#### TRADE LICENCE

# **Open General Trade Control Licence (Maritime Anti-Piracy)**

This Open General Trade Control Licence is granted by the Secretary of State in exercise of powers conferred by Article 26 of the Export Control Order 2008 (SI 2008/3231 as amended) (the "2008 Order")<sup>1</sup>.

This licence comes into force on 23 February 2012.

### 1. Purpose

The purpose of this Open General Trade Control Licence is to permit those who have registered to use it, to do any act, the effect of which is to supply, deliver or transfer any of the controlled goods listed in Schedule 1, between any two **overseas territories** that are not listed in Schedule 2, for the purpose of providing Maritime Anti-Piracy Services that traverse the "High Risk Area".

You must be a UK Private Security Company carrying out your business activities in the UK or a Private Security Company which is run by UK persons, which is also a signatory to the International Code of Conduct for Private Security Service Providers (ICoC). You must have submitted copies of your Standard Operating Procedures, Rules of Engagement and Policy on storing firearms to the Export Control Organisation (ECO) (see section 3).

You will also need to satisfy certain documentary requirements prior to transferring goods under this licence (see section 4) and you will need to maintain records to confirm that you have used this licence correctly (see section 5).

If you are not eligible to use this licence or you fail to satisfy any of the conditions or requirements below, this may result in your licence being suspended or withdrawn and you may be liable to prosecution.

You should only register to use this licence if you can meet <u>all</u> of the requirements listed in section 2 and none of the exclusions listed in section 3 apply.

#### 2. Terms and Conditions

This licence only authorises the transfer of controlled goods listed in Schedule 1 where all of the following conditions are met:

- i. controlled goods transferred under this licence must be transferred aboard vessels that are registered to a Flag State;
- ii. controlled goods being transferred under this licence must only be <u>used</u> by your personnel and are only to be used while the goods are being transferred;
- iii. controlled goods transferred under this licence must not be made available for <u>use</u> on either a temporary or permanent basis, to any other person or entity;
- iv. at all times, controlled goods must remain in the possession of:
  - a. your personnel; or
  - b. an approved in-country representative; or
  - c. an approved armoury; or
  - d. a designated national security organisation;
- v. whether in use, in transit or in storage, controlled goods must be protected against unauthorised re-transfers, loss, theft or diversion;
- vi. you may transfer a maximum of four firearms, of which a maximum of two firearms may be rifles, for each member of your personnel in any single transfer:
- vii. you may store a maximum of 48 firearms in any approved armoury at any time.

http://www.legislation.gov.uk/uksi/2008/3231/contents/made

#### 3. Exclusions

### This licence will **not** apply:

- i. if you know or have reason to believe, that as a result of transferring controlled goods, those goods will be disembarked in a destination listed in Schedule 2; or
- ii. if you know or have reason to believe, that the transfer being carried out is contrary to the export or import legislation of the exporting or importing country; or
- iii. if at the time you do any act, the effect of which is to supply, deliver or transfer controlled goods, you have been served with a notice which suspends or revokes your ability to use this Licence under article 32(1) of the 2008 Order, unless the period of suspension or revocation has expired; or
- iv. if the night vision equipment which is used by your personnel is Generation 3 or greater (this includes equivalent equipment); or
- v. if the body armour and helmets (including their components) that are used by your personnel are of the same specification and capabilities or greater than those used by UK Armed Forces (Osprey).
- 4. Actions that you must complete before using this licence to transfer goods

<u>Before</u> you use this licence to transfer any controlled goods you must:

- have registered for this licence using the ECO's electronic licensing system, SPIRE (<u>www.spire.bis.gov.uk</u>) providing an address where the records of all transfers carried out under this licence may be inspected;
- ii. have supplied copies of the following documentation to the ECO:
  - a) Evidence that you are a signatory to the ICoC;
  - b) Your standard operating procedures;

- c) Your rules of engagement;
- d) Your policy on the storage and disposal of firearms;
- e) A list of third parties, including your in-country representatives, who will have access to the controlled goods being transferred;
- f) A list of the armouries you propose to use; and
- iii. have received notification from the ECO that each of the documents listed at point (ii) has been approved.

