

TRANSHIPMENT LICENCE

Open General Transhipment Licence dated 13 June 2012 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 2 and 5(1) of the Import of Goods (Control) Order 1954^(a) ("the Imports Order"), and now vested in him^(b), and of his powers under Articles 26 of the Export Control Order 2008^(c) ("the Exports Order") hereby grants the following Open General Transhipment Licence:

Interpretation

1. In this Licence, unless the context otherwise requires:
 - (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;

(a) S.I. 1954/23; as amended

(b) See S.I. 1970/1537

(c) S.I. 2008/3231

- (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”.
- (6) "controlled goods" means goods specified in Part 1 of Schedule 2 or Schedule 3 to the Exports Order, Annex I to Council Regulation (EC) No. 428/2009^(d) and technology which includes any information relating to any such goods;
- (7) "importation" and "exportation" mean respectively importation into and exportation from the United Kingdom;
- (8) “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

(d) O.J. L134. 29.5.2009, as amended

designed to be operated and fired by more than one individual acting as a crew and portable by several individuals;

- (9) "transhipment" means the transit through the United Kingdom or transhipment of imported goods with a view to the re-exportation, whether or not they remain on board an aircraft or ship for the period that they remain in the United Kingdom or are goods on a through air waybill or through bill of lading;
- (10) "unrestricted goods from the Channel Islands" means goods exported from any of the Channel Islands under a licence permitting their exportation to any destination; and
- (11) any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002^(e) or the Exports Order.

Importation of goods for transhipment and subsequent exportation

- 2. Subject to the following provisions of this Licence, this Licence authorises the importation for transhipment and the subsequent exportation of any goods.

Limitations of Licence

- 3. This Licence does not authorise the exportation of -
 - (1) any goods specified in Schedule 1 hereto to any destination, or of any other controlled goods (other than unrestricted goods from the Channel Islands) to a destination in a country specified in Schedule 2 hereto, unless (in either case) the exportation is for their use in connection with the activities of any of -
 - (a) the NATO led Stabilisation Force (SFOR);

(e)2002c.28

- (b) the Peace Implementation Conference and the Office of the High Representative (OHR);
 - (c) European Union Monitoring Mission;
 - (d) the Organisation for Security and Co-operation in Europe Mission;
 - (e) the United Nations and its specialised agencies; and
 - (f) diplomatic missions of member states of the European Union or the Organisation for Security and Co-operation in Europe; or
 - (2) any dual-use items which are not goods in transit within the meaning Article 8(1) of the Exports Order; or
 - (3) any goods in respect of which-
 - (a) 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, 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) 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 (a);
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- (c) 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 (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; or
 - (4) any goods specified in Schedule 1, 2 or 3 to the Annex on Chemicals annexed to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed at Paris on 13th January 1993^(f)."
- 4. This Licence does not authorise the importation of-
 - (1) any goods originating in DPRK (North Korea) or Iran; or
 - (2) any goods the exportation of which is not authorised by this Licence.

Conditions

- 5. The authority in paragraph 2 above is subject to the following conditions:
 - (1) the goods shall be exported within 30 days of importation, or such longer period as the Commissioners of UK Border Agency may permit; and
 - (2) official and commercial documentation accompanying unrestricted goods from the Channel Islands shall include a copy of the export licence authorising their exportation from the Channel Islands.
- 6. The requirements of article 28 of the Exports Order **shall not** apply to an export under this Licence.

(f) Cm 2331

Prohibitions not affected by this Licence

7. Nothing in this Licence affect any prohibition or restriction on the importation or exportation or the carrying out of any act with respect of the importation and 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 is issued, as set out in the licence itself.

