

EXPORT LICENCE

Open General Export Licence (Export After Exhibition or Demonstration: Military Goods) dated 22nd March 2010 granted by the Secretary of State.

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

Licence

1. Subject to the following provisions of this Licence, any goods specified in Part A of Schedule 1 hereto, other than any goods specified in Part B of that Schedule, which have been temporarily imported for the purpose of exhibition or demonstration may be subsequently exported from the United Kingdom to a destination in any country except a destination in a country specified in Schedule 2 providing the goods are being exported for delivery:

- (1) to the person who sent them to the United Kingdom; and
- (2) to the country from which they were imported;

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 satisfied himself that the goods will not be so used;
- (4) to a destination within a Customs Free Zone;
- (5) which fall within the scope of Council Directive 91/477/EEC on Control of the Acquisition and Possession of Weapons^(b); or

Conditions

3. The authorisation in paragraph 1 above is subject to the following conditions:
 - (1) Except in the case of Community goods, any goods imported into the United Kingdom pursuant to this licence shall have been imported;
 - (a) under an appropriate Customs temporary importation Procedure: or
 - (b) under an ATA CARNET.
 - (2) goods exported pursuant to this licence shall have been imported into the United Kingdom no earlier than two years prior to the date of exportation;
 - (3) 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 date of importation of the goods into the

^(a) S.I. 2008/3231

^(b) O.J No. L256, 13.9.91, p.51

United Kingdom and that the goods are being returned to the person and country from which they were imported into the United Kingdom;

- (4) official and commercial export documentation accompanying the goods shall include a note stating that "the goods are being exported under the OGEL (Export After Exhibition or Demonstration: Military Goods)" which shall be presented to an officer of UK Border Agency if so requested.
- (5) Movement of any goods or technology having a protective marking of CONFIDENTIAL or above must be undertaken in accordance with the national security requirements of the originating country.

Registration

4. The requirements of Article 28 of the Order **shall not** apply to any export under this Licence.

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.

5.

Interpretation

6. 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) "Community goods" means goods originating in the Community, unless they had lost their Community status e.g. by being exported from the Community, or goods brought into free circulation by the completion of Community customs formalities and payment of customs duties;

- (6) "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^(a);
- (7) "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; and
- (8) "entry" includes part of an entry;
- (9) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002^(b) or in the Order.

Entry into force

7. This Licence shall come into force on 26th March 2010.
8. The Open General Export Licence (Export After Exhibition or Demonstration: Military Goods) dated 8th January 2010 is hereby revoked.

**An Official of the Department for Business,
Innovation and Skills authorised
to act on behalf of the Secretary of State**

^(a) O.J. No. L134, 29.5.2009

^(b) 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)
 - (a) Electrically driven detonators of exploding bridge, exploding bridge wire, slapper or exploding foil type;

 - (b) Multipoint detonation systems designed to nearly simultaneously initiate an explosive surface of greater than 5000mm² surface area from a single firing signal, with a timing spread over the surface of less than 2.5 microsecond;

 - (c) Explosive detonator firing sets designed to drive multiple controlled detonators (of the types listed in items (2)(a) and (2)(b) above);

 - (d) Modular electrical pulse generators which are ruggedised or are designed for portable or mobile use and have all of the following characteristics: are capable of delivering energy in less than 15 microsecond, output greater than 100A, rise time less than 10 microsecond into loads of less than 40 ohms, no dimension greater than 25.4cm and weigh less than 25kg;

(e) Capacitors with:

- (i) Voltage rating greater than 1.4kV, energy storage greater than 10J, capacitance greater than 0.5 microfarad and series inductance less than 50nH;
- (ii) Voltage rating greater than 750V, capacitance greater than 0.25 microfarad and series inductance less than 10nH;

(f) Cold cathode tubes with three or more electrodes which have all of the following characteristics: an anode peak voltage rating of 2500V or more, an anode peak current rating of 100A or more and an anode delay time of 10 microsecond or less;

(g) Triggered spark gaps having an anode delay time of 15 microsecond or less and rated for a peak current of 500A or more;

(h) Modules or assemblies with a fast switching function having all of the following characteristics: anode peak voltage rating greater than 2000V, anode peak current rating of 500A or more and turn-on time of 1 microsecond or less;

- (3) “Cluster munitions” and specially designed components therefor;
- (4) “explosive bomblets” and specially designed components therefor;
- (5) “explosive submunitions” and specially designed components therefor;

- 3. ML8.a.13;
- ML8.a.15;
- ML8.a.21;
- ML8.a.23;
- ML8.a.33;
- ML8.c.5;

4. Pulse generators, switching modules or assemblies specified in entry ML11 meeting the specifications given in items 2(2)(d) to 2(2)(h) of Part B of this Schedule;
5. Goods falling within ML11 insofar as they are for use in connection with Cluster munitions, explosive submunitions and explosive bomblets;
6. Goods falling within entry ML12 insofar as they are for use in connection with high-velocity gun systems capable of accelerating projectiles to 2km/s or greater;
7. Goods falling within ML16 insofar as they are for use in connection with Cluster munitions, explosive submunitions and explosive bomblets.
8. Goods falling within ML17.n insofar as they are for use in connection with Cluster munitions, explosive submunitions and explosive bomblets;
9. Goods falling within entry PL5001 c., d., g., h., and i;.
10. Technology equipment and software specified in entries ML18, ML21 or ML22, related to equipment specified in 1 to 9 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, Angola, Argentina, Armenia, Azerbaijan, Bosnia and Herzegovina, Burma (Myanmar), Burundi, Croatia, Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea, Indonesia, Iran, Iraq, Ivory Coast, Liberia, Lebanon, Libya, the Former Yugoslav Republic of Macedonia, Nigeria, North Korea, People's Republic of China (including Hong Kong and Macau Special Administrative Region), Rwanda, Serbia and Montenegro, Sierra Leone, Somalia, Sri Lanka, Sudan, Tanzania, Uganda, Uzbekistan and Zimbabwe.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This Licence has been amended to remove cluster munitions and related equipment software and technology from the scope of the licence.
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 have been temporarily imported into the United Kingdom for exhibition or demonstration purposes only.
3. It is a condition of this Licence that goods being exported under the terms of this Licence shall have been imported into the UK no earlier than two years before the date of exportation.
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 date of importation of the goods into the UK.
5. Under para 3(5) of this licence, exporters exporting goods or technology carrying a security grading of CONFIDENTIAL or above (or national equivalents) must ensure that the national requirements for transportation of protectively marked goods are covered and they are able to provide proof that transportation plans have been approved by the relevant authorities in the originating and receiving country. Further advice can be obtained from:

Principal Security Adviser
Industrial Security Section
Defence Procurement Agency
Facilities Management Group
Poplar - #2005
Ministry of Defence
Abbey Wood

Bristol

BS34 8JH

Tel: 0117 913 3677

Fax: 0117 913 0629

6. 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.

7. 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.