

EXPORT LICENCE

Open General Export Licence (Military and Dual-Use Goods : UK Forces deployed in embargoed destinations)

dated 28th July 2006 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by article 12 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003^(a) ("the Order"), and powers under Articles 5 and 6 of the Iraq United Nations Sanctions Order 2003^(b) ('the Iraq Sanctions Order'), Article 3 of the United Nations Arms Embargoes (Liberia, Somalia and the Former Yugoslavia) Order 1993 as amended by the United Nations Arms Embargoes (Amendment) (Sierra Leone) Order 1998 ^(c) ('the Sierra Leone Embargo Order'), Articles 3 and 4 of The Liberia (United Nations Sanctions) Order 2004 ^(d) ("the Liberia Sanctions Order") and Article 3 of the Export Control (Liberia) Order 2006 ^(e) ('the Liberia Order'), Article 3 of The Democratic Republic of Congo (Financing and Financial Assistance and Technical Advice, Assistance and Training) (Penalties and Licences) Regulations 2004^(f) ("the Democratic Republic of Congo Regulations"), hereby grants the following Open General Export Licence:

Licence

1. Subject to the following provisions of this Licence;
 - a) goods, software or technology specified in Part A of Schedule 1 hereto, other than any goods, software or technology specified in Part B, may be exported or transferred by electronic means from the United Kingdom to any UK armed forces, or the MOD notified civilian contingent, in a country specified in Schedule 2 hereto;

(a) S.I. 2003/2764, as amended .

(b) S.I. 2003/1519, as amended .

(c) S.I. 1998/1501, amending S.I. 1993/1787, S.I.1994/1637, S.I.1996/1629 and S.I. 1997/273, and as amended by S.I. 2000/1106.

(d) S.I. 2004/348.

(e) S.I. 2006/2065.

(f) S.I. 2004/221.

- b) goods, the export of which would otherwise be prohibited by Article 4 of the Order, may be exported from the United Kingdom to any UK armed forces, or the MOD notified civilian contingent, in a country specified in Schedule 2 hereto;
- c) any person may transfer by any electronic means any dual-use software or technology, the transfer of which would otherwise be prohibited by Article 7 of the Order, to a country specified in Schedule 2 hereto;
- d) any person may transfer, by any means, any software or technology, the transfer of which otherwise be prohibited by Articles 8 or 9 of the Order, where that software or technology is intended for use in a country specified in Schedule 2 to this licence;
- e) any person may provide technical assistance, the provision of which would otherwise be prohibited by Article 10 of the Order, to any person or place, in a country specified in Schedule 2 to this licence; and
- f) any goods may be exported, technical assistance provided or software or technology transferred in a manner identified in paragraph 1(a) to (e) to any warship or Naval Auxiliary of the United Kingdom or Government Service ship provided the vessel confirms it is in the territorial waters of a country specified in Schedule 2 to the licence;

provided that the exporter, transferor or provider, as the case may be, knows at the time of export, transfer or provision that the goods, software or technology or technical assistance are for the sole use of UK armed forces or the MOD notified civilian contingent.

2. Subject to the other provisions of this Licence-

Iraq

- (a) a person may carry out an act otherwise prohibited by paragraph (1)(b) or (c) of Article 5 of the Iraq Sanctions Order if at the time of the act that person knows the supply or delivery of the

restricted goods is to UK armed forces or the MOD notified civilian contingent in Iraq;

Liberia

(b) a person may carry out an act otherwise prohibited by paragraph (1)(b) or (c) of Article 3 of the Liberia Sanctions Order if at the time of the act that person knows the supply or delivery of the goods is to UK armed forces or the MOD notified civilian contingent in Liberia;

Sierra Leone

(c) a person may carry out an act otherwise prohibited by paragraph (1)(b) or (c) of Article 5 of the Sierra Leone Sanctions Order if at the time of the act that person knows the supply or delivery of the prohibited goods is to UK armed forces or the MOD notified civilian contingent in Sierra Leone;

provided the goods supplied or delivered are goods referred to in paragraph 1(a) of this Licence.

3. Subject to the provisions of this Licence-

Liberia

(a) A person may carry out an act, an authorisation for which is required in Article 3 to the Liberia Order, provided that person knows at the time of the act it is only in relation to goods referred to in paragraph 1(a) of this Licence and the goods are for use by UK armed forces or the MOD notified civilian contingent in Liberia.

Democratic Republic of Congo

(b) A person may carry out an act, an authorisation for which is required in Regulation 2 to the Democratic Republic of Congo Regulations, provided that person knows at the time of the act it is only in relation to goods referred to in paragraph 1(a) of this licence and the goods are for use by UK armed forces or the MOD notified civilian contingent in the Democratic Republic of Congo.

Exclusions

4. This Licence does not authorise the export of goods, provision of technical assistance or transfer, by any means, of software or technology:

(1) if the exporter, provider or transferor 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 exporter has, where appropriate, a current written Security Transportation Plan and has obtained a written letter of clearance issued by MOD DPA Security Advisor's Office which relates to all "Goods" associated with the particular export of the protectively marked "Goods" which are CONFIDENTIAL or above;
- b. Technology in tangible form protectively marked CONFIDENTIAL or above is exported against procedures laid down in the Manual of Protective Security, issued by the Cabinet Office, appropriate to the grading of the material.

(2) In the case of intangible technology transfers it is prohibited to export technology with a protective marking Restricted or above **unless**:

- i) the transmission medium is protected by approved encryption appropriate to the protective marking of data, and
- ii) the exporter holds clearance from a government accreditation authority which can be produced to the Compliance Officer.

