

THIS NOTE IS FOR INFORMATION ONLY AND HAS NO FORCE IN LAW. WHERE LEGAL
ADVICE IS REQUIRED EXPORTERS SHOULD MAKE THEIR OWN ARRANGEMENTS
AND REFER TO LEGISLATION CURRENTLY IN FORCE.

GUIDANCE NOTE FOR EXPORTERS: THE COMMUNITY GENERAL EXPORT AUTHORISATION (No.EU001)

The Community General Export Authorisation (CGEA) is created by Council Regulation (EC) No1334/2000, as amended, setting up a Community Regime for the control of exports of dual-use items and technology. Article 6(1) of the Regulation established the CGEA whilst the details relating to its scope and the conditions attaching to it are set out in Annex II thereto.

Scope

Subject to the conditions and requirements outlined below, the CGEA authorises the export of all dual-use items specified in any entry in Annex I of the Regulation *except* for those specified in any entry in Annex IV thereto (see annex A to this note) and in the following entries:

- 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 materials" other than those specified in Annex IV.
- 0D001 (software) insofar as these relate to 0C001 or to those items of 0C002 that are excluded from Annex IV.
- 0E001 (technology) insofar as these relate to 0C001 or to those items of 0C002 that are excluded from Annex IV.
- 1A102 Resaturated pyrolyzed 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
- 1C353 Genetic elements and genetically modified organisms
- 1C354 Plant pathogens
- 7E104 "technology" for the integration of the flight control, guidance, and propulsion data into a flight management system for optimization of rocket system trajectory.
- 9A009a Hybrid rocket propulsion systems with total impulse capacity exceeding 1.1 MNs.
- 9A117 Staging mechanisms, separation mechanisms, and interstages, usable in missiles.

The CGEA is valid throughout the Community for exports to the following destinations:

Australia
Canada
Czech Republic
Hungary
Japan

New Zealand
Norway
Poland
Switzerland
United States of America

Conditions and requirements for use of the CGEA

- (1) The CGEA may not be used if the exporter has been informed by the competent authorities of the Member State in which he is established that the items in question are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons, or if the exporter is aware that the items in question are intended for such use.
- (2) The CGEA may not be used if the exporter has been informed by the competent authorities of the Member State in which he is established that the items in question are or may be intended for a military end-use as defined in Article 4(2) of the Regulation in a country subject to an EU, OSCE or UN arms embargo, or if the exporter is aware that the items in question are intended for such use.
- (3) The CGEA may not be used when the relevant items are to be exported to a destination within a customs free zone or free warehouse.
- (4) UK record keeping and registration requirements for the CGEA are contained in Regulations 9 and 10 of the Dual-Use Items (Export Control) Regulations 2000 (S.I. No. 2000/2620). A summary of the requirements for exporting under the CGEA from the United Kingdom is given below:
 - Any person established in the United Kingdom who exports any item under the authority of the CGEA shall keep records relating to each export which shall be maintained for at least 3 years from the end of the calendar year in which the export takes place,
 - any person authorised by the Secretary of State shall be permitted to inspect and copy such records,
 - any person (including a person established in another Member State) who exports cryptographic items from the United Kingdom under the authority of the CGEA, shall, in addition to normal record keeping requirements, provide details (see Annex B to this note) in writing to the Secretary of State not later than 30 days after first export, to the extent that the information is available or can reasonably be expected to be obtained within that time
 - before or within 30 days after the first occasion of use, any person established in the United Kingdom shall give written details to the Secretary of State of the name of the exporter and address at which copies of records may be inspected and written notice of any change to these details must be provided not later than 30 days after any such change,

- All such notices shall be sent by post or delivered to the Secretary of State at the Compliance Unit, Department of Trade and Industry, 4 Abbey Orchard Street, London, SW1P 2HT. They can also be e-mailed to export.help@dti.gsi.gov.uk

Customs procedures

For export entry processing purposes Box 44 of the SAD (C88) should be completed as for UK OGELs using 'Li=A999' with the title of the CGEA in plain language.

Community Licence

The CGEA is a Community Licence which is valid in all Member States of the European Community. A company established in one Member State may export from that or any other Member State (including the UK) under the authority of the CGEA providing they comply with the conditions of the CGEA and any additional requirements as specified by the competent authorities in the Member State where the exporter is established and, where appropriate, any additional requirements of the Member State from whose territory the export takes place, e.g. if exporting from the UK the additional cryptographic reporting requirements referred to above will apply.

ANNEX A (For information only)

The following list is a reproduction of the items in Annex IV to the Regulation as of June 2003

All entries in Category 0 ***except*** 0C001; 0C002 (***with exception of the following special fissile materials; separated plutonium; "uranium enriched in the isotopes 235 or 233" to more than 20%***); 0D001 (software) and 0E001 (technology) except in so far as these relate to 0C001 or to those items of 0C002 that are excluded from Annex IV.

