EXPORT LICENCE

Open General Export Licence (Export After Exhibition: Dual-Use Items) dated 14 January 2016, 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")[1] and Article 26 of the Export Control Order 2008 ("the Order")[2], 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.

[1] O.J. No. L134 29.5.09. p.1.

[2] 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 sub• paragraph (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;

(5) 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.

(6) Movement of any goods or technology having a security classification of CONFIDENTIAL for material classified by the UK prior to 2 April 2014 or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above must be undertaken in accordance with the national security requirements of the originating country.

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 14 January 2016.

9. The Open General Export Licence (Export After Exhibition: Dual-Use Items) dated 8 January 2015 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
1B234
1C001
1C012
1C101
1C233
1C234
1C235
1C239
1C351
1C352
1C353
1C354
1D003
1D103
1E001
1E002.g
1E101
1E102
1E201

2B352.h
2D003

3A001.a.13
3A001.b.10
3A001.h
3A002.g.1
3A201
3A228
3A229
3A231
3A232
3A234
3D225
3E201
3E225

4A005
4D004
4E001c

5A001.h
5A001.j
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
6A001.a.2.g.
6A005.b.4.a
6A005.b.5.a
6A005.b.6.a
6A005.e.3

6A005.g
6A008.j.3
6A203
6A225
6A226
6B008
6B108
6C004.b
6C004.c
6D003.a
6D003.c
6D003.d
6D203
6E201
6E203

7E004.b.7
7E004.b.8
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.
7D005	
7D101	Software specially designed for use of equipment specified in 7B003 or 7B103.
7E001	Technology for the development of equipment or software specified in 7A117, 7B003, 7B103, 7D005 or 7D101.
7E001	Technology for the production of software specified in 7D005.
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	

8A002.0.3
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
9A121

9B001.c
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.

9D004.c Software specially designed to control directional-solidification or single-crystal material growth in equipment specified by 9B001.c
9D005
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., 9B001.c., 9B115, 9B116, 9D004.c., 9D005. and 9D101.

9E002 Technology for the production of equipment specified in 9A004, 9A005, 9A007.a., 9A008.d., 9B001.c., 9B115 and 9B116.
9E003.j
9E101 Technology for the development or production of equipment specified in 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116, 9A119 and 9A121.

9E102 Technology for the use of items specified in 9A004, 9A005, 9A007.a., 9A008.d., 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116, 9A119, 9A121, 9B001.c., 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, Iran, Iraq, Japan, Libya, New Zealand, North Korea, Norway, Pakistan, Sri Lanka, Switzerland, Syria, and USA
- European Union Member States as follows: Austria, Belgium, Bulgaria, Croatia, 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 republished:
    a. to amend the list of items in Schedule 1 following the update to the EU Dual-Use List (Commission Delegated Regulation (EU) 2015/2420 of 12 October 2015 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items) which was published in the 'Official Journal of the European Union' on 24 December 2015.
    b. to remove India, Serbia and Montenegro from the list of excluded destinations in Schedule 2 as part of the OGEL review process..

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 EU 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.

7. Under para 3(5) of this licence, exporters exporting goods or technology carrying a security grading of CONFIDENTIAL for material classified by the UK prior to 2 April 2014 or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above must ensure that the national requirements for transportation of goods at that classification are addressed and they are able to provide proof that transportation plans have been approved by the relevant authorities in the originating and receiving country.

8. Further advice can be obtained from:

Defence Equipment & Support (DE&S)
Principal Security Advisor
Security Advice Centre
Poplar - 1
MOD Abbey Wood
Bristol,
BS34 8JH
Tel: 030 67934378
Fax: 030 67934925
e-mail: desinfra-securityadvicecentre@mod.uk

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