

## TRANSHIPMENT LICENCE

**Open General Transhipment Licence (Dual-Use Goods: Hong Kong Special Administrative Region)** dated 28 September 2000 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 2 and 5(1) of the Import of Goods (Control) Order 1954<sup>(a)</sup> ("the Imports Order"), and now vested in him<sup>(b)</sup>, and of his powers under Articles 3(a) and 7 of the Export of Goods (Control) Order 1994<sup>(c)</sup> ("the Exports Order") hereby grants the following Open General Transhipment Licence:

### *Interpretation*

1. In this Licence, unless the context otherwise requires:
  - (a) "controlled dual-use goods" means goods specified in Annex I to Council Regulation (EC) No. 1334/2000<sup>(d)</sup> or Schedule 2 to the UK Regulations and technology which includes any information relating to any such goods;
  - (b) "importation" and "exportation" mean respectively importation into and exportation from the United Kingdom;
  - (c) "transhipment" means the transit through the United Kingdom or transhipment of imported goods with a view to the re-exportation, whether or not they remain on board an aircraft or ship for the period that they remain in the United Kingdom or are goods on a through air waybill or through bill of lading;
  - (d) "the UK Regulations" means the Dual-Use Items (Export Control) Regulations 2000<sup>(a)</sup>;

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(a) S.I. 1954/23; the relevant amendment is S.I. 1978/805

(b) See S.I. 1970/1537

(c) S.I. 1994/1191; as last amended by S.I. 2000/2618

(d) O.J. L159 30.6.2000, p1.

- (e) any other expression used in this Licence shall have the meaning it bears in the Import, Export and Customs Powers (Defence) Act 1939<sup>(b)</sup>, the Exports Order or the UK Regulations.

*Importation of goods for transshipment and subsequent exportation*

2. Subject to the following provisions of this Licence, this Licence authorises the importation for transshipment and the subsequent exportation of any controlled dual-use goods to any destination in Hong Kong Special Administrative Region.

*Limitations of Licence*

3. This Licence does not authorise the exportation of -
- (a) any goods specified in Schedule hereto;
  - (b) any dual-use items which are not goods in transit within the meaning Article 3(4) of the Council Regulation (EC) No. 1334/2000; or
  - (c) any goods which fall within Group 2 of Part I of Schedule 1 to the Export of Goods (Control) Order 1992<sup>(c)</sup> (antiques); or
  - (d) any goods in respect of which -
    - (i) the exporter has been informed by a competent authority of a Member State where he is established 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; or

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(a) S.I. 2000/2620

(b) 1939 c.69

- (ii) the exporter is aware that they are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (i) above; or
  - (iii) the exporter has grounds for suspecting that they are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (i) above, unless the exporter has made all reasonable enquiries as their proposed use and is satisfied that the items will not be so used; or
- (e) any goods specified in Schedule 1, 2 or 3 to the Annex on Chemicals annexed to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed at Paris on 13<sup>th</sup> January 1993<sup>(a)</sup>."

4. This Licence does not authorise the importation of -

- (a) any goods originating in Iraq, or
- (b) any other goods the exportation of which is not authorised by this Licence.

#### *Conditions*

5. The authority in paragraph 2 above is subject to the following conditions:

- (a) the goods shall be exported within 30 days of importation, or such longer period as the Commissioners of Customs and Excise may permit; and
- (b) official and commercial documentation accompanying unrestricted goods from the Channel Islands shall include a copy of the export licence authorising their exportation from the Channel Islands.

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(c) S.I. 1992/3092

(a) Cm 2331

6. The requirements of article 8 of the Exports Order shall not apply to an export under this Licence.

*Prohibitions not affected by this Licence*

7. Nothing in this Licence affect any prohibition or restriction on the importation or exportation or the carrying out of any act with respect of the importation and 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 is issued, as set out in the licence itself.

*Entry into Force*

8. This Licence shall come into force on 28 September 2000.

*Revocation*

9. The Open General Transhipment Licence (Dual-Use Goods: Hong Kong Special Administrative Region) dated 14 September 1998 is hereby revoked.

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

## **SCHEDULE**

### **GOODS CONCERNED**

Goods specified in Annex I to Council Regulation (EC) No. 1334/2000 or Schedule 2 of the UK Regulations:

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, 51-51 and 54  
1C351.d.4 and d.5  
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.2.f  
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

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.

or

(c) in Schedule 2 in either of the following entries: 1c991, 1c992.

## EXPLANATORY NOTE

(This note is not part of the licence)

This Licence has been amended by the references to the new Council Regulation (EC) No. 1334/2000 and UK Regulations.

2. This Licence permits subject to certain limitations, the importation for transshipment and subsequent exportation of controlled goods not in the Schedule to any destination in Hong Kong Special Administrative Region. The licence does not cover exports for purposes connected with nuclear, chemical or biological weapons or missiles for such weapons<sup>(a)</sup>.

3. This authorisation is subject to certain conditions, and does not extend to the importation of goods originating in Iraq.

4. The conditions attached to this Licence include that the goods are exported within 30 days of importation, or such longer period as Customs may permit.

5. This Licence does not extend to any prohibition under legislation other than the Import of Goods (Control) Order 1954 or the Export of Goods (Control) Order 1994; in particular it does not extend to other legislation implementing United Nations sanctions or controlling the export of dual-use items.

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(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.