Entry into Force

8. This Licence shall come into force on 15 June 2012.

Revocation

9. The Open General Transhipment Licence 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

Goods licensed to be exported for limited uses only

1. Goods specified in Part 2 of Schedule 2 to the Exports Order.
2. Goods specified in Part 1 of Schedule 2 to the Exports Order which:
 - (1) are specified in entry ML1, ML2, ML3, ML4, ML6, ML7, ML8, ML17.g., or PL5001;
 - (2) test equipment for MANPAD falling within entry ML11;
 - (3) Goods falling within ML11 insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets;
 - (4) training equipment for MANPAD systems and related software falling within entry ML14;
 - (5) Libraries for MANPAD systems falling within entry ML17.f;
 - (6) Goods falling within ML17.n insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets;
 - (7) Equipment and test models for MANPAD systems falling within entry PL5017;
 - (8) are castings, forgings and semi-finished products specified in entry ML16, being specially designed for goods specified in entry ML1, ML2, ML3, ML4 or ML6; or
 - (9) Goods falling within ML16 insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets;
 - (10) Production equipment for cluster munitions, explosive submunitions and explosive bomblets.
 - (11) have any of the functions or characteristics of information security described in Category 5 (Part 2 - Information Security) of Annex 1

to Council Regulation (EC) No. 428/2009 or in Schedule 3 to the Exports Order;

3. Technology (within the meaning of article 2(1) of the Exports Order) related to any goods specified in any entry referred to in paragraph 2(1) to 2(5) or (7) of this Schedule.
4. Equipment and software, specified in entries ML18 or ML21 related to any entry referred to in paragraph 2(1) to 2(11) of this schedule
5. Goods specified in Annex I to Council Regulation (EC) No. 428/2009 or Schedule 3 of the Exports Order which are:
 - (1) in Annex I under Category 0; or
 - (2) in Annex I under Category 5 (Part 2 - Information Security) or in any of the following entries: 1A004.d., 1A006, 1A007, 1A008, 1C239, 3A229, 3A232 and 5A001.h.; or
 - (3) in Schedule 3 in either the following entries: PL9002 or PL9003.

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than in:

Afghanistan, Albania, Angola, Argentina, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Burma (Myanmar), Burundi, Croatia, Democratic Republic of the Congo, Eritrea, Ethiopia, Georgia, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Kazakhstan, Kyrgyzstan, Lebanon, Liberia, Libya, the Former Yugoslav Republic of Macedonia, Moldova, Mongolian People's Republic, Nepal, Nigeria, North Korea, Pakistan, People's Republic of China (including Hong Kong and Macau Special Administrative Region), Romania, Russian Federation, Rwanda, Serbia and Montenegro, Sierra Leone, Socialist Republic of Vietnam, Somalia, Sudan, Syria, Tajikistan, Tanzania, Turkmenistan, Uganda, Ukraine, Uzbekistan and Zimbabwe.

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Transhipment Licence has been amended as a result of Council Regulation (EU) No 388/2012 which amends Council Regulation (EC) No 428/2009 (the EU Dual-Use Regulation). The amending Council Regulation is dated 19 April 2012 and was published in the Official Journal of the European Union (OJ L 129, 16.5.2012) on 16 May 2012. It comes into force 30 days after publication on 15 June 2012. The amendments include:
 - addition of goods specified in paragraph 5.2 – 1A004.d., 1A008 and 5A001.h and removal of 4D003.c.
2. This Licence permits the importation for transhipment and subsequent exportation of goods not in Schedule 1 to any destination in a country not in Schedule 2. Goods in Schedule 1, and goods not in Schedule 1 the export of which is controlled as military or dual-use items and which are destined for a country in Schedule 2, may be exported for limited uses only. In the case of goods not in Schedule 1 which have been licensed for export from the Channel Islands to any destination, exportation is permitted to any destination without limit on use. The licence does not cover the importation of any goods originating in DPRK (North Korea) or Iran or to exports for purposes connected with nuclear, chemical or biological weapons or missiles for such weapons.
3. This authorisation is subject to certain conditions including that the goods are exported within 30 days of importation, or such longer period as UK Border Agency may permit.
4. This Licence does not extend to any prohibition under legislation other than the Import of Goods (Control) Order 1954 or the Export Control Order 2008; in particular it does not extend to other legislation implementing United Nations sanctions or controlling the export of dual-use items.