

EXPORT LICENCE

Open General Export Licence (Exports or transfers in Support of UK Government Defence Contracts) 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;
 - a) goods specified in Part A of Schedule 1 hereto, other than any goods specified in Part B thereof, may be exported from the United Kingdom to a destination in any country specified in Schedule 2 to this Licence; or
 - b) any person may provide technical assistance for "any relevant use" to any person or place in a country specified in Schedule 3 to this licence; or
 - c) any UK person may provide technical assistance for "any relevant use" from a place outside the European Community to any person or place in a country specified in Schedule 3 to this licence; or
 - d) any UK person may transfer, by any means, any software or technology to any person or place in the United Kingdom, where he is aware that such software or technology is intended for "any relevant use", and he has reason to believe such software or technology may be used in a country specified in Schedule 3 to this licence; or
 - e) any UK person may transfer, by any means, software or technology from any place outside the European Community to a

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

person or place in a country specified in Schedule 3 to this licence where that United Kingdom person is aware that such software or technology is intended, in its entirety or in part, for “any relevant use”;

providing the export, provision or transfer is in relation to an eligible United Kingdom Government Defence Contract

Exclusions

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

- (1) to a destination within a Customs Free Zone;
- (2) 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. for non-government consignees, the proposed export of goods, provision of technical assistance or transfer, by any means, of software or technology has been approved by the Ministry of Defence under F1686, or under a Project Security Instruction (PSI) issued by appropriate project office in the case of collaborative projects, and a written letter of clearance has been issued under the appropriate procedure, and
 - (i) the clearance approval is not time expired at the time the export takes place; and
 - (ii) the goods, technical assistance or software or technology are identical to those for which the clearance was given; and
 - b. the exporter, provider or transferor has a current written Security Transportation Plan and has applied for and obtained a current written letter of clearance issued by MOD DPA Security Advisers Office which relates to all goods associated with the

particular export of the protectively marked goods which are CONFIDENTIAL or above.

c. Technology in tangible form protectively marked CONFIDENTIAL or above is exported against procedures laid down in the UK Government Manual of Protective Security appropriate to the grading of the material.

(3) In the case of intangible technology transfers it is prohibited to export technology with a protective marking of 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 a clearance from a government accreditation authority which can be produced to the Compliance Officer.

Conditions and Requirements

3 The authorisation in paragraph 1 above is subject to the following conditions:

- (1) before any exporter, provider or transferor first exports goods, provides technical assistance or transfers, by any means, software or technology under this licence, he shall have informed the Secretary of State of this intention under this licence, specifying the name of the exporter, provider or transferor and the address at which copies of the records of their export or transfers may be inspected under condition 3(4) below;
- (2) the exporter, provider or transferor **must** obtain prior to making **any** export, providing any technical assistance or transferring, by any means, software or technology pursuant to this licence written approval from Ministry of Defence (DESP 2) that the export or transfer or provision will be made in relation to an eligible United Kingdom Government Defence Contract and may be exported to the country of destination covered by this licence;

- (3) on making any export of goods or non-electronic transfer of software or technology pursuant to this Licence, the exporter shall produce to an officer of HM Revenue and Customs, if so requested, documentary evidence in the form of a copy of the current written approval referred to in sub-paragraph 3(2);
- (4) the exporter, provider or transferor shall, in addition to provisions of sub-paragraph 3(1) above, maintain records of:
 - (i) date and destination of each export, provision or transfer;
 - (ii) name and address of the consignee to whom the goods, technical assistance or software or technology are being exported, provided or transferred;
 - (iii) MOD F1686 clearance letter referred to in 2(2)(a) above (in the case of CONFIDENTIAL goods or above);
 - (iv) MOD DPA Security Advisors Office clearance letter referred to in 2(2)(b) above (in the case of CONFIDENTIAL goods or above);
 - (v) Original written MOD approval referred to in 3(2) above.

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

- (5) 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 (Export or Transfers in Support of UK Government Defence Contracts)" and shall be presented to an officer of HM Revenue and Customs if so requested; and
- (6) the exporter shall notify the Secretary of State of any change in the address referred to in 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 or transfer 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^(b)
- (b) a "Customs Free Zone" 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;
- (c) "eligible UK Government Defence Contract" means a contract which is supported by prior written approval from the Ministry of Defence confirming eligibility under this licence. This may include contracts that have been let by Agencies such as OCCAR, NAMSA or NETMA where the UK Government is a recipient of the final finished goods, technical assistance or software or technology.;
- (d) "entry" includes part of an entry;
- (e) "technical assistance" means any technical support related to repairs, development, manufacture, assembly, testing, use, maintenance or other technical service;
- (f) "any relevant use" means use in connection with the development, production, handling operation, maintenance, storage, detection,

^(b) 2002 c.28

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;

- (g) 'by any means' in relation to transfer of software or technology means a transfer by any electronic or non-electronic means.
- (h) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Act or the Order as appropriate. .

