

## **EXPORT LICENCE**

### **Open General Export Licence (Export For Repair/ Replacement**

#### **Under Warranty: Dual-Use Items)** dated

1 May 2004 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 6(2) and (4) of Council Regulation (EC) No. 1334/2000 ("the Regulation")<sup>(a)</sup> and Article 12 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 ("the Order")<sup>(b)</sup>, hereby grants the following Open General Export Licence:

#### *Community Licence*

1. This is general export authorisation under the terms of Article 6(2) of Council Regulation (EC) No. 1334/2000. This authorisation, in accordance with Article 6(2) of that Regulation, is valid in all Member States of the European Community and is a Community Licence for the purposes of the Order.
2. Subject to the following provisions of this Licence, any items specified in Part A of Schedule 1 hereto, other than any specified in Part B of that Schedule, may be subsequently exported from the United Kingdom, or from any other Member State by any person established in the United Kingdom, to any destination except a destination in a country specified in Schedule 2 provided the item is being exported for:
  - (i) the purposes of repair, and are to be returned to the United Kingdom after such repair, or for replacement under warranty; or

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(a) O.J. No. L159 30.6.00 p.1., as last amended by Council Regulation (EC) No. 149/2003 (O.J.L30, 5.2.2003, p1)

(b) S.I. 2003/2764, as last amended by S.I.2004/1050

- (ii) being returned as unwanted goods; and
- (iii) delivery to the manufacturer or the person who first supplied them other than for re-sale ("original supplier"); and
- (iv) delivery to the country from which they were imported into the European Community.

### *Exclusions*

3. This Licence does not authorise the export of items:
  - (1) if the exporter has been informed by a competent authority of the Member State where he is established that they are or may be intended, in their entirety or in part
    - (a) 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,
    - (b) for a military end use and the purchasing country or country of destination is subject to an arms embargo decided by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or imposed by a binding resolution of the Security Council of the United Nations, or

- (c) for use as parts or components of military items listed in the national military list that have been exported from the territory of the Member State concerned without authorisation or in violation of an authorisation prescribed by national legislation of that Member State;
- (2) if the exporter is aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1);
- (3) if the exporter has grounds for suspecting that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1)(a), 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) to a destination within a Customs Free Zone; or
- (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or

*Conditions and Requirements*

- 4. The authorisation in paragraph 1 is subject to the following conditions:
  - (1) on exportation of any items pursuant to this Licence, the exporter shall produce to an officer of HM Customs and Excise, if so requested, documentary evidence that the items are being exported to the manufacturer or original supplier for repair and return to the United Kingdom, replacement under warranty or as unwanted goods;

- (2) except in the case of an export of technology by telephone, fax or other electronic media, official and commercial export documentation accompanying the items shall include a note stating that "These items are being exported under the Open General Export Licence (Export for Repair/Replacement under Warranty: Dual-Use Items)" and shall be presented to an officer of HM Customs and Excise if so requested;

*Prohibitions not affected by this Licence*

5. Nothing in this Licence affect any prohibition or restriction on the export of any items other than under the Regulation or the Order, and this licence does not confer any licence or permission under, or for the purposes of, any enactment other than the Regulation and the Order.

*Interpretation*

6. For the purpose of this Licence:
  - (a) "Customs Free Zone" means 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) "repair" means making good any remediable defects, and work of maintenance or restoration. This may involve coincidental improvement upon the original goods, e.g. resulting from the use of modern replacement components or from

use of a later standard for reliability or safety reasons. It may also involve improvements of a purely cosmetic nature e.g. paint work.

- (d) unless the context otherwise requires, any other expression used in this Licence has the same meaning as in the Regulation or the Order as appropriate.

*Entry into Force*

7. This Licence comes into force on 1 May 2004.
8. The Open General Export Licence (Export For Repair/Replacement under Warranty: Dual-Use Goods) dated 21 May 2003 is revoked.

***An Official of the Department of  
Trade and Industry authorised to act on  
behalf of the Secretary of State***

# **SCHEDULE 1**

## **ITEMS CONCERNED**

### **PART A**

Items specified in any entry in Annex I to Council Regulation (EC) No. 1334/2000 or Schedule 2 of the Order.

### **PART B**

Items specified in any of the following entries in Annex I to Council Regulation (EC) No. 1334/2000:

All entries in Category 0

1A102

1B226

1B231

1B233

1C001

1C012

1C101

1C233

1C235

1C239

1C351

1C352

1C353

1C354

1D103

1E001

1E101

1E102

1E201

3A002.g.2

3A201

3A228

3A229

3A231  
3A232  
3E201

5A002.a.2. equipment designed or modified to perform cryptanalytic functions.  
5D002.c.1. only software having characteristics, or performing or simulating the function, of equipment specified in 5A002.a.2.

