

## **EXPORT LICENCE**

**Open General Export Licence (X)** 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 Schedule 1 hereto, may be 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.

### *Exclusions*

3. This Licence does not authorise the export of items:

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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)

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

- (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
- (7) if the export is for any military purpose.

#### *Conditions and Requirements*

- 4. The authorisation in paragraph 1 is subject to the following conditions:
  - (1) 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 (X)" 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; and
- (c) 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 (X) dated 28 September 2000 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**

Goods specified in any of the following entry in Annex I to Council Regulation (EC) No.

1334/2000:

1D001 Other than software specially designed or modified for the development, production or use of goods specified in the following entries:

- (1) Entry 1B001 heads a., b., c., or e. or sub-heads d.1., d.2., or d.3;
- (2) Entry 1B002 if the goods are for the production of atomized or spherical metallic powder in a controlled environment;

1D002

2A001 a. and b.

2B003

3A002 sub-head a. Other than analogue instrumentation magnetic tape recorders with any of the following features:

- (1) bandwidths exceeding:
  - (a) 4 MHz per track with up to 28 tracks; or
  - (b) 2 MHz per track with up to 42 tracks;
- (2) tape speed exceeding 6.1 m/s;
- (3) recording density exceeding 653.2 magnetic flux sine waves per mm;
- (4) designed for underwater use; or
- (5) ruggedised;

3A002 head b. Other than instrument frequency synthesizers having:

- and sub-head d.2.
- (1) a synthesized output frequency exceeding 2.6 GHz; or
  - (2) a frequency switching time of less than 0.3 ms;

3B001 head a.1 Other than epitaxial reactors specified in entry 3B001 heads a.2, a.3;

5A001 head b. Other than radio equipment specified in entry 5A001 sub-heads b.3. or b.5.;

5A001 heads c.,  
and d.

5B001

5D001

6A002 sub-head Other than image intensifiers which:  
a.2.a. (1) are specially designed for cameras specified in entry 6A003;  
(2) incorporate gallium arsenide (or similar semiconductor) photocathodes; or  
(3) are radiation hardened; or  
(4) are ruggedised;

6A003 sub-head Other than those capable of recording at framing rates exceeding 225,000  
a.1. frames per second;

6A003 sub-head Other than those capable of recording at framing rates exceeding 2 million  
a.2. frames per second;

6A004 head b.  
and sub-heads  
a.1., a.2., a.4.,  
d.2., d.4.

6A005 sub-head Other than CO lasers having a CW maximum rated single or multimode  
a.3. output power exceeding 10kW;

6A005 sub-head Other than neodymium-doped, pulse-excited Q-switched lasers which  
c.2.b.2.a. have:  
A single-transverse mode output having an average output power exceeding 40W; or

6A005 sub-heads  
d.1, d.3 and d.4

only head f.

6A008 heads b.,

c., and sub-head

I.1

Other than radar systems, equipment and assemblies:

- (1) designed or modified for use in rocket systems (including launch support equipment or facilities) capable of delivering a payload to a range of 300 km or more; or
- (2) which are range instrumentation radar systems, equipment and assemblies having all of the following:
  - (a) an angular resolution better (less) than 3 milli-radians (0.5 mils);
  - (b) a range 30 km or more and a RMS range resolution better (less) than 10 m; and
  - (c) a velocity resolution of better (less) than 3 m/s;

6B004 head b.

6C004 heads a.,

e.

6D003 sub-head

d.1.

Other than Air Traffic Control software application programmes:

- (1) whose number of system tracks exceeds 700;
- (2) whose number of primary radar inputs exceeds 32; or
- (3) whose amount of software in source code exceeds the minimum necessary for installation, operation or maintenance;

8A002 sub-head

i.2.

9B005

9B006

Other than manipulators with more than five degrees of freedom;

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

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

*All destinations other than in:*

- Angola, Austria, Belgium, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iran, Iraq, Ireland, Italy, Latvia, Libya, Luxembourg, Malta, Netherlands, North Korea, Poland, Portugal, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sweden and Syria.

#### **NOTE:**

**Exports 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, 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 Schedule 1 to the Licence

3. The Export of Goods, Transfer of Technology and the Provision of Technical Assistance (Control) Order 2003 (“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 details 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. If an exporter has already given written notice to the Secretary of State in accordance with Article 13 of the Order he is not required to do the same in respect of this Licence.