STATUTORY INSTRUMENTS

2003 No. 2764

Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003

PART I

CONTROLS ON THE EXPORT OF GOODS

Export of military and certain other goods

3.—(1) Subject to the provisions of this Order, goods of a description specified in Schedule 1 to this Order are prohibited to be exported to any destination.

(2) Paragraph (1) does not prohibit the exportation of any goods in relation to which a licence in writing has been granted by the Secretary of State, provided that all conditions attaching to the licence are complied with.

(3) Subject to the provisions of this Order, or any contrary provisions in a licence, a licence granted by the Secretary of State in relation to any goods specified in Schedule 1 shall also authorise the exportation or transfer of the minimum technology required for the installation, operation, maintenance and repair of the goods to the same destination as the goods.

Export of dual-use goods and end-use control

4.—(1) Subject to the provisions of this Order, goods of a description specified in Schedule 2 to this Order are prohibited to be exported to the destinations specified in that Schedule as being prohibited destinations in relation to those goods.

(2) Subject to the provisions of this Order—

    (a) goods specified in Annex I but not in Annex IV to the Regulation;

    (b) goods of a description specified in Schedule 2 to this Order; or

    (c) goods not specified in Annex I to the Regulation or Schedule 2 to this Order but for the exportation of which from the European Community an authorisation is required pursuant to:

      (i) Article 4(1) of the Regulation; or

      (ii) Article 4(2), (3) or (4) of the Regulation,

are prohibited to be exported to any destination in any Member State where the exporter knows at the time of exportation that the final destination of such goods is outside the European Community and no processing or working is to be performed on those goods in any Member State to which they are to be exported.

(3) Subject to the provisions of this Order, dual-use goods not listed in Annex I of the Regulation, which the exporter has grounds for suspecting are or may be intended, in their entirety or in part, for any relevant use, are prohibited to be exported to any destination outside the European Community, unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that they will not be so used.

(4) Subject to the provisions of this Order, goods of a description specified in Annex I to the Regulation, which are goods in transit, are prohibited to be exported to any destination.

(5) Subject to the provisions of this Order, paragraphs (1), (2), (3) and (4) do not prohibit the exportation of any goods in relation to which a licence in writing has been granted by the Secretary of State, provided that all conditions attaching to the licence are complied with.

End-use control and goods in transit

5.—(1) Subject to the provisions of this Order, goods which are goods in transit are prohibited to be exported to any destination where—

(a) the exporter (or, if the exporter is not within the United Kingdom, any agent of the exporter within the United Kingdom concerned in the exportation or intended exportation) has been informed by a competent authority that such goods are or may be intended, in their entirety or in part, for any relevant use; or

(b) the exporter is aware that such goods are intended, in their entirety or in part, for any relevant use; or

(c) the exporter has grounds for suspecting that such goods are or may be intended, in their entirety or in part, for any relevant use, unless the exporter has made all reasonable enquires as to their proposed use and is satisfied that they will not be so used.

(2) Subject to the provisions of this Order, paragraph (1) does not prohibit the exportation of any goods in relation to which a licence in writing has been granted by the Secretary of State, provided that all conditions attaching to the licence are complied with.