## 5. What records must I keep?

You must maintain the following records in respect of the goods transferred under this licence:

- i. the date, source and destination country of each transfer;
- ii. the name and address of the consignee to whom the goods were transferred;
- iii. a description of the goods transferred.

These records must be kept for a period of 4 years following each transfer and you must make these records available for inspection by any person authorised by the ECO at any time.

## 6. Other prohibitions

In addition to complying with the requirements of this licence, you must also comply with any other relevant legislation which applies. This may include restrictions, prohibitions or other licensing requirements in respect of the goods to which this licence applies.

#### 7. Glossary

For the purpose of this Licence:

i. "Maritime Anti-Piracy Services" means the provision of armed onboard security services to the maritime sector, for protection against acts of piracy.

ii. "Approved armoury" means an armoury nominated by the licence holder,

which ECO have approved for use with this licence.

iii. "Controlled goods" means any goods listed in Schedule 1.

iv. "High Risk Area" means the area at high risk of piracy which is bounded by

Suez and the Straights of Hormuz to the North, 10°S and 78°E.

v. "Overseas territory" means international waters or a third country that is not

the United Kingdom or the Isle of Man

vi. "Private Security Company" means a private company who provides armed

Maritime Anti-Piracy Services.

vii. "Transfer" means embarking controlled goods aboard a vessel in one

territory, for the purpose of providing Maritime Anti-Piracy Services and

disembarking the same controlled goods in another territory.

viii. "Vessels that are registered to a Flag State" means a vessel that is flying the

flag of a state under whose laws that vessel is registered or licensed and

which state has the authority and responsibility to enforce regulations over

that vessel.

Date: 22 February 2012

Tom Smith

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An official of the Department for Business, Innovation and Skills authorised to act

on behalf of the Secretary of State

## SCHEDULE 1 GOODS CONCERNED

Weapons, accessories and ammunition falling within control entries ML1a,
ML1b, ML1d, ML3a and PL5017 as follows:

7.62mm and 5.56mm semi-automatic rifles, 7.62mm and 5.56mm boltaction rifles, shotguns, pistols, revolvers, gun-mountings, weapon sights (excluding those incorporating Generation 3 Image Intensifiers or above), clips and flash suppressors. Their specially designed components (including magazines) and ammunition. Weapon cleaning equipment and sight mounts, specially designed for military use.

2. Communications equipment falling within control entries **ML6a**, **ML9a** and **ML11a** as follows:

Personal role, naval and vehicle communications equipment specially designed or modified for military use, and their specially designed components.

- 3. Helmets, body armour, plates for body armour and ballistic protective garments manufactured according to military standards or specifications falling within control entries ML13c and ML13d (excluding those in service with UK Armed Forces, such as Osprey).
- 4. Night vision equipment falling within control entries **ML15c** and **ML15d** as follows:

Image intensifier, infrared or thermal imaging equipment specially designed for military use (**excluding Generation 3 Image Intensifier equipment or above**), and their specially designed components.

5. Long range acoustic devices suitable for riot-control purposes, as falling within control entry **PL5001a**, and their specially designed components.

# SCHEDULE 2 COUNTRIES CONCERNED

This licence can not be used to export or transfer goods from, or to, any of the following countries:

Armenia
Azerbaijan
Belarus
Burma (Myanmar)
China
Democratic People's Republic of Korea (North Korea)
Democratic Republic of the Congo
Eritrea
Guinea
Iran
Iraq
lvory Coast (Côte d'Ivoire)
Lebanon
Liberia
Libya
Somalia
South Sudan
Sudan
Syria
Yemen
Zimbabwe