

EXPORT LICENCE

Open General Export Licence (Export For Exhibition: Military Goods) dated 2 July 2012 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 26 of the Export Control Order 2008^(a) ("the Order"), hereby grants the following Open General Export Licence:

Licence

1. Subject to the following provisions of this Licence, 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 except a destination in a country specified in Schedule 2 to this Licence providing they are being exported for the purpose of exhibition, and are to be returned to the United Kingdom.

Exclusions

2. This Licence does not authorise the export of goods:

- (1) if the exporter has been informed by a competent authority that they are or may be intended, in their entirety or in part, to be used 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 exporter is aware that the goods are intended, in their entirety or in part, to be used in connection with one of the activities referred to in sub-paragraph (1);

^(a) S.I. 2008/3231, as amended

- (3) if the exporter has grounds for suspecting that the goods are or may be intended, in their entirety or in part, for any uses referred to in subparagraph (1), unless the exporter has made all reasonable enquiries as to their proposed use and satisfied himself that the goods will not be so used;
- (4) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons^(b);
- (5) to a destination within a Customs Free Zone;
- (6) where the exporter has, at the time of export, been served with a notice which suspends or revokes his ability to use this Licence pursuant to article 32(1) of the Order, unless the period of suspension or revocation has expired.

Conditions and Requirements

- 3. The authorisation in paragraph 1 above is subject to the following conditions:
 - (1) the exporter must obtain prior to exporting goods pursuant to this licence written approval from MOD Contracting Authority, MOD Sponsor or D Def Sy (S&T/Ind) to exhibit the goods including, where appropriate details of en route support, at a exhibition in the country of destination for which the export is intended;
 - (2) on exportation of any goods pursuant to this Licence, the exporter shall produce to an officer of UK Border Agency, if so requested, documentary evidence of the written approval to exhibit, and where appropriate details of en route support;
 - (3) except in the case of an export of technology by telephone, fax or other electronic media, official and commercial export documentation accompanying the goods shall include a note stating either:

^(b) O.J No. L256, 13.9.91, p.51

- (a) "the goods are being exported under the OGEL (Export For Exhibition: Military Goods)"; or
- (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 20XX/XXXXX') of the exporters registration in respect of this licence

which shall be presented to an officer of UK Border Agency if so requested; and

- (4) the requirements of Article 28 of the Order shall apply to any export under this Licence.
- (5) Where the exporter has received a warning letter sent on behalf of the Secretary of State which identifies failure to comply with this Licence or a provision of applicable export control legislation, the exporter shall take such steps as are identified in that warning letter (within the timescale stated) in order to restore compliance with the Licence. Without prejudice to article 34 of the Order, failure to comply with this condition may result in this Licence being revoked or suspended until the exporter can show compliance to the satisfaction of the Export Control Organisation. The exporter will be notified in writing of any such suspension or revocation and the initial period of such suspension or revocation. Where at the end of this initial period, the exporter has not shown compliance to the satisfaction of the Export Control Organisation, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

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 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:

- (1) “cluster munitions” means conventional munitions designed to disperse or release “explosive submunitions”;
- (2) “explosive submunitions” means conventional munitions, weighing less than 20 kilograms each, which in order to perform their task are dispersed or released by another conventional munition and are designed to function by detonation of an explosive charge prior to, on or after impact;
- (3) “explosive bomblets” means conventional munitions, weighing less than 20 kilograms each, which are not self propelled and which, in order to perform their task, are specially designed to be dispersed or released by a dispenser affixed to an aircraft, and are designed to function by detonating an explosive charge prior to, on or after impact;
- (4) sub paragraphs (1) and (2) above do not include the following conventional munitions,
 - (a) a munition or submunition designed to disperse flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
 - (b) a munition or submunition designed to produce electrical or electronic effects;
 - (c) a munition that has all of the following characteristics:
 - (i) each munition contains fewer than ten “explosive submunitions”;
 - (ii) each “explosive submunition” weighs more than four kilograms;
 - (iii) each “explosive submunition” is designed to detect and engage a single target object;

- (iv) each “explosive submunition” is equipped with an electronic “self destruction mechanism”;
 - (v) each “explosive submunition” is equipped with an electronic “self deactivating feature”.
- (5) "competent authority" means the Secretary of State or any other competent authority empowered by a Member State to issue export authorisations for the purposes of Council Regulation (EC) No. 428/2009^(a);
- (6) 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; and
- (7) “entry” includes part of an entry;
- (8) "exhibition" shall not include demonstration or evaluation;
- (9) “en route support” shall include details of countries where support may be provided and the nature of the support being proposed e.g., refuelling;
- (10) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act^(b) or in the Order.

