

EXPORT LICENCE

Open General Export Licence (Export After Exhibition: Military Goods)

dated 14 August 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, any goods specified in Part A of Schedule 1 hereto, other than any goods specified in Part B of that Schedule, which have been temporarily imported for the purpose of exhibition may be subsequently exported from the United Kingdom to a destination in any country except a destination in a country specified in Schedule 2 providing the goods are being exported for delivery:

- (i) to the person who sent them to the United Kingdom; and
- (ii) to the country from which they were imported;

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, to be used in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear

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

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 one 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 uses referred to in sub-paragraph (1), unless the exporter has made all reasonable enquiries as to their proposed use and satisfied himself that the goods will not be so used;
- (4) to a destination within a Customs Free Zone;
- (5) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons^(b); or
- (6) which fall within Group 2 of Part I of Schedule 1 to the Export of Goods (Control) Order 1992^(c);

Conditions

3. The authorisation in paragraph 1 above is subject to the following conditions:
 - (1) Except in the case of Community goods, any goods imported into the United Kingdom pursuant to this licence shall have been imported:
 - (a) under an appropriate Customs temporary importation Procedure: or
 - (b) under an ATA CARNET.

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

^(c) S.I. 1992/3092

- (2) goods exported pursuant to this licence shall have been imported into the United Kingdom no earlier than two years prior to the date of exportation;
- (3) on exportation of any goods pursuant to this Licence, the exporter shall produce to an officer of HM Customs and Excise, if so requested, documentary evidence of the date of importation of the goods into the United Kingdom and that the goods are being returned to the person and country from which they were imported into the United Kingdom;
- (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 (Export After Exhibition: Military Goods)" and shall be presented to an officer of HM Customs and Excise if so requested.

Registration

4. The requirements of Article 8 of the Order shall not apply to any export under this Licence.

Prohibitions not affected by this Licence

5. 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

6. For the purpose of this Licence:
 - (a) "Community goods" means goods originating in the Community, unless they had lost their Community status e.g. by being exported from the Community,

or goods brought into free circulation by the completion of Community customs formalities and payment of customs duties;

- (b) "competent authority" means the Secretary of State or any other competent authority empowered by a Member State to issue export authorisations for the purposes of Council Regulation (EC) No. 1334/2000^(a);
- (c) "Customs Free Area" 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; and
- (d) "entry" includes part of an entry;
- (e) "Exhibition" shall not include demonstration and/or evaluation;
- (f) 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 in the Order.

Entry into force

7. This Licence shall come into force on 15 August 2003.

^(a) O.J. No. L159, 30.6.2000

^(b) 1939 c.69

8. The Open General Export Licence (Export After Exhibition: Military Goods) dated 22 March 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

PART A

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

PART B

(i) Goods falling within entry ML4 as follows:

- a) anti-personnel landmines and specially designed components therefore
- b)
 - 1. Electrically driven detonators of exploding bridge, exploding bridge wire, slapper or exploding foil type;
 - 2. Multipoint detonation systems designed to nearly simultaneously initiate an explosive surface of greater than 5000mm² surface area from a single firing signal, with a timing spread over the surface of less than 2.5 microsecond;
 - 3. Explosive detonator firing sets designed to drive multiple controlled detonators (of the types listed in items b.1 and b.2 above);
 - 4. Modular electrical pulse generators which are ruggedised or are designed for portable or mobile use and have all of the following characteristics: are capable of delivering energy in less than 15 microsecond, output greater than 100A, rise time less than 10 microsecond into loads of less than 40 ohms, no dimension greater than 25.4cm and weigh less than 25kg;
 - 5. Capacitors with:

- a. Voltage rating greater than 1.4kV, energy storage greater than 10J, capacitance greater than 0.5 microfarad and series inductance less than 50nH;
 - b. Voltage rating greater than 750V, capacitance greater than 0.25 microfarad and series inductance less than 10nH;
6. Cold cathode tubes with three or more electrodes which have all of the following characteristics: an anode peak voltage rating of 2500V or more, an anode peak current rating of 100A or more and an anode delay time of 10 microsecond or less;
7. Triggered spark gaps having an anode delay time of 15 microsecond or less and rated for a peak current of 500A or more;
8. Modules or assemblies with a fast switching function having all of the following characteristics: anode peak voltage rating greater than 2000V, anode peak current rating of 500A or more and turn-on time of 1 microsecond or less;
- (ii) ML8a2;
ML8a7;
ML8a8;
ML8a10;
ML8a20;
ML8b1;
 - (iii) Pulse generators, switching modules or assemblies specified in entry ML11 meeting the specifications given in items (i)b4 to b8 of Part B of this Schedule;

- (iv) Goods falling within entry ML12 insofar as they are for use in connection with high-velocity gun systems capable of accelerating projectiles to 2km/s or greater.
- (v) Goods falling within entry PL5001 c. or g.
- (vi) Technology equipment and software specified in entries ML18, ML21 or ML22, related to equipment specified in (i) to (v) of Part B of this Schedule.

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than in:

Afghanistan, Angola, Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Burma (Myanmar), Burundi, Croatia, Democratic Republic of the Congo, Eritrea, Ethiopia, Indonesia, Iran, Iraq, Liberia, Libya, the Former Yugoslav Republic of Macedonia, Nigeria, North Korea, People's Republic of China (including Hong Kong and Macau Special Administrative Region), Rwanda, Serbia and Montenegro, Sierra Leone, Slovenia, Somalia, Sudan, Tanzania, Uganda and Zimbabwe.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This Licence has been amended by removing references to the form “Declaration on Intra-Community Movement or Transit of Arms, Munitions, War Materials and other Military Goods” which is no longer required and changing the name of the Federal Republic of Yugoslavia to Serbia and Montenegro.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, exportation of goods specified in Schedule 1 Part A, excluding goods in Part B of this licence to any destination except a destination in any country specified in Schedule 2 to the Licence if they have been temporarily imported into the United Kingdom for exhibition purposes only.
3. It is a condition of this Licence that goods being exported under the terms of this Licence shall have been imported into the UK no earlier than two years before the date of exportation.
4. It is also a requirement of this licence that the exporter shall produce to an officer of HM Customs and Excise, if so requested, documentary evidence of the date of importation of the goods into the UK.
5. The Licence does not extend to the exportation of any goods which fall within the scope of Council Directive 91/477/EEC on the control of the acquisition and possession of weapons or any goods which are antiques for the purposes of the Export of Goods (Control) Order 1992.
6. This licence does not extend to any prohibition under legislation other than the Export of Goods (Control) Order 1994: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.