EXPORT LICENCE

Open General Export Licence (Military Surplus Vehicles) dated 6 October 2015, granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 26 of the Export Control Order 2008[1] ("the Order"), hereby grants the following Open General Export Licence:

Licence

1. Subject to the following provisions of this Licence, any goods specified in Schedule 1 to this Licence may be exported from the United Kingdom to any destination in any country except a destination in any country specified in Schedule 2 to this Licence.

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, wholly 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 the development, production, maintenance or storage of missiles capable of delivering such weapons;

   (2) if the exporter knows that they are intended, wholly or in part, to be used in connection with one of the activities referred to in subparagraph (1) above; or

   (3) if the exporter has grounds for suspecting that they might be used, wholly or in part, in connection with an activity referred to in sub• paragraph (1) above, unless they have made all reasonable enquiries as to their proposed use and have satisfied themselves that the goods

[1] S.I. 2008/3231, as amended

will not be so used;

(4) the goods shall not be exported for any military purpose;

(5) the goods shall not be exported to a destination within a Customs Free Zone;

(6) if the exporter has, at the time of export, been served with a notice which suspends or revokes their ability to use this Licence pursuant to article 32(1) of the Order, unless the period of revocation or suspension has expired.

(7) if the exporter has been informed by a competent authority, or is otherwise aware, that the goods have been classified by the Ministry of Defence as having a security classification of OFFICIAL-SENSITIVE or above (including UK material classified RESTRICTED or above, graded prior to 2 April 2014, and internationally security classified material);

Conditions and Requirements

3. The authorisation in paragraph 1 is subject to the following conditions:

(1) the goods must originally have been owned by the UK Ministry of Defence, or the equivalent organisation in a NATO or EU member country, and documentary evidence thereof must be available for inspection, if so requested, by an officer of the UK Border Agency at the time of export: for these purposes "documentary evidence" means a letter from the UK Ministry of Defence, or the equivalent organisation in a NATO or EU member country or their contracted disposals agency, which confirms previous ownership, or UK Ministry of Defence (MoD) Form 654, or the Driver and Licensing Authority (DVLA) Form V5;

(2) any such records shall be maintained for at least four years after the date of the relevant export or transfer or provision and the exporter, transferor or provider shall permit the records to be inspected and copied by any person authorised by the Secretary of State;

(3) official and commercial export documentation accompanying the goods shall include a note stating <u>either:</u>

(a) "the goods are being exported under the OGEL (Military Surplus Vehicles)"; or

(b) the SPIRE reference (in the form 'SPIRE reference GBOGE 20??/?????') of the exporters registration in respect of this licence,

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

(4) prior to audit, the ECO will issue a pre-visit questionnaire (PVQ). This must be completed, in full, and returned by the date given

(5) the requirements of Article 28 of the Order shall apply to any export under this Licence.

(6) 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.

(7) the Secretary of State has the power to vary or withdraw export licences at any time. If you do not use this licence within any 24-month period for an export allowed by this licence, your entitlement to use it will **automatically run out** at the end of that 24-month period and your registration details will be removed from SPIRE. However, you can register for this licence again if you want to use it after your registration has ended.

(8) you **must** update the 'Open licensing returns' within SPIRE, for **all** exports or trade carried out within each calendar year. You **must** update the returns by the last day of the following January at the latest (for example, you would need to update the January to December returns by the end of the following January) and include **all** the information required. You do **not** have to report on technology transfers.

Overlapping Descriptions

4. Where the export of any goods is controlled by virtue of any head of the entry in Schedule 1 to this Licence and their export is also controlled by virtue of any other head or entry in Schedule 2 to the Order, the export of such goods is not authorised by this Licence.

Prohibitions not affected by this Licence

5. Nothing in this Licence shall affect any prohibition or restriction on the exportation or the 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

6. In this Licence:

(1) "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[2] ;

(2) a "Customs Free Zone" is 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;

(3) "entry" and "head" includes part of an entry or head;

(4) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Export Control Act 2002[3] or the Order.

Entry into Force

7. This Licence shall come into force on 19 October 2015.

8. The Open General Export Licence (Military Surplus Vehicles) dated 14 August 2014 is hereby revoked.

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

[2] O.J. No. L134, 29.5.2009

[3] 2008 c.28

to act on behalf of the Secretary of State

SCHEDULE 1

GOODS CONCERNED

Goods falling within entry ML6 a. in Part 1 of Schedule 2 to the Order, **except:**

a. Tanks and self-propelled guns;

b. Armed, armoured vehicles and vehicles fitted with mounting for arms;

c. Half-tracks;

d. Gun-carriers, tractors and trailers specially designed for towing or transporting ammunition or weapons systems and related load handling equipment;

e. Components specially designed or modified for military use for goods specified in heads a. to d. above.

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than in:

Afghanistan, Angola, Armenia, Argentina, Azerbaijan, Belarus, Bosnia and Herzegovina, Burma (Myanmar), Burundi, China(PRC) (including Hong Kong and Macau Special Administrative Region), Croatia, Democratic Republic of the Congo, Ecuador, Eritrea, Ethiopia, Guinea, Indonesia, Iran, Iraq, Ivory Coast, Lebanon, Liberia, Libya, the Former Yugoslav Republic of Macedonia, Namibia, Nepal, Nigeria, North Korea, Occupied Palestinian Territories, Peru, Russia, Rwanda, Serbia and Montenegro, Sierra Leone, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Taiwan, Tanzania, Uganda, Uzbekistan, Yemen and Zimbabwe

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This Open General Export Licence has been amended to:

   a. clarify MOD security requirements.

   b. add “South Sudan” to the countries listed under Schedule 2 (Destinations concerned).

   c. include an additional clause about the requirement for completion of a pre-visit questionnaire (PVQ).

   d. include an additional clause referring to the date that records shall be kept (as listed in clause 3(2)), for consistency.

2. This Licence permits, without further authority but subject to certain conditions, the exportation to any destination in any country, except a destination in a country specified in Schedule 2 to the Licence, of goods specified in Schedule 1 to the Licence where those goods were originally owned by the UK Ministry of Defence, or the equivalent organisation in a NATO or EU member country. Written confirmation of previous ownership by UK Ministry of Defence may be obtained from:

   MINISTRY OF DEFENCE
   DISPOSAL SERVICES
   AUTHORITY BUILDING 9 -
   "H" SITE
   DSDA BICESTER PLOUGHLEY
   ROAD LOWER ARNCOTT
   BICESTER
   OXON OX25 2LD

   Tel: 01869 258625/24/35

3. One of the conditions attached to this Licence is that Article 28 of the Export Control Order 2008 shall apply to its use.

4. An exporter who exports goods under the authority of this Licence must before the first exportation under the Licence, inform the Secretary of State of their 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.

5. The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as they think fit. If an exporter receives written notice to this effect, they 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(4)).

6. 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.

7. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent them from using another OGEL so long as they meet all its terms and conditions and that they have not received a letter suspending or revoking their ability to use that licence.

8. The provisions of this Licence only apply for the purposes of the Export Control Order 2008: in particular, this Licence does not extend to prohibitions in other legislation implementing United Nations Sanctions.

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This publication is available from www.gov.uk/bis
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BIS/15/242