

## **TRADE LICENCE**

### **Open General Trade Control Licence** dated 11 June 2008

granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 5 of the Trade in Goods (Control) Order 2003<sup>1</sup> ("the Order"), hereby grants the following Open General Trade Control Licence:

#### *Licence*

1. Subject to the following provisions of this Licence, any person may;
  - (1) arrange the transfer, acquire or dispose of, or agree to acquire or dispose of any goods specified in Schedule 1; or
  - (2) arrange or negotiate, or agree to arrange or negotiate, a contract for the acquisition or disposal of any goods specified in Schedule 1; or
  - (3) do any act, or agree to do any act calculated to promote the arrangement or negotiation of a contract for the acquisition or disposal of any goods specified in Schedule 1,

from any country, other than a country or individual specified in Schedule 2(1), to any country specified in Schedule 2(1) Part A; or from any country specified in Schedule 2(1) Part A to any other country, other than a country specified in Schedule 2(2) Part B hereto, providing the goods are not located in the UK or Isle of Man, unless they are goods in transit.

#### *Exclusions*

2. This licence does not apply:
  - (1) if the trader is aware or suspects that the goods 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 trader knows or has reason to believe that the action in paragraph 1 above will or may result in the removal of the controlled goods to a country not authorised in Schedule 2;
- (3) if the trader has been informed by a competent UK authority, or is aware that the transaction will be carried out contrary to the export or import law or regulations of the exporting or importing country;
- (4) if the goods are to be supplied from DPRK (North Korea), Iran, Zimbabwe or any individual to which the Al Qa'ida and Taliban Sanctions<sup>2</sup> apply; or
- (5) 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) The provisions of Article 6 (**registration**) of the Order shall apply to any act under the authority of this licence;
  - (2) The provisions of Article 7 (**record keeping**) of the Order shall apply to any act under the authority of this licence.

### *Prohibitions not affected by this Licence*

4. Nothing in this Licence shall affect any prohibition or restriction on the trade or the carrying out of any act with respect to the trade of any goods

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<sup>1</sup> S.I.2003/2765, as amended

<sup>2</sup> Al Qa'ida and Taliban (United Nations Measures) Order 2002 (S.I.111/2002).

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:
- (1) 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;
  - (2) "goods in transit" shall not be considered to be located in the UK or Isle of Man;
  - (3) “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;
  - (4) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002, Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003<sup>3</sup> or in the Order.

### *Entry into Force*

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

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<sup>3</sup> S.I. 2003/2764, as amended

7. The Open General Trade Control Licence dated 9<sup>th</sup> July 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**

## **SCHEDULE 1**

### **GOODS CONCERNED**

#### **PART A**

Any goods, excluding software and technology, specified in Schedule 1 to the Export of Goods, Transfer of Technology and Provisions of Technical Assistance (Control) Order 2003 except goods in Part B of this Schedule

#### **PART B**

- (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 ML11, as follows:
  - a. Test equipment for MANPAD systems.
- (iii) Goods falling within entry ML14, as follows:
  - a. training equipment for MANPAD systems
- (iv) Goods falling within ML17.f, as follows:
  - a. Libraries for MANPAD systems
- (v) Goods falling within PL5017, as follows
  - a. equipment and test models for MANPAD systems.
- (vi) Goods falling within ML18, as follows:
  - a. production equipment for MANPAD systems.

(vii) Goods falling within PL5001. c., d., g., h., and i.;

(viii) Missiles capable of a range of 300km or more, and specially designed components therefor.

## **SCHEDULE 2**

### **COUNTRIES CONCERNED**

**This authorisation is valid for the following:**

*(1). From any country, other than DPRK (North Korea), Iran, Zimbabwe or any individual to which the Al'Qa'ida and Taliban Sanctions apply, to any country specified in Part A of this Schedule.*

#### **PART A:**

Australia, Austria, Belgium, Canada, Channel Islands, Cyprus, 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, Slovenia Spain, Sweden, Switzerland, USA; and

*(2). From any country in Part A of this Schedule to any country other than a country specified in Part B of this Schedule.*

#### **PART B**

Angola, Argentina, Armenia, Azerbaijan, Benin, Bosnia & Herzegovina, Burkina Faso, Burma, Burundi, Cape Verde, China (excluding SARs), DRC, Gambia, Ghana, Guinea, Guinea Bissau, Iran, Iraq, Ivory Coast, Lebanon, Liberia, Libya, Macau SAR, Mali, Namibia, North Korea, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, Somalia, Taiwan, Tanzania, Togo, Uganda, Uzbekistan and Zimbabwe.

## **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 in export control legislation.

2. This Open General Trade Control Licence permits, without further authority but subject to certain conditions, the transfer of goods in Part A of Schedule 1 to the licence, other than those specified in Part B of that Schedule, from any country, other than DPRK (North Korea), Iran, Zimbabwe or individuals to which Al Qa'ida and Taliban Sanctions apply, to any country specified in Schedule 2 Part A and from any country in Part A other than a country specified in Part B of that Schedule and any act or arrangement associated with that transfer.

3. The transfers may only be made under this Licence if they satisfy certain restrictions. These include;

- not for use in connection with weapons of Mass Destruction (WMD);
- not for use in connection with exports of goods located in the UK or Isle of Man;
- not for use if the trader has been informed by a competent UK authority, is aware that the transaction was contrary to the law of the exporting or importing country;
- not for use if the goods are to be supplied from DPRK (North Korea), Iran, Zimbabwe or any individual to which the Al Qa'ida and Taliban Sanctions apply.

4. The provisions of this Licence only apply for the purposes of the Order. 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.

5. The issue of this licence doesn't remove the requirement to obtain permission of the authorities of the appropriate country to remove or receive goods from or to that territory as necessary.

6. The provisions of this licence does not apply to any person whose sole involvement, in respect of paragraph 1(a), (b) and (c) of the licence, is to provide or agree to provide:

- (a) transportation services;
- (b) financial or financial services;
- (c) insurance or re-insurance services; or
- (d) general advertising or promotional services.

these activities are not subject to control.

7. if the trader has been informed by a competent authority or is otherwise aware (e.g. from information received from the manufacturer) that trade in controlled goods includes goods subject to a protective marking, appropriate security transportation arrangements (in accordance with national practices of the exporting country) must be made.