

EXPORT LICENCE

Open General Export Licence (Military Goods: Government End-Use) dated 27 January 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, goods specified in Schedule 1 hereto, may be exported from the United Kingdom to any destination in a country specified in the Schedule 2 hereto providing:

- (i) the goods are for the use of the government (including temporary export for testing and trial purposes), of the country specified in Schedule 2 and are being exported directly or via a contractor company engaged in a government project or procurement also located in a country specified in Schedule 2, and are not intended to be incorporated in other goods which are or may be intended to be exported to a destination other than one included in Schedule 2; and
- (ii) in the case of a contractor, that documentation has been obtained from the contractor (e.g. copy of purchase order, excerpt of a contract, a written undertaking by the contractor) that establishes that the goods are required for that purpose, (such documentation shall be retained by the exporter as part of the record of the export).

Exclusions

(a) S.I. 1994/1191, as last amended by S.I. 2002/2059

2. This licence does not authorise the export of goods:
- (1) if the exporter has been informed by a competent authority that the goods are or may be intended, in their entirety or in part, to be used 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 knows that the goods are intended, in their entirety or in part, to be used in connection with one of the activities referred to in subparagraph (1); or
 - (3) if the exporter has grounds for suspecting that the goods might be used, in their entirety or in part, in connection with an activity referred to in subparagraph (1), unless he has made all reasonable enquiries as to their proposed use and satisfied himself that they will not be so used;
 - (4) to a destination within a Customs Free Zone;
 - (5) if the goods fall within Group 2 of Part 1 of Schedule 1 to the Export of Goods (Control) Order 1992^(b) (antiques);
 - (6) 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 proposed export has been approved by the Ministry of Defence under F680 or F1686 and a written letter of clearance has been issued under the appropriate procedure, and

(b) S.I. 1992/3092

- (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 or MOD Def Sy Industry as appropriate, 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 exporter shall comply with the following Conditions and Requirements
 - (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;
 - (2) subject to paragraph 3(3), 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;
 - (ii) the name and address of the consignee to whom the goods are to be exported;
 - (iii) a description of the goods exported;

(iv) MOD F680 or F1686 clearance letter referred to in 2(6)(a) above (in the case of CONFIDENTIAL "Goods" or above);

(v) MOD DPA Security Advisors Office or MOD Def SY Industryas appropriate clearance letter referred to in 2(6)(b) above (in the case of CONFIDENTIAL "Goods" or above).

and 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 goods and/or technology specified in Part III of Schedule 1 to the Order 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^(c), 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) 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 Goods: Government End-Use)" and shall be presented to an officer of HM Customs and Excise if so requested;

(5) 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.

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

(c) O.J.L159, 30.6.2000, as last amended by Council Regulation (EC) No. 880/2002 (O.J.L139, 29.5.2002, p7)

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 Import, Export and Customs Powers (Defence) Act 1939

(b) 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;

(c) "entry" includes part of an entry;

(d) "government" includes any person appointed by a government to act on its behalf;

(e) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Act or the Order; and

(f) "MOD F680 or F1686" procedure is a means by which exporters can become informed of any objections or problems associated with the marketing or supply of particular military goods, and to be advised of the protective security grading of the "Goods".

Entry into Force

6. This Licence shall come into force on 28 January 2003.

7. The Open General Export Licence (Military Goods: Government End-Use) dated 10th July 2002 is hereby revoked.

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

SCHEDULE 1

GOODS CONCERNED

Equipment (**excluding complete vehicles, vessels or aircraft**), components, materials, unfinished products, forgings and castings specified in the following entries in Part III of Schedule 1 to the Order:

ML4; other than anti-personnel landmines and specially designed components therefore;

ML5;

ML6;

ML9;

ML10, other than any goods specially designed or modified for unmanned air vehicles;

ML11;

ML13.c and d;

PL5014, components for ML13.c only;

ML14;

ML15;

ML16, as it relates to goods specified by ML6, ML9 or ML10 in this Schedule;

ML17, other than ML17.g;

PL5017 , only insofar as it covers equipment specially designed or modified for the use of military goods specified in Schedule 1 to the licence.

PL5031

PL5033

PL5034

ML18

ML21.a (software as it relates to above entries)

ML22 (Technology as it relates to above entries)

SCHEDULE 2

DESTINATIONS CONCERNED

This export authorisation is valid for Government end-use only 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, United Kingdom and USA.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This licence has been amended to clarify in paragraph 1(i) that the licence may be used to export to any Schedule 2 destination providing that ultimately it is for the use of the Government of a country specified in Schedule 2, this includes the temporary export to a Government for testing and trial purposes. In addition the licence has been extended to allow additional goods in Schedule 1, including software and technology, and also Switzerland and Iceland have been added to the list of permitted destinations in Schedule 2.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of goods specified in Schedule 1 to the licence, to the Government of any country listed in the Schedule 2 to the Licence.

3. The goods may only be exported under this Licence if they satisfy certain conditions. These include that they are intended for the government of the country to which they are being exported either directly or via a contracting company engaged in a government project or government procurement and if classified as CONFIDENTIAL or above must have obtained in writing approval from the Ministry of Defence.

Application forms can be obtained from:

(a) Reference MOD F680:

Ministry of Defence
DESO
St. George's Court
2-12 Bloomsbury Way
London WC1A 2SH

**(b) Overseas Government site clearances and F1686
can be obtained from:**

Ministry of Defence
D Def Sy Industry
Room 312
St.Giles Court
St Giles High Street
London WC2H 8LD

(c) **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 must 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 goods 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, in particular, this Licence does not extend to prohibitions in other legislation implementing United Nations sanctions.