Conditions and Requirements

5. The exporter shall comply with the following conditions and requirements-

(1) not later than 30 days after an exporter, provider or transferor first exports goods, provides technical assistance or transfers, by any means, software or technology under this Licence, he shall inform the Secretary of State, specifying his name and the address at which copies of records of his export, transfer or provision may be inspected under condition 5(2) below;

(2) the exporter, provider or transferor shall maintain the following records under this Open General Export Licence:

- (i) the date of the export, provision or transfer;
- (ii) the name and address of the individual to whom, or the Unit or ship to which, the goods, technical assistance or software or technology are being exported, provided or transferred;
- (iii) a description of the goods exported, technology transferred or technical assistance provided;
- (iv) MOD DPA Security Advisor's Office clearance letter referred to in 4(1) above (in the case of CONFIDENTIAL "Goods" or above);
- (v) where appropriate the Operational Name/Code;
- (vi) Unit (including UIN where known) that the goods are being exported to;
- (vii) where appropriate a copy of UOR/MOD Contract

and any such records shall be maintained for at least **three years** after the date of the relevant export or transfer or provision and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State;

(3) official and commercial export documentation accompanying the export of goods or non-electronic transfer of software or technology

shall include a note stating that "the goods are being exported under the Open General Export Licence (Military and Dual Use Goods : UK Forces deployed in embargoed destinations)" and shall be presented to an officer of HM Revenue and Customs if so requested;

(4) the exporter shall notify the Secretary of State of any change in the address referred to in paragraph 5(1) above within 30 days of that change.

Prohibitions not affected by this Licence

6. This licence shall not affect a prohibition or restriction in any legislation other than the legislation under which this licence was issued.

Interpretation

7. For the purpose of this Licence:

- (a) "the Act" means the Export Control Act 2002^(d)
- (b) "entry" includes part of an entry;
- (c) "MOD notified civilian contingent" means civil servants, deployed contractors, and those contractors with UK Government defence contracts including Contractors on Deployed Operations (CONDO) or personnel directly employed or engaged by HMG;
- (d) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Act or the Order

^(d) 2002 c.28

Entry into Force

8. This Licence shall come into force on 30th July 2006.
9. The Open General Export Licence (Military Goods: UK Forces deployed in embargoed destinations) dated 18th October 2004 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, software or technology specified in Schedule 1 to the Order.

Part B

- (i) Goods falling within entry ML4 as follows:
 - anti-personnel landmines and specially designed components therefor;
- (ii) Goods falling within entry PL5001 c., d., g., and h.;
- (iii) Technology, equipment and software specified in 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 UK forces deployed to the following destinations:

Democratic Republic of Congo

Iraq

Liberia

Sierra Leone

Explanatory Note

(This Note is not part of the Licence)

This licence has been amended by extending the interpretation of “MOD notified civilian contingent” to include personnel directly employed or engaged by HMG; extending Schedule 1 to the licence to cover goods in Part II of Schedule 1 to the Order; deleting Bosnia and Herzegovina from the list of permitted destinations in Schedule 2; and revising the exclusions in PL5001 in Part B of Schedule 1 of the licence. This follows a re assessment of the scope of the licence; the recent lifting of an arms embargo on Bosnia and Herzegovina; and as a consequence of revising entry PL5001 on implementing Council regulation (EC) No. 1236/2005¹.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of certain goods, software or technology, including their transfer by electronic means, to UK armed forces, or MOD notified civilian contingent. In particular it covers exports and transfers of military goods prohibited under article 3 and 6 of the Order and specified in Schedule 1 to the licence, to the countries specified in Schedule 2; the export of goods referred to in Article 4 of the Order to countries specified in Schedule 2, the transfer by electronic means of dual-use software or technology to a country specified in Schedule 2; the provision of technical assistance for ‘a relevant use’ to a country specified in Schedule 2; and the transfer of software and technology by any means where the transferor has reason to believe it is intended for use in a country specified in Schedule 2; and provision of goods or services to any warship or Naval Auxiliary of the United Kingdom or Government Service ship. **The licence does not authorise the export or transfer of dual-use goods the export or transfer of which is prohibited by the Council Regulation (EC) No.1334/2000 other than where the goods are covered by national provisions and identified in the licence.**

¹ O.J.L200, 30.7.2005.p1

2. The goods, software, technology or technical assistance may only be exported, provided or transferred under this Licence if certain conditions are satisfied. These include that the goods, software or technical assistance are intended for use by UK Forces or the MOD notified civilian contingent including CONDO; and, if the goods, software, technology or technical assistance are classified as CONFIDENTIAL or above, prior written approval for their export, provision or transfer must have obtained from the Ministry of Defence.

Application forms can be obtained from:

Security Transportation Plan approvals can be obtained from:

Principal Security Adviser
Industrial Security Section
Defence Procurement Agency
Facilities Management Group
Ministry of Defence
Poplar - 1#2005
Abbey Wood
Bristol
BS34 8JH
Tel: 0117 913 3677
Fax: 0117 913 0629

3. Advice on approval for associated technology transfers in intangible form at a protective marking of RESTRICTED or above may be obtained from D DEF SY INFO SY COMSEC, Floor 6 Zone B, Main Building, London SW1A 2HB.

4. An exporter who exports or transfers goods under the authority of this Licence must inform the Secretary of State within 30 days that they have made their first export or transfer under this Licence, and of the address where copies of records of their exports or transfers may be

inspected. The notification to the Secretary of State should be given in writing or by facsimile transmission to:

Export Control Organisation
Customer Service and Compliance Unit
Department of Trade and Industry
3rd Floor
Kingsgate House
66-74 Victoria Street
London SW1E 6SW
Fax: 020 7215 0531