

EXPORT LICENCE

Open General Export Licence (Export After Exhibition: Dual-Use Items) dated 13 June 2012 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 9(2) and (4) of Council Regulation (EC) No. 428/2009 ("the Regulation")^(a) and Article 26 of the Export Control Order 2008 ("the Order")^(b), hereby grants the following Open General Export Licence:

Union Licence

1. This is general export authorisation under the terms of Article 9(2) of Council Regulation (EC) No. 428/2009. This authorisation, in accordance with Article 9(2) of that Regulation, is valid in all Member States of the European Union and is a Union 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, which have been temporarily imported into the European Union for the purpose of exhibition 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 delivery to:
 - (1) the person who sent them to the European Union for exhibition,
and
 - (2) the country from which they were imported into the European Union.

(a) O.J. No. L134 29.5.09. p.1.

(b) S.I. 2008/3231

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 imposed by a Decision or a Common Position 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 subparagraph (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.

Conditions and Requirements

- 4. The authorisation in paragraph 1 is subject to the following conditions:
 - (1) any items imported into the European Union pursuant to this Licence shall have been;
 - (a) imported under an appropriate Customs temporary Procedure; or
 - (b) imported under an ATA CARNET.
 - (2) items exported pursuant to this Licence shall have been imported into the European Union no earlier than two years prior to the date of exportation;
 - (3) on exportation of any items pursuant to this Licence, the exporter shall produce to an officer of HM Border Agency, if so requested, documentary evidence of the date of their importation into the European Union, and that the items are being returned to the person and the country from which they were imported into the

European Union;

- (4) 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 After Exhibition: Dual-Use Items)" and shall be presented to an officer of HM Border Agency if so requested;

Registration

5. The requirements of Article 28 of the Order **shall not** apply to this Licence.

Prohibitions not affected by this Licence

6. Nothing in this Licence affects 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

7. For the purpose of this Licence:
 - (1) "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;

- (2) "entry" includes part of an entry;
- (3) "exhibition" includes demonstration and/or evaluation; and
- (4) 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

- 8. This Licence comes into force on 15 June 2012.
- 9. The Open General Export Licence (Export After Exhibition: Dual-Use Items) dated 21 April 2010 is revoked.

***An Official of the Department for Business,
Innovation and Skills 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. 428/2009.

PART B

Items specified in any of the following entries in Annex I to Council Regulation (EC) No. 428/2009:

All entries in Category 0

1A004.d

1A006

1A007

1A008

1A102

1B226

1B231

1B233

1C001

1C012

1C101

1C233

1C235

1C239

1C351

1C352

1C353

1C354

1D003

1D103

1E001

1E002.g

1E101

1E102

1E201

3A001.b.10

3A001.h

3A002.g.1

3A201
3A228
3A229
3A231
3A232
3E201

5A001.h
5E001.c.6
5E001.d
5E001.e

5A002.a.2 equipment designed or modified to perform cryptanalytic functions.

5D002.c.1 only software having the characteristics, or performing or
simulating the functions, 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.a
6A001.a.1.b
6A001.a.2.a.1
6A001.a.2.a.2
6A001.a.2.a.3.
6A001.a.2.a.5
6A001.a.2.a.6.
6A001.a.2.b
6A001.a.2.c.
6A001.a.2.e.
6A001.a.2.f

6A005.g
6A008.j.3

6A203
6A225
6A226
6B008
6B108
6D003.a
6D003.c
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	
8A002.r	
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, 9A007.a., 9A008.d., 9A105.a., 9A106.c., 9A108.c., 9A116 and 9A119.
9B116	Specially designed production facilities for the systems, sub-systems and components specified in 9A004, 9A005, 9A007.a., 9A008.d., 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 9A004, 9A005, 9A007.a., 9A008.d., 9B115, 9B116 and 9D101.
9E002	Technology for the production of equipment specified in 9A004, 9A005, 9A007.a., 9A008.d., 9B115 and 9B116.
9E101	Technology for the development or production of equipment specified in 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116 or 9A119.
9E102	Technology for the use of items specified in 9A004, 9A005, 9A007.a., 9A008.d., 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116, 9A119, 9B115, 9B116 or 9D101.

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than in:

- Angola, Australia, Canada, India, Iran, Iraq, Japan, Libya, New Zealand, North Korea, Norway, Pakistan, Serbia and Montenegro, Sri Lanka, Switzerland, Syria, and USA
- European Union Member States as follows: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden – **an export licence is NOT required for dual-use goods being exported to EU destinations BUT you must state on export documents that your items require a licence if exported outside the EU and you must keep records (as specified in Articles 22(10) and 22 (8) of the EU Dual Use Regulation).**

NOTE:

1. Exports of items covered by this licence may be made under the authority of the European Union General Export Authorisation (EU GEA 001), subject to certain conditions and restrictions, to the following destinations:

Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein), USA

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export 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 control list entry codes in Schedule 1 (Part B) - 6A001.a.1.a, 6A005.g and 8A002.r
- Removal of control list entry code in Schedule 1 (Part B) – 6A001.c

This licence has also been amended to update text references to ‘Community’ and ‘CGEA’ to refer to ‘Union’ and ‘EU GEA’ as appropriate and to amend text references to an arms embargo which is ‘decided by a Common Position or Joint Action’ to the text: ‘imposed by a Decision or a Common Position’.

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 Union (EU) 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 have been temporarily imported into the United Kingdom or another Member State of the EC for exhibition.

3. The Export Control Order 2008 (“the Order”) contain certain registration requirements which do not apply to persons using this Licence.

4. It is condition of this Licence that items being exported under the terms of this Licence shall have been imported into the United Kingdom or another Member State of the EC no earlier than two years before the date of exportation.

5. It is also a requirement of this Licence that the exporter shall produce to an officer of HM Border Agency, if so requested, documentary evidence of the date of importation of the items into the United Kingdom or other Member State of the EC.

6. This Licence does not extend to any prohibition under legislation other than Council Regulation (EC) No.428/2009 or the Order: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.