Entry into force

6. This Licence shall come into force on 6 July 2012 .

^(a) O.J. No. L134, 29.5.2009

^(b) 2002 c.28

7. The Open General Export Licence (Export For Exhibition: Military Goods) dated 22 March 2010 is hereby revoked.

**An Official of the Department for Business,
Innovation and Skills authorised
to act on behalf of the Secretary of State**

SCHEDULE 1

GOODS CONCERNED

PART A

Any goods specified in Part 1 of Schedule 2 to the Order:

PART B

1. Goods falling within entry ML3 as follows:
 - (1) “Cluster munitions”, “explosive submunitions”, and specially designed components therefor;
2. Goods falling within entry ML4 as follows:
 - (1) Anti-personnel landmines and specially designed components therefor;
 - (2) “Cluster munitions” and specially designed components therefor;
 - (3) “explosive bomblets” and specially designed components therefor;
 - (4) “explosive submunitions” and specially designed components therefor;
3. Goods falling within entry ML11 insofar as they are for use in connection with Cluster munitions, explosive submunitions and explosive bomblets;
4. Goods falling within entry ML16 insofar as they are for use in connection with Cluster munitions, explosive submunitions and explosive bomblets;
5. Goods falling within entry ML17.n insofar as they are for use in connection with Cluster munitions, explosive submunitions and explosive bomblets;
6. Goods falling within entry PL5001 c., d., g., h., and i.;
7. Technology equipment and software specified in entries ML18, ML21 or ML22, related to equipment specified in 1 to 6 of Part B of this Schedule.

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than in:

Afghanistan, Algeria, Angola, Argentina, Armenia, Azerbaijan, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Burkina Faso, Burma (Myanmar), Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China (PRC) (excluding SARs), Colombia, Congo (Democratic Republic of), Congo (Republic of), Cuba, Djibouti, Ecuador, Egypt, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Gambia, Georgia, Ghana, Guatemala, Guinea, Guinea Bissau, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Kazakhstan, Kenya, Lebanon, Liberia, Libya, Macau SAR, Mali, Mexico, Moldova, Morocco, Namibia, Nepal, Niger, Nigeria, North Korea, Pakistan, Palestinian Authority, Papua New Guinea, Peru, Philippines, Russian Federation, Rwanda, Saudi Arabia, Senegal, Serbia and Montenegro (formally the Federal Republic of Yugoslavia), Sierra Leone, Somalia, Sri Lanka, Sudan, Syria, Taiwan, Tajikistan, Tanzania, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Uzbekistan, Venezuela, Vietnam, Yemen and Zimbabwe.

NOTE:

En route support for the goods being exported under the authority of this licence, including refuelling, may take place in any destinations including those listed above providing the exporter has obtained prior Ministry of Defence written approval to do so.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This licence has been amended to add Cyprus as a permitted destination. Schedule 2 (Destinations concerned) specifically lists destinations that are not permitted under the licence (ie 'all destinations other than an in'). Therefore, Cyprus has been removed from this listing. This change to the permitted destinations is in preparation for the UK's implementation of European Union Directive 2009/43/EC of 6 May 2009 (also known as the 'Intra-Community Transfer' or ICT Directive).
- 2 This Open General Export Licence permits, without further authority but subject to certain conditions, exportation of goods specified in Schedule 1 Part A, excluding goods in Part B of this licence to any destination except a destination in any country specified in Schedule 2 to the Licence if they are being exported for the purpose of exhibition and return to the United Kingdom.
3. It is a condition of this Licence that goods being exported under the terms of this Licence shall have been the subject of written approval by the MOD Contracting Authority, MOD Sponsor or Def Sy to exhibit the goods in the country of destination. Enquiries should be addressed to:

For MOD Sponsored goods:

Principal Security Adviser
Industrial Security Section
Defence Procurement Agency
Facilities Management Group
Poplar - 1
MOD Abbey Wood
Bristol, BS34 8JH
Tel: 0117 913 3677
Fax: 0117 913 0629

For Private Venture Goods and items not having an MOD Sponsor:

DefSy

Level 1, Zone 1
MOD Building, Whitehall,
London, SW1A 2HB.
Tel: 020 7218 4295
Fax: 020 7218 9078

4. It is also a requirement of this licence that the exporter shall produce to an officer of UK Border Agency, if so requested, documentary evidence of the written approval.

5. The Licence does not extend to the exportation of any goods which fall within the scope of Council Directive 91/477/EEC on the control of the acquisition and possession of weapons.

6. An exporter who exports goods under the authority of this Licence must before his first exportation under the 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 must be made via the Export Control Organisation's electronic licensing system, SPIRE, at www.spire.bis.gov.uk.

7. The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as he thinks fit. If an exporter receives written notice to this effect, he will be prevented from relying on this Licence. The power to suspend may be used in addition to criminal prosecution or as an alternative. Suspension may occur for example where an exporter is being investigated or prosecuted in relation to a possible criminal offence, or has been found guilty of a criminal offence under the export control legislation. It may also be used in situations where an exporter has breached the conditions of the Licence and failed to take corrective action within a reasonable period (see condition 3(5)).

8. Where, the ECO identifies failures in compliance with licence conditions or the legislation during a compliance visit, the ECO may send a warning letter to the exporter listing the improvements that need to be made to ensure compliance. The

letter will set out the timeframe within which these improvements must be completed. Failure to complete these improvements may lead to the exporter's ability to use the licence being suspended for a period of time.

9. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent him from using another OGEL so long as he meets all its terms and conditions and that he has not received a letter suspending or revoking his ability to use that licence.

10. This licence does not extend to any prohibition under legislation other than the Export Control Order 2008: in particular it does not extend to prohibitions in other legislation implementing United Nations Sanctions.