

EXPORT LICENCE

Open General Export Licence (Exports in Support of UK Government Defence Contracts) dated 30 October 2003 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 3(a) and 7 of the Export of Goods (Control) Order 1994^(a) ("the Order"), hereby grants the following Open General Export Licence:

Licence

1. Subject to the following provisions of this Licence goods specified in Part A of Schedule 1 hereto, other than any goods specified in Part B thereof, may be exported from the United Kingdom to a destination in any country specified in Schedule 2 to this Licence, providing the export is in relation to an eligible United Kingdom Government Defence Contract

Exclusions

2. This Licence does not authorise the export of goods:
- (1) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons^(b);
 - (2) which fall within Group 2 of Part I of Schedule 1 to the Export of Goods (Control) Order 1992^(c);
 - (3) to a destination within a Customs Free Zone;
 - (4) if the exporter has been informed by a competent authority, or is

^(a) S.I. 1994/1191; as last amended by S.I. 2003/1938

^(b) O.J No. L256, 13.9.91, p.51

^(c) S.I. 1992/3092

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. **for non-government consignees,** the proposed export has been approved by the Ministry of Defence under F1686, or under a Project Security Instruction (PSI) issued by appropriate project office in the case of collaborative projects, and a written letter of clearance has been issued under the appropriate procedure, and

(i) the clearance approval is not time expired at the time the export takes place; and

(ii) the goods are identical to those for which the clearance was given; and

b. the exporter has a current written Security Transportation Plan and has applied for and obtained a current (dated within one month of the export taking place), written letter of clearance issued by MOD DPA Security Advisors Office which relates to all goods associated with the particular export of the protectively marked goods which are CONFIDENTIAL or above.

Conditions and Requirements

3 The authorisation in paragraph 2 above is subject to the following conditions:

(1) before an exporter first exports goods under this licence, he shall have informed the Secretary of State of his intention to export goods under this licence, specifying the name of the exporter and the address at which copies of the records of their export 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 Ministry of Defence (DESP 2) that the export will be made in relation to an eligible United Kingdom Government Defence Contract and may be exported to the country of destination covered by this licence;

- (3) on making any export pursuant to this Licence, the exporter shall produce to an officer of HM Customs and Excise, 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 shall, in addition to provisions of sub-paragraph 3(1) above, maintain records of;
 - (i) date and destination of each export;
 - (ii) name and address of the consignee to whom the goods are being exported;
 - (iii) MOD F1686 clearance letter referred to in 2(4)(a) above (in the case of CONFIDENTIAL goods or above);
 - (iv) MOD DPA Security Advisors Office clearance letter referred to in 2(4)(b) above (in the case of CONFIDENTIAL goods or above);
 - (v) Original written MOD approval referred to in 3(2) above.

Any such records shall be maintained for at least four years after the date of the relevant export 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 goods shall include a note stating that "the goods are being exported under the Open General Export Licence (Exports in Support of UK Government Defence Contracts)" and shall be presented to an officer of HM Customs and Excise 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 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) 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;
- (b) "eligible UK Government Defence Contract" means a contract which is supported by prior written approval from Ministry of Defence confirming eligibility under this licence. This may include contracts that have been let by Agencies such as OCCAR, NAMSA or NETMA where the UK Government is a recipient of the final finished goods, technology or services;
- (c) "entry" includes part of an entry;
- (d) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Import, Export and Customs Powers (Defence) Act 1939^(b) or the Order as appropriate. .

Entry into force

6. This Licence shall come into force on 31 October 2003.

^(b) 1939 c.69

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

SCHEDULE 1

EXPORTS CONCERNED

PART A - (*goods authorised for export*)

Any goods specified in Part III of Schedule 1 to the Order:

PART B - (goods not authorised for export)

- (i) Goods falling within entry ML4 as follows:
 - anti-personnel landmines and specially designed components therefor

- (ii) Goods falling within entry PL5001 c. or g.

- (iii) Technology equipment and software specified in entries ML18, ML21 or ML22, related to equipment specified in (i) or (ii) of Part B of this Schedule.

SCHEDULE 2

DESTINATIONS CONCERNED

This export authorisation is valid for exports to the following destinations:

Exports of goods specified in Part A of Schedule 1 to this licence, other than those specified in Part B of Schedule 1 are authorised to the following destinations:

Algeria, Anguilla, Antigua & Barbuda, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bermuda, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Canada, Cayman Islands, Channel Islands, Chile, Colombia, Costa Rica, Curacao, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Falkland Islands, Faroe Islands, Finland, France, Georgia, Germany, Gibraltar, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, Indonesia, Irish Republic, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Netherlands, New Caledonia, New Zealand, Nicaragua, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Puerto Rico, Qatar, St Christopher & St Nevis, St Helena, St Lucia, St Vincent, San Marino, Saudi Arabia, Seychelles, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Trinidad & Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United States of America, Uruguay, US Virgin Islands, Uzbekistan, Venezuela, Zambia.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This Open General Export Licence permits, without further authority but subject to certain conditions, exportation of military goods specified in Schedule 1 Part A, excluding goods in Part B of this licence to any destination in Schedule 2, providing the export is for the purpose of an eligible United Kingdom Government Defence Contract.
2. 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 Ministry of Defence (MOD) confirming they are subject to an eligible UK Government Defence Contract and if classified as CONFIDENTIAL or above must have obtained in writing approval from the Ministry of Defence (MOD).

Confirmation of eligible status can be obtained from:

DESP 2
Ministry of Defence
3rd Floor
St. George's Court
2-12 Bloomsbury Way
London WC1A 2SH
Tel: 020 7305 2532

When applying, exporters should also provide full details of proposed export together with details of any extant licences that they have in place for the goods in question, or licences for such that have recently expired.

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

Principal Security Adviser
Industrial Security Section
Defence Procurement Agency
Facilities Management Group
Popular - 1#2005
MOD Abbey Wood
Bristol BS34 8JH

Tel: 0117 913 3677

Fax: 0117 913 0629

3. 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
Compliance Unit
Department of Trade and Industry
4 Abbey Orchard Street
London SW1P 2HT
Fax: 020 7215 0531

4. the exporter shall produce to an officer of HM Customs and Excise, if so requested, documentary evidence in the form of the original of the current Ministry of Defence written approval.

5. The provisions of this licence only apply for the purposes of the Export of Goods (Control) Order 1994, in particular, this licence does not extend to prohibitions in other legislation implementing United Nations sanctions.