

EXPORT LICENCE

Open General Export Licence (Military Components) dated 11 June 2008 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"), hereby grants the following Open General Export Licence:

Licence

1. Subject to the following provisions of this Licence, components specified in Part A of Schedule 1 hereto, other than any specified in Part B, may be exported from the United Kingdom to any destination in a country specified in the Schedule 2 providing the components are:

- (i) intended for use as an integral part of goods ("the original goods") whose export was authorised by a valid export licence ("the original licence") granted under this or a previous Order or which were supplied by Her Majesty's Government in the United Kingdom;

and are either:

- (a) exported to the same consignee and Government end-user to whom the original goods were exported as identified in the original licence or in documents relating to the sale by Her Majesty's Government providing both are located in a country specified in Schedule 2;

or:

- (b) if the components are not going via the same consignee, but still located in a country specified in Schedule 2, or are sourced from a supplier other than the supplier of the original goods, the Government end-user, in a country specified in Schedule 2, shall provide assurances

to the UK exporter that the original goods, for which these components will be used, were exported from the UK under an export Licence or supplied by the UK Government; and

- (ii) do not improve the performance of the original goods; and
- (iii) the original licence must not have been revoked prior to its normal expiry.

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 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,
- (2) if the exporter is aware that the goods are intended, in their entirety or in part, to be used in connection with any 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 of the uses referred to in sub-paragraph (1), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be so used;
- (4) 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

^(a) S.I. 2003/2764; as amended

Defence as having a protective marking of CONFIDENTIAL or above;
unless,

- a. 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)
- (5) In the case of intangible technology transfers it is prohibited to export technology with a protective marking of Restrictive or above **unless:**
- i) the transmission medium is protected by approved encryption appropriate to the protective marking of the data, and
 - ii) the exporter holds a clearance from a government accreditation authority which can be produced to the Compliance Officer.
- (6) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons^(a) ; or
- (7) to a destination within a Customs Free Zone;

Conditions and Requirements

3. The authorisation in paragraph 1 above is subject to the following conditions:
- (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;

^(a) O.J. No.L256, 13.9.1991, p.51

- (2) subject to condition 3(3) below, 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 export;
 - (ii) the name and address of the consignee to whom the goods are to be exported;
 - (iii) a description of the components exported;
- 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 components 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^(a), 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) on exportation of any components pursuant to this licence, the exporter shall produce to an officer of HM Revenue and Customs, if so requested, either;
- (i) a copy of the original licence or evidence of UK Government sale under which the original goods, for which these components will be used, were exported from the UK; or
 - (ii) if not the original supplier or consignee an assurance from the Government end-user that the original goods, for which these components will be used, were exported from the UK under a valid licence or supplied by the UK Government;

^(a) O.J. L159, 30.6.00, as amended

- (5) 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 Components)" and shall be presented to an officer of HM Revenue and Customs if so requested;
- (6) 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.

Overlapping Descriptions

4. Where the export of any goods is controlled by virtue of any entry specified in Schedule 1 to the Order not specified in paragraph 1 of this Licence, the export of such goods is not authorised by this Licence.

Prohibitions not affected by this Licence

5. Nothing in this Licence shall affect any prohibition or restriction on the exportation or the carrying out of any 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) 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;
- (b) "entry" includes part of an entry;

- (c) "government" includes any person appointed by a government to act on its behalf;
- (d) "do not improve the performance of" allows the use of modern replacement components or use of a later standard for reliability or safety reasons, providing they do not result in any enhancement to the functional capabilities of the goods or provide the goods with new or additional functions;
- (e) "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
- (f) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002^(a) or in the Order.

Entry into Force

- 7. This Licence shall come into force on 20 June 2008.
- 8. The Open General Export Licence (Military Components) dated 24th May 2007 is hereby revoked.

**An Official of the Department for Business,
Enterprise and Regulatory Reform authorised
to act on behalf of the Secretary of State**

^{a)} 2002 c.28

SCHEDULE 1

GOODS CONCERNED

PART A

Components for any goods specified in Part I of Schedule 1 to the Order:

PART B

Components for any goods specified below:

- (i) Goods falling within entry ML4 as follows:
 - a. anti-personnel landmines and specially designed components therefor;
 - b. Complete 'MANPADS' systems (with or without missiles, including related launching equipment and rockets) and specially designed components therefor;
 - c. Missiles for MANPAD systems (including missiles which can be used without modification in other applications).
- (ii) Goods falling within entry ML10.c.;
- (iii) Goods falling within entry ML11, as follows:
 - a. Test equipment for MANPAD systems.
- (iv) Goods falling within entry ML14, as follows:
 - a. training equipment for MANPAD systems.
- (v) Goods falling within ML17.f, as follows:
 - a. Libraries for MANPAD systems.
- (vi) Goods falling within PL5017, as follows
 - a. equipment and test models for MANPAD systems.
- (vii) Goods falling within PL5001. c., d., g., h., and i.;
- (viii) Technology, equipment and software specified in entries ML18, ML21 or ML22, related to equipment specified in (i) to (vii) of Part B of this Schedule.”

SCHEDULE 2

DESTINATIONS CONCERNED

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

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

EXPLANATORY NOTE

(This Note is not part of the Licence)

This licence has been amended by adding PL5001.i. to the list of excluded goods listed in Part B of Schedule 1 to the licence. This follows the recent introduction of the new control entry in export control legislation.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of components specified in Part A of Schedule 1 to the licence, other than those specified in Part B of that Schedule, to any destination in any country listed in the Schedule 2 to the Licence.

3. The components may only be exported under this Licence if they satisfy certain conditions. These include: that they are intended for use as an integral part of goods which had themselves been previously exported under a valid export licence granted under the Order or supplied by the UK Government; the components do not improve the performance of the original goods; the components are being exported to the same government end-user as the original goods in a country specified in Schedule 2, and the goods do not carry a UK protective marking of CONFIDENTIAL or above unless the exporter has approval in writing from the Ministry of Defence.

MOD application forms can be obtained from:

(a) Security Transportation Plan approvals can be obtained from:

Ministry of Defence
DE&S Security Advisers Office
Poplar - 1#3
Abbey Wood
Bristol
BS34 8JH
Tel: 0117 913 3677
Fax: 0117 913 0629

4. 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
5. An exporter who exports goods under the authority of this Licence shall produce, if so requested, a copy of the original Licence or evidence of Government sale, under which the original goods were exported from UK or an assurance from the Government end-user that the original goods were supplied from the UK in accordance with the laws and regulations relating to the export of goods, and must retain for a period of six years copies of certain records relating to each export made under this Licence. He must also, 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 Service and Compliance Unit
Department for Business, Enterprise and Regulatory Reform
3rd Floor,
1 Victoria Street
London SW1H 0ET
Fax: 020 7215 3830

6. An exporter who exports components 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, Customer Service and Compliance Unit at the above address.
7. 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. They do not affect the need to obtain other consents that may be required for the export of particular military goods, whether under other statutory provisions (such as the Official Secrets Act 1989) or

otherwise (such as under contractual obligations). In addition, this Licence does not extend to prohibitions in other legislation implementing United Nations Sanctions.