(a)</sup> O.J.No.L159, 30.6.2000, as amended.

<sup>(b)</sup> S.I. 2003/2764; as amended

### *Conditions and Requirements*

3 The authorisation in paragraph 1 above is subject to the following conditions:

- (1) before any exporter, provider or transferor first exports goods, under this licence, he shall have informed the Secretary of State of this intention under this licence, specifying the name of the exporter, provider or transferor and the address at which copies of the records of their export or transfers may be inspected under condition 3(4) below;
- (2) the exporter **must** obtain prior to making **any** export pursuant to this licence written approval from the Mission, in the form of a Purchase Order, issued against an eligible United Kingdom Government Contract which identifies the goods and consignee.
- (3) on making any export of goods, the exporter shall produce to an officer of HM Revenue and Customs, if so requested, documentary evidence in the form of a copy of the current written approval referred to in sub-paragraph 3(2);
- (4) the exporter, provider or transferor shall, in addition to provisions of sub-paragraph 3(1) above, maintain records of;
  - (i) date and destination of each export, provision or transfer;
  - (ii) name and address of the consignee to whom the goods, are being exported;
  - (iii) MOD DE&S Security Advisers Office clearance letter referred to in 2(2)(a) above (in the case of CONFIDENTIAL goods or above);
  - (iv) original written Mission approval that the goods supplied are in relation to the contract referred to in 3(2) above,

Any such records shall be maintained for at least four years after the date of the relevant export or transfer and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State.

- (5) official and commercial export documentation accompanying the export of goods or non-electronic transfer of software or technology shall include a note stating that "the goods are being exported under the Open General Export Licence (Export of non-lethal Military and Dual-Use goods: to UK Diplomatic Missions or Consular Posts)" and shall be presented to an officer of HM Revenue and Customs if so requested; and
- (6) the exporter shall notify the Secretary of State of any change in the address referred to in 3(1) above within 30 days of that change.

*Prohibitions not affected by this Licence*

4. Nothing in this Licence shall affect any prohibition or restriction on the exportation or carrying out of any other act with respect of the exportation or transfer of any goods concerned under, or by virtue of, any enactment other than a prohibition or restriction in the legislation under which this licence was issued, as set out in the licence itself.

*Interpretation*

5. For the purpose of this Licence:
  - (a) "the Act" means the Export Control Act 2002<sup>(b)</sup>
  - (b) a "Customs Free Zone" is a part of the territory of a country where any goods introduced are generally regarded, in so far as import duties and taxes are concerned, as being outside the Customs territory of that country, and are not subject to the Customs controls that would otherwise apply;
  - (c) "eligible UK Government Contract" means a contract which is supported by a Purchase Order issued by a UK Diplomatic Mission for the supply of goods for the exclusive use of HMG personnel;

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<sup>(b)</sup> 2002 c.28  
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- (d) “entry” includes part of an entry;
- (e) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Act or the Order as appropriate. .

*Entry into force*

6. This Licence shall come into force on 20 June 2008.

7. The Open General Export Licence (Exports of non-lethal military and dual-use goods: To UK Diplomatic Missions or Consular Posts) dated 24<sup>th</sup> May 2007 is hereby revoked.

**An Official of the Department for Business,  
Enterprise and Regulatory Reform authorised  
to act on behalf of the Secretary of State**

## **SCHEDULE 1**

### **EXPORTS CONCERNED**

#### ***SUPPLY DIRECT TO UK DIPLOMATIC MISSIONS OR CONSULAR POSTS FOR USE OF HMG STAFF***

##### **Military list items**

- ML4.b.1 - explosive disposal equipment for military bombs, usually operated by the military;
- ML4.b.2 - explosive disposal equipment for non-military bombs (e.g., suicide bombers) but usually operated by the military;
- ML6.b - armoured all wheel drive civilian vehicles
- ML7.f and g - Military standard NBC protective equipment (e.g., against chemical or gas attack)
- ML13.c and d - military helmets and higher specification body armour

##### **Dual use items intended primarily for civilian use**

- PL8001.a.4 - explosive disposal equipment usually operated by civilian and police bodies
- 1A005 - dual use (lower specification) body armour
- 1A004 - civilian standard NBC protective equipment (e.g. against chemical or gas attack)

## **EXPLANATORY NOTE**

**(This Note is not part of the Licence)**

This Licence has been amended by adding entry for ML4.b. and deleting PL5006 from Schedule 1 to the licence. This follows a review of the scope of the licence.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, exportation of non-lethal military and dual use goods specified in Schedule 1 of this licence for use by HMG staff in UK Diplomatic Missions or Consular Posts in any destination providing the export is for the exclusive use of HMG personnel.

3. The goods may only be exported under this licence if they satisfy certain conditions. These include that the goods are the subject of prior written approval by the Mission, in the form a Purchase Order, issued against an eligible UK Government Contract which identifies the goods and consignee, and if classified as CONFIDENTIAL or above must have obtained in writing approval from the Ministry of Defence (MOD)(DE&S).

4. **Security Transportation Plan approvals Overseas Government site clearances and F1686 can be obtained from:**

Principal Security Adviser  
Industrial Security Section  
Defence Equipment and Support  
Facilities Management Group  
Ministry of Defence  
Popular - 1#2005  
MOD Abbey Wood  
Bristol BS34 8JH  
Tel: 0117 913 3677  
Fax: 0117 913 0629

5. An exporter who exports goods under the authority of this Licence must before his first exportation under this licence, inform the Secretary of State of his intention to export goods under this licence and of the address where copies of the

said records may be inspected. This notification should be given in writing or by facsimile transmission to:

Export Control Organisation  
Customer Service and Compliance Unit  
Department for Business, Enterprise and Regulatory Reform  
3<sup>rd</sup> Floor 1 Victoria Street  
London SW1H 0ET Fax: 020 7215 3830

6. the exporter shall produce to an officer of HM Revenue and Customs, if so requested, documentary evidence in the form of the original of the Purchase Order issued by the Mission which should identify both the goods and consignee.

7. The provisions of this licence only apply for the purposes of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003, in particular, this licence does not extend to prohibitions in other legislation implementing United Nations sanctions.