

Status: Point in time view as at 31/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 428/2009, ANNEX IIc. (See end of Document for details)

[^{F1}ANNEX IIc

UNION GENERAL EXPORT AUTHORISATION No EU003 (referred to in Article 9(1) of this Regulation)

Textual Amendments

- F1** Substituted by Commission Delegated Regulation (EU) 2020/1749 of 7 October 2020 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.

Export after repair/replacement

Issuing authority: European Union

Part 1 — 1. This general export authorisation covers all dual-use items specified in any entry in Annex I to this Regulation except those listed in paragraph 2 where:

Items

- (a) the items were reimported into the customs territory of the European Union for the purpose of maintenance, repair or replacement, and are exported or re-exported to the country of consignment without any changes to their original characteristics within a period of 5 years after the date when the original export authorisation has been granted; or
- (b) the items are exported to the country of consignment in exchange for items of the same quality and number which were reimported into the customs territory of the European Union for maintenance, repair or replacement within a period of 5 years after the date when the original export authorisation has been granted.

2. Items excluded:

- (a) all items listed in Annex IIg;
- (b) all items in Sections D and E set out in Annex I to this Regulation;
- (c) the following items specified in Annex I to this Regulation:
- 1A002.a.,
 - 1C012.a.,
 - 1C227,
 - 1C228,
 - 1C229,
 - 1C230,
 - 1C231,
 - 1C236,
 - 1C237,
 - 1C240,
 - 1C350,
 - 1C450,
 - 5A001.b.5.,
 - 5A002c.-e.,
 - 5A003.a.,b.,
 - 6A001.a.2.a.1.,

Status: Point in time view as at 31/12/2019.

*Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 428/2009, ANNEX IIc. (See end of Document for details)*

- 6A001.a.2.a.5.,
- 6A002.a.1.c.,
- 8A001.b.,
- 8A001.d.,
- 9A011.

Part 2 — This authorisation is valid throughout the Union for exports to the following destinations:

Destinations

Albania
 Argentina
 Bosnia and Herzegovina
 Brazil
 Chile
 China (including Hong Kong and Macao)
 Croatia
 French Overseas Territories
 Iceland
 India
 Kazakhstan
 Mexico
 Montenegro
 Morocco
 Republic of North Macedonia, the
 Russia
 Serbia
 Singapore
 South Africa
 South Korea
 Tunisia
 Turkey
 Ukraine
 United Arab Emirates

Part 3 — 1.

Conditions and requirements for use This authorisation can only be used when the initial export has taken place under a Union General Export Authorisation or an initial export authorisation has been granted by the competent authorities of the Member State where the original exporter was established for the export of the items which have subsequently been reimported into the customs territory of the European Union for the purposes of maintenance, repair or replacement. This authorisation is valid only for exports to the original end-user.

2. This authorisation does not authorise the export of items where:

- (1) the exporter has been informed by the competent authorities of the Member State in which he is established as defined in Article 9(6) of this Regulation that the items in question are or may be intended, in their entirety or in part,

Status: Point in time view as at 31/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EC) No 428/2009, ANNEX IIc. (See end of Document for details)

- (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 as defined in Article 4(2) of this Regulation where 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 or a decision of the Organisation for Security and Cooperation in Europe or an arms embargo 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 breach of an authorisation prescribed by the national legislation of that Member State;
 - (2) 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) the relevant items are exported to a customs-free zone or a free warehouse which is located in a destination covered by this authorisation;
 - (4) the initial authorisation has been annulled, suspended, modified or revoked;
 - (5) the exporter, under his obligation to exercise due diligence, is aware that the end-use of the items in question is different from that specified in the original export authorisation.
3. On exportation of any of the items pursuant to this authorisation, exporters must:
- (1) mention the reference number of the initial export authorisation in the export declaration to customs together with the name of the Member State that granted the authorisation, the EU reference number X002 and specify that the items are being exported under Union General Export Authorisation EU003 in box 44 of the Single Administrative Document;
 - (2) provide customs officers, if so requested, with documentary evidence of the date of importation of the items into the Union, of any maintenance, repair or replacement of the items carried out in the Union and of the fact that the items are being returned to the end-user and the country from which they were imported into the Union.
4. Any exporter who uses this authorisation must notify the competent authorities of the Member State where he is established of the first use of this authorisation no later than 30 days after the date when the first export took place or, alternatively, and in accordance with a requirement by the competent authority of the Member State where the exporter is established, prior to the first use of this authorisation. Member States shall notify the Commission of the notification mechanism chosen for this authorisation. The Commission shall publish the information notified to it in the C series of the *Official Journal of the European Union*.

Reporting requirements attached to the use of this authorisation and additional information that the Member State from which the export is made might require on items exported under this authorisation are defined by Member States.

Status: Point in time view as at 31/12/2019.

*Changes to legislation: There are currently no known outstanding effects for the
Council Regulation (EC) No 428/2009, ANNEX IIc. (See end of Document for details)*

A Member State may require the exporter established in that Member State to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the competent authorities to the exporter without delay and in any case within 10 working days of receipt, subject to Article 9(1) of this Regulation.

Where applicable the requirements set out in the second and third subparagraphs shall be based on those defined for the use of national general export authorisations granted by those Member States which provide for such authorisations.

5. This authorisation covers items for ‘repair’, ‘replacement’ and ‘maintenance’. This may involve coincidental improvement on the original goods, e.g. resulting from the use of modern spare parts or from use of a later built standard for reliability or safety reasons, provided that this does not result in any enhancement to the functional capability of the items or provide the items with new or additional functions.]

Status:

Point in time view as at 31/12/2019.

Changes to legislation:

There are currently no known outstanding effects for the Council Regulation (EC) No 428/2009, ANNEX IIc.