5E002 only technology for the development, production, or use of goods specified in 5A002.a.2 or 5D002.c.1.

6A001.a.1.b  
6A001.a.2.a.1  
6A001.a.2.a.2  
6A001.a.2.a.5  
6A001.a.2.b to a.2.f  
6A203  
6A225  
6A226  
6B008  
6B108  
6D003.a  
6E201

7A117

7B001 Test, calibration or alignment equipment specially designed for equipment specified in 7A117.

7B003 Equipment specially designed for the production of equipment specified in 7A117.

7B103 Production facilities specially designed for equipment specified in 7A117

7D101 Software specially designed for the use of equipment specified in 7B003 or 7B103.

7E001 Technology for the development of equipment or software specified in 7A117, 7B003, 7B103 or 7D101.

7E002 Technology for the production of equipment specified in 7A117, 7B003 and 7B103.

7E101	Technology for the use of equipment specified in 7A117, 7B003, 7B103 and 7D101.
7E104	
8A002.o.3	
8A002.p	
8D002	
8E002.a	
9A004	
9A005	
9A007.a	
9A008.d	
9A009.a	
9A104	
9A105.a	
9A106.c	
9A108.c	
9A116	
9A117	
9A119	
9B115	Specially designed production equipment and production facilities for the systems, sub-systems and components specified in 9A005, 9A007a, 9A008d, 9A105.a, 9A106.c, 9A108.c, 9A116 and 9A119.
9B116	Specially designed production facilities for the systems, sub-systems and components specified in 9A005, 9A007a, 9A008d, 9A104, 9A105.a, 9A106.c, 9A108.c, 9A116 and 9A119.
9D101	Software specially designed for the use of items specified in 9B116.
9E001	Technology for the development of equipment or software specified in 9A005, 9A007a, 9A008d, 9B115 and 9B116.
9E002	Technology for the production of equipment specified in 9A005, 9A007a, 9A008d, 9B115 and 9B116.
9E101	Technology for the development or production of equipment specified in 9A108c or 9A119.

9E102 Technology for the used of space launch vehicles specified in 9A004, or items specified in 9A005, 9A007.a, 9A008.d, 9A104, 9A105.a, 9A106.c, 9A108.c, 9A116, 9A119, 9B115 or 9D101.

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

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

*All destinations other than in:*

- Angola, Australia, Austria, Belgium, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, India, Iran, Iraq, Ireland, Italy, Japan, Latvia, Libya, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, North Korea, Norway, Pakistan, Poland, Portugal, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden, Switzerland and USA

#### **NOTE:**

**Export of items covered by this licence may be made under the authority of the Community General Export Authorisation, subject to certain conditions and restrictions, to the following destinations:**

**Australia, Canada, Japan, New Zealand, Norway, Switzerland and USA.**

## **EXPLANATORY NOTE**

(This note is not part of the licence)

This Open General Export Licence has been amended to refer to new secondary legislation under which the licence has been issued and as a consequence of enlargement of the European Union changes have been made to the Country list in Schedule 2 to the licence.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export from the United Kingdom, or from any other Member State of the European Community (EC) where the exporter is established in the United Kingdom, to any destination other than one listed in Schedule 2 to the Licence of items specified in Part A of Schedule 1 to the Licence, other than those specified in Part B of that Schedule, which are being exported from the United Kingdom for the purposes of repair and return to the United Kingdom, replacement under warranty or as unwanted goods.

3. The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 9'‘the Order’’) contain certain registration and record keeping requirements which apply to persons using this Licence. Under Article 14 of the Order, any person established in the United Kingdom who exports items from the United Kingdom or another Member State under the authority of this Licence must maintain and retain certain records relating to each such export for at least three years from the end of the calendar year in which the export takes place and must permit such records to be inspected and copied by any person authorised by the Secretary of State. Under Article 13(1) of the Order, an exporter who exports items under the authority of this Licence must, before or within 30 days after the first occasion he makes use of the licence, provide details to the Secretary of State of his name and the address where copies of the records referred to above may be inspected. These detail must be sent to the Export Control Organisation, Customer Service and Compliance Unit, DTI, 3rd Floor, Kingsgate House, 66-74 Victoria Street, London, SW1E 6SW

4. This Licence does not extend to any prohibition under legislation other than Council Regulation (EC) No.1334/2000 or the Order: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.