

EXPORT LICENCE

Open General Export Licence (Military Components) dated 19th September 2003 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 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, components specified in Part A of Schedule 1 hereto, other than any specified in Part B, may be exported from the United Kingdom to any destination in a country specified in the Schedule 2 providing the components are:

- (i) intended for use as an integral part of goods ("the original goods") whose export was authorised by a valid export licence ("the original licence") granted under this or a previous Order or which were supplied by Her Majesty's Government in the United Kingdom;

and are either:

- (a) exported to the same consignee and Government end-user to whom the original goods were exported as identified in the original licence or in documents relating to the sale by Her Majesty's Government providing both are located in a country specified in Schedule 2;

or:

- (b) if the components are not going via the same consignee, but still located in a country specified in Schedule 2, or are sourced from a supplier other than the supplier of the original goods, the Government end-user, in a country specified in Schedule 2, shall provide assurances to the UK exporter that the original goods, for which these components will be used, were exported from the UK under an export Licence or supplied by the UK Government; and

- (ii) do not improve the performance of the original goods; and
- (iii) the original licence must not have been revoked prior to its normal expiry.

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

2. This licence does not authorise the export of goods:
 - (1) if the exporter has been informed by a competent authority that they 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,
 - (2) if the exporter is aware that the goods are intended, in their entirety or in part, to be used in connection with any of the activities referred to in sub-paragraph (1);
 - (3) if the exporter has grounds for suspecting that the goods are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1), 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) 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, 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 Advisor's Office or MOD Def Sy Industry as appropriate, which relates to all the goods which are protectively marked at CONFIDENTIAL or above.
 - (5) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons^(a) ; or
 - (6) to a destination within a Customs Free Zone;

Conditions and Requirements

3. The authorisation in paragraph 1 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 records of their export may be inspected under condition 3(2) below;

^(a) O.J. No.L256, 13.9.1991, p.51
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- (2) subject to condition 3(3) below, the exporter shall maintain the following records in respect of the export of goods under this Open General Export Licence:
- (i) the date and destination of each export;
 - (ii) the name and address of the consignee to whom the goods are to be exported;
 - (iii) a description of the components exported;
 - (iv) MOD DPA Security Advisor's Office or MOD Def Sy Industry as appropriate, clearance letter referred to in 2(4) above (in the case of CONFIDENTIAL goods or above);

any such records shall be maintained for at least six 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;

- (3) in the case of components which have any of the functions or characteristics of information security described in Category 5 Part 2 of Annex 1 to Council Regulation (EC) No.1334/2000^(a), a copy of the records specified in condition 3(2)(i) and 3(2)(ii) shall be presented to the Secretary of State for inspection every twelve months;
- (4) on exportation of any components pursuant to this licence, the exporter shall produce to an officer of HM Customs and Excise, if so requested, either;
- (i) a copy of the original licence or evidence of UK Government sale under which the original goods, for which these components will be used, were exported from the UK; or
 - (ii) if not the original supplier or consignee an assurance from the Government end-user that the original goods, for which these components will be used, were exported from the UK under a valid licence or supplied by the UK Government;
- (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 (Military Components)" and shall be presented to an officer of HM Customs and Excise if so requested;
- (6) the exporter shall notify the Secretary of State of any change in the address referred to in paragraph 3(1) above within 30 days of that change.

Overlapping Descriptions

^(a) O.J. L159, 30.6.00, as last amended by Council Regulation (EC) No. 149/2003 (OJ L30, 5.2.2003)
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4. Where the export of any goods is controlled by virtue of any entry specified in Schedule 1 to the Order not specified in paragraph 1 of this Licence, the export of such goods is not authorised by this Licence.

Prohibitions not affected by this Licence

5. Nothing in this Licence shall affect any prohibition or restriction on the exportation or the carrying out of any 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

6. 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, 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) "government" includes any person appointed by a government to act on its behalf;
- (d) "do not improve the performance of" allows the use of modern replacement components or use of a later standard for reliability or safety reasons, providing they do not result in any enhancement to the functional capabilities of the goods or provide the goods with new or additional functions;
- (e) 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^(a) or in the Order.

Entry into Force

7. This Licence shall come into force on 22nd September 2003.

8. The Open General Export Licence (Military Components) dated 27 January 2003 is hereby revoked.

^{a)} 1939 c.69
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**An Official of the Department of
Trade and Industry authorised to act on
behalf of the Secretary of State**

SCHEDULE 1
GOODS CONCERNED
PART A

Components for any goods specified in Part III of Schedule 1 to the Order:

PART B

Components for any goods specified below:

- (i) Goods falling within entry ML4 as follows:
- anti-personnel landmines and specially designed components therefore;
- (ii) Goods falling within entry ML10.c.;
- (iii) Goods falling within PL5001. c or g.;
- (iv) Technology, equipment and software specified in entries ML18, ML21 or ML22, related to equipment specified in (i),(ii) or (iii) of Part B of this Schedule.

SCHEDULE 2 DESTINATIONS CONCERNED

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

Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Iceland, Ireland (Republic of), Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and USA.

EXPLANATORY NOTE

(This Note is not part of the Licence)

This licence has been amended to allow suppliers, who are not the suppliers of the original goods or where the components are not going via the same consignee as the original goods, to obtain an assurance from the Government end-user that the original goods were supplied by the UK in accordance with the laws and regulations relating to the export of goods, rather than have to rely on obtaining a copy of the original licence. In addition reference to ML10.d. in Schedule 1 Part B has been changed to ML10.c. following a recent issue of an amendment to the Export of Goods (Control) Order.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of components specified in Part A of Schedule 1 to the licence, other than those specified in Part B of that Schedule, to any destination in any country listed in the Schedule 2 to the Licence.

3. The components may only be exported under this Licence if they satisfy certain conditions. These include: that they are intended for use as an integral part of goods which had themselves been previously exported under a valid export licence granted under the Order or supplied by the UK Government; the components do not improve the performance of the original goods; the components are being exported to the same government end-user as the original goods in a country specified in Schedule 2, and the goods do not carry a UK protective marking of CONFIDENTIAL or above unless the exporter has approval in writing from the Ministry of Defence.

MOD application forms can be obtained from:

(a) Security Transportation Plan approvals can be obtained from:

Ministry of Defence
DPA Security Advisors Office
Poplar - 1#3
Abbey Wood
Bristol
BS34 8JH

4. An exporter who exports goods under the authority of this Licence shall produce, if so requested, a copy of the original Licence or evidence of Government sale, under which the original goods were exported from UK or an assurance from the Government end-user that the original goods were supplied from the UK in accordance with the laws and regulations relating to the export of goods, and must retain for a period of six years copies of certain records relating to each export made under this Licence. He must also, before

his first exportation under the 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

5. An exporter who exports components which have any of the functions or characteristics of information security described in Category 5 Part 2 of Annex 1 to Council Regulation (EC) No.1334/2000 shall present a copy of the export records to the Secretary of State every twelve months. This notification should be given in writing or by facsimile transmission to Export Control Organisation, Compliance Unit at the above address.

6. The provisions of this Licence only apply for the purposes of the Export of Goods (Control) Order 1994. They do not affect the need to obtain other consents that may be required for the export of particular military goods, whether under other statutory provisions (such as the Official Secrets Act 1989) or otherwise (such as under contractual obligations). In addition, this Licence does not extend to prohibitions in other legislation implementing United Nations Sanctions.