

EXPORT LICENCE

Open General Export Licence (Dual-Use Items: Hong Kong Special Administrative Region) dated 21 May 2003 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 6(2) and (4) of Council Regulation (EC) No. 1334/2000 ("the Regulation")^(a) and Regulation 3 of the Dual-Use Items (Export Control) Regulations 2000 ("the UK Regulations")^(b), hereby grants the following Open General Export Licence:

Community Licence

1. This is general export authorisation under the terms of Article 6(2) of Council Regulation (EC) No. 1334/2000. This authorisation, in accordance with Article 6(2) of that Regulation, is valid in all Member States of the European Community and is a Community Licence for the purposes of the UK Regulations.
2. Subject to the following provisions of this Licence, any items specified in Part A of the Schedule hereto, other than any specified in Part B of that Schedule, may be exported from the United Kingdom, or from any other Member State by any person established in the United Kingdom, to any destination in Hong Kong Special Administrative Region.

Exclusions

3. This Licence does not authorise the export of items:

(a) O.J. No. L159 30.6.00 p.1. as last amended by Council Regulation (EC) No. 149/2003 (O.J.No.L30 5.2.2003.p.1)

(b) S.I. 2000/2620, as last amended by S.I.2002/504

- (1) if the exporter has been informed by a competent authority of the Member State where he is established that they are or may be intended, in their entirety or in part
 - (a) 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,
 - (b) for a military end use and the purchasing country or country of destination is subject to an arms embargo decided by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or imposed by a binding resolution of the Security Council of the United Nations, or
 - (c) for use as parts or components of military items listed in the national military list that have been exported from the territory of the Member State concerned without authorisation or in violation of an authorisation prescribed by national legislation of that Member State;
- (2) if the exporter is aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1);
- (3) if the exporter has grounds for suspecting that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1)(a), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be

so used;

- (4) to a destination within a Customs Free Zone; or
- (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (6) if the goods in question fall within Group 2 of Part 1 of Schedule 1 to the Export of Goods (Control) Order 1992^(c) (antiques);
- (7) if the export is for any military purpose.

Conditions and Requirements

- 4. The authorisation in paragraph 1 is subject to the following conditions:
 - (1) except in the case of an export of technology by telephone, fax or other electronic media, official and commercial export documentation accompanying the items shall include a note stating that "These items are being exported under the Open General Export Licence (Dual-Use Items: Hong Kong Special Administrative Region)" and shall be presented to an officer of HM Customs and Excise if so requested;

Prohibitions not affected by this Licence

- 5. Nothing in this Licence affects any prohibition or restriction on the export of any items other than under the Regulation, and this licence does not confer any licence or permission under, or for the purposes of, any enactment other than the Regulation and the UK Regulations.

(c) S.I. 1992/3092

Interpretation

6. For the purpose of this Licence:
- (a) "Customs Free Zone" means a part of the territory of a country where any goods introduced are generally regarded, insofar 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;
 - (b) "entry" includes part of an entry;
 - (c) unless the context otherwise requires, any other expression used in this Licence has the same meaning as in the Regulation or the UK Regulations as appropriate.

Entry into Force

7. This Licence comes into force on 30 May 2003.
8. The Open General Export Licence (Dual-Use Goods: Hong Kong Special Administrative Region) dated 22 March 2002 is revoked.

***An Official of the Department of
Trade and Industry authorised to act on
behalf of the Secretary of State***

SCHEDULE

ITEMS CONCERNED

PART A

Items specified in any entry in Annex I to Council Regulation (EC) No. 1334/2000:

PART B

Items specified in any of the following entries in Annex I to Council Regulation (EC) No. 1334/2000:

All entries in Category 0

1A102

1B226

1B231

1B233

1C001

1C012

1C101

1C233

1C235

1C239

1C350 heads 1-3, 5-9, 11-13, 17-19, 21-22, 26-28, 30-36, 38, 46, 51-52 and 54

1C351

1C352

1C353

1C354

1C450

1D103

1E001

1E101

1E102

1E201

3A002.g.2

3A201

3A228

3A229

3A231

3A232
3E201

All entries in Category 5 (Part 2 – Information Security)

6A001.a.1.b
6A001.a.2.a.1
6A001.a.2.a.2
6A001.a.2.a.5
6A001.a.2.b to a.2f.
6A203
6A225
6A226
6B008
6B108
6D003.a
6E201

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 Production facilities specially designed for equipment specified in 7A117

7D101 Software specially designed 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.

7E104

8A002.o.3

8A002.p
8D002
8E002.a

9A004
9A005
9A007.a
9A008.d
9A009.a
9A104

9A105.a
9A106.c
9A108.c
9A116
9A117
9A119

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 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 9A005, 9A007a, 9A008d, 9B115 and 9B116.

9E002 Technology for the production of equipment specified in 9A005, 9A007a, 9A008d, 9B115 and 9B116.

9E101 Technology for the development or production of equipment specified in 9A108c or 9A119.

9E102 Technology for the used of space launch vehicles specified in 9A004, or items specified in 9A005, 9A007.a, 9A008.d, 9A104, 9A105.a, 9A106.c, 9A108.c, 9A116, 9A119, 9B115 or 9D101.

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence has been amended by excluding all of entries 1C351 to 1C354 from this licence as identified in Schedule 1 Part B. this reflects recent changes made to the Regulation.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export from the United Kingdom, or from any other Member State of the European Community (EC) where the exporter is established in the United Kingdom, to any destination in Hong Kong Special Administrative Region for non-military use^(a) of items specified in Part A of the Schedule to the Licence, other than those specified in Part B of that Schedule.

3. The Dual-Use Items (Export Control) Regulations 2000 contain certain registration and record keeping requirements which apply to persons using this Licence. Under Regulation 10 of those Regulations, any person established in the United Kingdom who exports items from the United Kingdom or another Member State under the authority of this Licence must maintain and retain certain records relating to each such export for at least three years from the end of the calendar year in which the export takes place and must permit such records to be inspected and copied by any person authorised by the Secretary of State. Under Regulation 9(1) of the UK Regulations, an exporter who exports items under the authority of this Licence must, before or within 30 days after the first occasion he makes use of the licence, provide details to the Secretary of State of his name and the address where copies of the records referred to above may be inspected.

(a) Exporters are advised that items covered by this Licence are subject to HKSAR import licensing requirements. Exporters should request a copy of the relevant HKSAR import licence for verification. The Hong Kong system requires importers in Hong Kong to submit an end-use undertaking for all imports of dual-use items.

These detail must be sent to the Export Control Organisation, Compliance Unit, DTI, 4 Abbey Orchard Street, London, SW1P 2HT.

4. This Licence does not extend to any prohibition under legislation other than Council Regulation (EC) No.1334/2000: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.