

EXPORT LICENCE

Open General Export Licence (Export For Exhibition: Military Goods) 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 2008¹ ("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);
 - (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 sub-paragraph (1), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the goods will not be so used;

¹ S.I. 2008/3231, as amended

- (4) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons²;
- (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 their 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 to exhibit the goods, including where appropriate details of “en route support”, at an exhibition in the country of destination for which the export is intended, as follows:
 - (a) for goods relating to MOD equipment and programmes, from either the MOD Contracting Authority, or MOD Sponsor, **or**
 - (b) for defence related Private Venture (PV) goods, from MOD Defence Security (Scientific & Technical/Industrial) (Def Sy (S&T/Ind)) ;
- (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) 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;
- (4) 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:

² 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 20??/?????’) of the exporters registration in respect of this Licence

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

- (5) prior to audit, the ECO will issue a pre-visit questionnaire (PVQ). This must be completed in, full, and returned by the date given.
- (6) the requirements of Article 28 of the Order shall apply to any export under this Licence.
- (7) 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.
- (8) 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.

- (9) 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.
- (10) for goods, software and technology classified CONFIDENTIAL, for material classified by the UK prior to 2nd April 2014 or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above, you will need a current written approval for a **Security Transportation Plan**. A Security Transportation Plan approval can be obtained from MOD Defence Equipment and Support (DE&S) Principal Security Advisor.

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

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. 428/2009³;

- (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;
- (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 Act⁴ or in the Order.

Entry into force

6. This Licence shall come into force on 19 October 2015.
7. The Open General Export Licence (Export For Exhibition: Military Goods) dated 13 June 2014 is hereby revoked.

**An Official of the Department for International Trade,
Authorized to act on behalf of the Secretary of State**

³ O.J. No. L134, 29.5.2009

⁴ 2002 c.28

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. and f. ;

7. Technology, equipment and software specified in entries ML22, ML18 or ML21, 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, South Sudan, Sri Lanka, Sudan, Syria, Taiwan, Tajikistan, Tanzania, Togo, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, 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 destination, 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 Open General Export Licence has been amended to:
 - a. clarify MOD security requirements.
 - b. rename the reference to “Sudan (Republic of)” as “South Sudan” for consistency purposes, in the countries listed under Schedule 2 (Destinations concerned).
 - c. update reference to the rating code PL5001 which is listed under Schedule 1 (Goods concerned). This change is as a result of an update to Schedule 2 of the Export Control Order 2008 which came into force via the Export Control (Amendment) Order 2015 (SI 2015/351) on 24 March 2015.
 - d. include an additional clause about the requirement for completion of a pre-visit questionnaire (PVQ).
 - e. include an additional clause referring to the date that records shall be kept (as listed in clause 3(3)), for consistency.

- 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(S&T/Ind) to exhibit the goods in the country of destination. Enquiries should be addressed to:

For MOD Sponsored goods:

To the relevant Contracting Authority (DE&S Project Team)

Or where the Contracting Authority is unknown to:

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

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

Defence Security (Scientific & Technical/Industry)
Level 1, Zone I

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 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 <https://www.spire.trade.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 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(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 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.
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.

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15/229