Entry into force

6. This Licence shall come into force on 20 June 2008.

7. The Open General Export Licence (Exports or transfers in Support of UK Government Defence Contracts) dated 28th July 2006 is hereby revoked.

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

SCHEDULE 1

EXPORTS CONCERNED

PART A - (*goods authorised for export*)

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

PART B - (goods not authorised for export)

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

Exports of goods specified in Part A of Schedule 1 to this licence, other than those specified in Part B of Schedule 1 are authorised to the following destinations;

Algeria, Anguilla, Antigua & Barbuda, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bermuda, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Bulgaria, Cameroon, Canada, Cayman Islands, Channel Islands, Chile, Colombia, Costa Rica, Curacao, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Falkland Islands, Faroe Islands, Finland, France, Georgia, Germany, Gibraltar, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, Indonesia, Irish Republic, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Netherlands, New Caledonia, New Zealand, Nicaragua, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Puerto Rico, Qatar, Romania, St Christopher & St Nevis, St Helena, St Lucia, St Vincent, San Marino, Saudi Arabia, Seychelles, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Trinidad & Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United States of America, Uruguay, US Virgin Islands, Venezuela, Zambia.

SCHEDULE 3

DESTINATIONS CONCERNED

This export authorisation is valid for provision of technical assistance or transfer of software or technology for “any relevant use” to the following destinations:

Algeria, Anguilla, Antigua & Barbuda, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bermuda, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Canada, Cayman Islands, Channel Islands, Chile, Colombia, Costa Rica, Curacao, Ecuador, Egypt, El Salvador, Falkland Islands, Faroe Islands, Georgia, Gibraltar, Grenada, Guatemala, Guyana, Honduras, Iceland, Indonesia, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Liechtenstein, Macedonia, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, New Caledonia, New Zealand, Nicaragua, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Puerto Rico, Qatar, St Christopher & St Nevis, St Helena, St Lucia, St Vincent, San Marino, Saudi Arabia, Seychelles, Singapore, South Africa, Sri Lanka, Switzerland, Thailand, Trinidad & Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United States of America, Uruguay, US Virgin Islands, Venezuela, Zambia.

EXPLANATORY NOTE

(This Note is not part of the Licence)

This Open General Export Licence has been amended by adding PL5001.i. to the list of excluded goods listed in Part B of Schedule 1 to the Licence, and removing Bulgaria and Romania from the list of destinations listed in Schedule 3 to the Licence. This follows the recent introduction of new controls in export control legislation and removing EU Member States from Schedule 3.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, exportation of military goods specified in Schedule 1 Part A, excluding goods in Part B of this licence to any destination in Schedule 2; provision of technical assistance for any relevant use to destinations specified in Schedule 3; and the transfer of software and technology by any means to a person or place within the UK if he has reason to believe it is intended for any relevant use to a destination specified in Schedule 3; the transfer of software or technology by any means by a UK person for a relevant use from any country outside the EC to any country specified in Schedule 3, providing the export or transfer is for the purpose of an eligible United Kingdom Government Defence Contract.

3. The goods may only be exported, provided or transferred under this licence if they satisfy certain conditions. These include that the goods are the subject of prior written approval by Ministry of Defence (MOD) confirming they are subject to an eligible UK Government Defence Contract (DESP2) and if classified as CONFIDENTIAL or above must have obtained in writing approval from the Ministry of Defence (MOD)(DPA).

Confirmation of eligible status can be obtained from:

DESP 2a
Ministry of Defence
3rd Floor, Zone E
St. George's Court
2-12 Bloomsbury Way

London WC1A 2SH
Tel: 020 7305 2519
Fax: 020 7305 3218
e-mail: desp2a@desp.mod.uk

When applying, exporters should allow 15 working days for your request to be processed as DESP2 Staff cannot guarantee that requests can be processed at short notice. You should also provide full details of proposed export together with details of any extant licences that they have in place for the goods in question, or licences for such that have recently expired.

Security Transportation Plan approvals Overseas Government site clearances and F1686 can be obtained from:

Principal Security Adviser
Industrial Security Section
Defence Procurement Agency
Facilities Management Group
Popular - 1#2005
MOD 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 or transfers goods under the authority of this Licence must before his first exportation under this 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. the exporter shall produce to an officer of HM Revenue and Customs, if so requested, documentary evidence in the form of the original of the current Ministry of Defence written approval.

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, in particular, this licence does not extend to prohibitions in other legislation implementing United Nations sanctions.