N.B. For **0C003** and **0C004**, only if for use in a “nuclear reactor” (within 0A001.a)

1B226

1B231

1B233

1C001

1C012.b

1C101

1C233

1C235

1C239

1C351.d.4 and d.5

1D103

1E001 technology for the development or production of equipment or materials specified in 1C012.b

1E101 technology for use of goods in 1C101

1E102 technology for the development of software in 1D103

1E201 technology for use of goods specified in 1C239, 1B226, 1B231, 1B233, 1C233 or 1C235

3A228.a and .b

3A229

3A231

3A232

3E201 technology for the use of equipment specified in 3A228.a, 3A228.b, 3A229, 3A231 or 3A232

5A002.a.2

5D002.c.1 software having the characteristics, or performing or simulating the functions of equipment specified in 5A002.a.2

5E002 technology for the development, production or use of goods specified in 5A002.a.2 and 5D002.c.1

6A001.a.1.b.1

6A001.a.1.b.6

6A001.a.2.a.1

6A001.a.2.a.2

6A001.a.2.a.5

6A001.a.2.b to a.2.c

6A001.a.2.e to a.2.f

6A203.a

6A225

6A226

6B008

6B108

6D003.a

7A117

7B001 Test, calibration or alignment equipment specially designed for equipment specified in 7A117.

7B003 Equipment specially designed for the production of equipment specified in 7A117.

7B103.a

7D101 Software specially designed or modified for the use of equipment specified in 7B003 or 7B103.

7E001 Technology for the development of equipment or software specified in 7A117, 7B003, 7B103 or 7D101.

7E002 Technology for the production of equipment specified in 7A117, 7B003 and 7B103.

7E101 Technology for the use of equipment specified in 7A117, 7B003, 7B103 and 7D101.

8A002.o.3.b

8E002.a

9A004

9A005

9A007.a

9A008.d

9A104

- 9A105.a
- 9A106.c
- 9A108.c
- 9A116
- 9A119 individual rocket stages, usable in complete rocket systems or unmanned air vehicles, capable of delivering at least 500kg payload to a range of 300km, other than those specified in 9A005 or 9A007.a
- 9B115 Specially designed production equipment and production facilities for the systems, sub-systems and components specified in 9A005, 9A007a, 9A008d, 9A105.a, 9A106.c, 9A108.c, 9A116 and 9A119.
- 9B116 Specially designed production facilities for the space launch vehicles specified in 9A004, or systems, sub-systems and components specified in 9A005, 9A007a, 9A008d, 9A104, 9A105.a, 9A106.c, 9A108.c, 9A116 and 9A119.
- 9D101 Software specially designed for the use of items specified in 9B116.
- 9E001 Technology for the development of equipment or software specified in 9A004, 9A005, 9A007a, 9A008d, 9B115 and 9B116 or 9D101.
- 9E002 Technology for the production of equipment specified in 9A004, 9A005, 9A007a, 9A008d, 9B115 and 9B116.
- 9E101 Technology for the development or production of goods specified in 9A104, 9A105.a, 9A106.c, 9A108.c, 9A116 or 9A119.
- 9E102 Technology for the use of space launch vehicles specified in 9A004, or goods specified in 9A005, 9A007.a, 9A008.d, 9A104, 9A105.a, 9A106.c, 9A108.c, 9A116, 9A119, 9B115, 9B116 or 9D101.

Annex B:

ADDITIONAL INFORMATION THAT IS REQUIRED WITH RESPECT TO EXPORTS OF CRYPTOGRAPHY ITEMS UNDER THE CGEAⁱ. THIS INFORMATION SHOULD BE SUBMITTED IN WRITING WITHIN 30 DAYS OF FIRST EXPORT.

1. A general description of the item, such as might be contained in a product brochure.
2. Descriptions of all relevant encryption algorithms and key management schemes, and descriptions of how they are used by the item (for example, which algorithm is used for authentication, which for confidentiality and which for key exchange); and details (for example, source code) of how they are implemented (for example, how keys are generated and distributed, how key length is governed and how the algorithm and keys are called by the software).
3. Details of any measures taken to preclude user modification of the encryption algorithm, key management scheme or key length.
4. Details of pre- or post-processing of data, such as compression of plain text or packetization of encrypted data.
5. Details of programming interfaces that can be used to gain access to the cryptographic functionality of the item.
6. A list of any standards or protocols to which the item adheres.

ⁱ 1. The requirement to supply **any** information to the Secretary of State does not apply where cryptographic items meets all of the following:

- (1) is generally available to the public by being sold, without restriction, from stock at retail selling points by means of:
 - (a) over the counter transactions,
 - (b) mail order transactions,
 - (c) electronic transactions, or
 - (d) telephone order transactions;
 - (2) its cryptographic functionality cannot easily be changed by the user;
 - (3) it is designed for installation by the user without further substantial support by the supplier; and
 - (4) details of it are accessible and will be provided, upon request, to the Secretary of State in order to enable him to ascertain whether the conditions in paragraphs (1) to (3) are satisfied.
2. The requirement to supply **additional** information to the Secretary of State does not apply to:
- (1) any cryptography development software in entry 5D002 of Annex 1 to the Regulation, other than software having the characteristics, or performing or simulating the functions, of equipment designed or modified to perform cryptanalytic functions;
 - (2) any cryptography development technology in entry 5E002, other than technology for the development, production or use of:
 - (a) equipment designed or modified to perform cryptanalytic functions, or
 - (b) software having the characteristics, or performing or simulating the functions, of equipment designed or modified to perform cryptanalytic functions;
 - (3) The provisions in sub paragraphs 2(1) and (2) are limited to cases in which the item is for use by the exporter, or by any subsidiary or parent undertaking of the exporter, or by a business or academic collaborator of the exporter, in his or their own commercial cryptographic product development activities but only insofar as they are activities pursuant to the agreement establishing collaboration.