

## **EXPORT LICENCE**

**Open General Export Licence (Military Goods: Government or NATO End-Use)** dated 24<sup>th</sup> May 2007 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<sup>(a)</sup> ("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, including their armed forces when deployed overseas other than to countries subject to an embargo or have been ordered by a NATO Headquarters, for NATO use only, within a country specified in Schedule 2, and are being exported directly or via a contractor company engaged in a government or NATO 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

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

- (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*

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 (*the export of equipment for use in detection and identification in respect of equipment used in relation to chemical, biological or nuclear weapons is however authorised, providing that equipment will be used within the territory of a country listed in Schedule 2. Such exports are not authorised where the equipment will be used by the armed forces of the countries listed in Schedule 2 outside their own borders*);

(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 sub-paragraph (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 sub-paragraph (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 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 or work for which the export is required has been agreed under the Project Security Instruction (PSI) and the consignee company has been cleared to the appropriate level through DE&S Security Advisers Office , and
  - (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. they are exported in accordance with the procedures laid down in the Manual of Protective Security, issued by the Cabinet Office, appropriate

to the grading of the material (this includes technology in tangible form).

(6) 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*

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 or proof of PSI clearance referred to in 2(5)(a) 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 I 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<sup>(c)</sup>, 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) Except in the case of an export of technology by telephone, fax or other electronic media, 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 or NATO End-Use)" and shall be presented to an officer of HM Revenue and Customs if so requested;

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(c) O.J.L159, 30.6.2000, as amended

(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 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 Export Control Act 2002<sup>(b)</sup>

(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) "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

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<sup>(b)</sup> 2002 c.28

goods, and to be advised of the protective security grading of the "Goods", and provide clearance to sub contract or team on projects with overseas companies;

(f) "MANPADS" – Man-Portable Air Defence Systems – surface-to-air missile systems designed to be man-portable and carried and fired by a single individual; and other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals;

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

#### *Entry into Force*

6. This Licence shall come into force on 11<sup>th</sup> June 2007 .

7. The Open General Export Licence (Military Goods: Government or NATO End-Use) dated 24<sup>th</sup> January 2005 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 I of Schedule 1 to the Order:

#### ML4, **other than:**

- a. anti-personnel landmines, and specially designed components therefor ;
- b. Rockets, missiles capable of a range of at least 300 km;
- c. Components usable in item b. above as follows:
  1. Individual rocket stages;
  2. Reentry vehicles, and components therefor as follows:
    - a. Heat shields and components therefor;
    - b. Heat sinks and components therefor; or
    - c. Electronic equipment for reentry vehicles;
  3. Rocket engines;
  4. Thrust vector control systems;
  5. Weapon or warhead safing, arming, fuzing and firing;
- d. Complete 'MANPADS' systems (with or without missiles, including related launching equipment and rockets) and specially designed components therefor.
- e. Missiles for MANPAD Systems (including missiles which can be used without modification in other applications);

#### ML5;

ML6; **(other than complete vehicles)**

ML9; **(other than complete vessels)**

ML10, **other than**;

- a. **complete aircraft**;
- b. any components specially designed or modified for unmanned airborne vehicles;

ML11, **(as it relates to entries specified in this Schedule), other than**;

- a. guidance sets capable of achieving a system accuracy of 3.33% or less of the range, usable in rockets or missiles capable of a range of at least 300 km;
- b. test equipment for MANPAD systems

ML13.c and d;

ML14; **other than**;

- a. training equipment for MANPAD systems;

ML15;

ML16, as it relates to goods specified by ML4, ML6, ML9 or ML10 in this Schedule;

ML17, other than ML17.f., and 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.

ML18, **other than**;

- a. production equipment for MANPAD systems.

ML21. (software as it relates to above entries) , a., b.1.a.,

b.1.b. , for monitoring or maintenance of software embedded in military weapon systems (i.e., does not include development or updating);

b.3., **as it relates to ML5,ML7.g., ML9, ML10.e., ML14, ML15 and ML17.i.;**

c.;

ML22 (Technology as it relates to above entries) – Source Code can only be exported where it relates to permitted software listed above (e.g., does not apply to Source Code relating to ML17.f.)

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

**This export authorisation is valid for Government or NATO Headquarters end-use only to the following destinations:**

Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland (Republic of), Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, United Kingdom and USA.

## **EXPLANATORY NOTE**

(This Note is not part of the Licence)

1. This licence has been amended by extending cover to include armed forces of permitted countries when deployed other than in countries subject to an embargo; clarifying NATO cover and the requirements needed to export technology under paragraph 2(5) and (6); modifying the WMD-related exclusions to permit exports of equipment for use in the detection and identification only of chemical, biological and nuclear weapons, to destinations listed in Schedule 2; revising goods in Schedule 1 by expanding the exclusion on MANPADS and related equipment; extending the range of software, controlled under ML21, that may be exported and adding new countries in Schedule 2 to the Licence. This follows a review of the coverage and scope of the licence.

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 or NATO Headquarters in any country listed in the Schedule 2 to the Licence, including to their armed forces deployed overseas other than in countries subject to an embargo.

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 or NATO project or procurement, and if classified as CONFIDENTIAL or above must have obtained in writing approval from the Ministry of Defence. For F680 applications List X companies require written approval at

Restricted or above as set out by the Cabinet Office Manual of Protective Security.

Application forms can be obtained from:

(a) **Reference MOD F680:**

Ministry of Defence  
Directorate of Export Services Policy  
St. George's Court  
2-12 Bloomsbury Way  
London WC1A 2SH

(b) **Overseas Government site clearances, F1686  
and Security Transportation Plan approvals  
can  
be obtained from:**

Principal Security Adviser  
Industrial Security Section  
Defence Equipment and Support  
Facilities Management Group  
Poplar - # 2005  
Ministry of Defence  
Abbey Wood  
Bristol  
BS34 8JH

Tel: 0117 913 3677

Fax: 0117 913 0629

4. **F1686 Procedure:**

This procedure is applicable to List X companies and is laid out in the Cabinet Office Manual of Protective Security (MOPS), Supplement 8, Appendix S8.4. It is properly known as,

“Application to Subcontract or collaborate on protectively marked (Classified) work.”

5. 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.

6. 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  
Customer Services and Compliance Unit  
Department of Trade and Industry  
3<sup>rd</sup> Floor, Kingsgate House  
66-74 Victoria Street  
London SW1E 6SW  
Fax: 020 7215 0531

7. 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.

8. The provisions of this Licence only apply for the purposes of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003, in particular, this Licence does not extend to prohibitions in other legislation implementing United Nations sanctions.