

TRANSHIPMENT LICENCE

Open General Transhipment Licence (Dual-Use Goods: Hong Kong Special Administrative Region) dated 13 June 2012 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 2 and 5(1) of the Import of Goods (Control) Order 1954^(a) ("the Imports Order"), and now vested in him^(b), and of his powers under Articles 26 of the Export Control Order 2008^(c) ("the Exports Order") hereby grants the following Open General Transhipment Licence:

Interpretation

1. In this Licence, unless the context otherwise requires:
 - (1) "controlled dual-use goods" means goods specified in Annex I to Council Regulation (EC) No. 428/2009^(d) or Schedule 3 to the Exports Order and technology which includes any information relating to any such goods;
 - (2) "importation" and "exportation" mean respectively importation into and exportation from the United Kingdom;
 - (3) "transhipment" means the transit through the United Kingdom or transhipment of imported goods with a view to the re-exportation, whether or not they remain on board an aircraft or ship for the

(a) S.I. 1954/23; as amended

(b) See S.I. 1970/1537

(c) S.I. 2008/3231; as amended

(d) O.J. L159 30.6.2000, p1., as amended

period that they remain in the United Kingdom or are goods on a through air waybill or through bill of lading;

- (4) any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002^(e) or the Exports Order.

Importation of goods for transshipment and subsequent exportation

2. Subject to the following provisions of this Licence, this Licence authorises the importation for transshipment and the subsequent exportation of any controlled dual-use goods to any destination in Hong Kong Special Administrative Region.

Limitations of Licence

3. This Licence does not authorise the exportation of -

- (1) any goods specified in Schedule hereto;
- (2) any dual-use items which are not goods in transit within the meaning of Article 2(7) of the Council Regulation (EC) No. 428/2009; or

- (a) any goods in respect of which -

- (a) the exporter has been informed by a competent authority of a Member State where he is established that they are or may be intended, in their entirety or in part, for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or

(e) 2002 c.28

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; or

(b) the exporter is aware that they are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (a) above; or

(c) the exporter has grounds for suspecting that they are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (a) above unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be so used; or

(4) any goods specified in Schedules 1, 2 or 3 to the Annex on Chemicals annexed to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction signed at Paris on 13th January 1993^(f)."

4. This Licence does not authorise the importation of any goods the exportation of which is not authorised by this Licence.

Conditions

5. The authority in paragraph 2 above is subject to the following conditions:

(1) the goods shall be exported within 30 days of importation, or such longer period as the Commissioners of Customs and Excise may permit; and

- (2) official and commercial documentation accompanying unrestricted goods from the Channel Islands shall include a copy of the export licence authorising their exportation from the Channel Islands.
6. The requirements of article 28 of the Exports Order **shall not** apply to an export under this Licence.

Prohibitions not affected by this Licence

7. Nothing in this Licence affect any prohibition or restriction on the importation or exportation or the carrying out of any act with respect of the importation and 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 is issued, as set out in the licence itself.

Entry into Force

8. This Licence shall come into force on 15 June 2012.

Revocation

9. The Open General Transhipment Licence (Dual-Use Goods: Hong Kong Special Administrative Region) dated 18 March 2009 is hereby revoked.

***An Official of the Department for Business,
Enterprise and Regulatory Reform authorised
to act on behalf of the Secretary of State***

SCHEDULE

GOODS CONCERNED

Goods specified in Annex I to Council Regulation (EC) No. 428/2009 or Schedule 3 of the Exports Order:

All entries in Category 0

1 A004.d

1A006

1A007

1A008

1A102

1B226

1B231

1B233

1C001

1C012

1C101

1C233

1C235

1C239

1C350.1-3, 5-9, 11-13, 17-19, 21-22, 26-28, 30-36, 38, 46, 51-52, 54-57, 59 and 63

1C351.d.4 and d.5

1C450

1D003

1D103

1E001

1E002.g

1E101

1E102

1E201

3A001 b.10

3A001.i

3A001.g.1

3A201

3A228

3A229

3A231

3A232

3E201

5A001.h

All entries in Category 5 (Part 2 – Information Security)

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
6A005.g
6A008.j.3
6A203
6A225
6A226
6B008
6B108
6D003.a
6D003.c
6E201

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

7D101 Software specially designed for the use of equipment specified in 7B003 or 7B103.

7E001 Technology for the development of equipment or software specified in 7A117, 7B003, 7B103 or 7D101.

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.o.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
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.

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., 9B115, 9B116 and 9D101.

9E002 Technology for the production of equipment specified in 9A004, 9A005, 9A007.a., 9A008.d., 9B115 and 9B116.

9E101 Technology for the development or production of equipment specified in 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116 or 9A119.

9E102 Technology for the use of items specified in 9A004, 9A005, 9A007.a., 9A008.d., 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116, 9A119, 9B115, 9B116 or 9D101.

or

in Schedule 3 in either of the following entries: PL9002 or PL9003.

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Transhipment Licence has been amended as a result of Council Regulation (EU) No 388/2012 which amends Council Regulation (EC) No 428/2009 (the EU Dual-Use Regulation). The amending Council Regulation is dated 19 April 2012 and was published in the Official Journal of the European Union (OJ L 129, 16.5.2012) on 16 May 2012. It comes into force 30 days after publication, on 15 June 2012. The amendments include:
 - addition of control list entry codes to Schedule: Goods Concerned – 1A004.d, 1A008, 1D003, 1E002.g, 3A001.b.10, 3A001.h, 5A001.h, 6A001.a.1.a, 6A005.g, 6A008.j.3, 6D003.g, 8A002.f
2. This Licence permits subject to certain limitations, the importation for transhipment and subsequent exportation of controlled goods not in the Schedule to any destination in Hong Kong Special Administrative Region. The licence does not cover exports for purposes connected with nuclear, chemical or biological weapons or missiles for such weapons^(g).
3. This authorisation is subject to certain conditions including that the goods are exported within 30 days of importation, or such longer period as Customs may permit.
4. This Licence does not extend to any prohibition under legislation other than the Import of Goods (Control) Order 1954 or the Export Control Order 2008; in particular it does not extend to other legislation implementing United Nations sanctions or controlling the export of dual-use items.

(g) Exporters are advised that items covered by this licence are subject to HKSAR import licensing requirements. Exporters should request a copy of the relevant HKSAR import licence for verification. The Hong Kong system requires importers in Hong Kong to submit an end-use undertaking for all imports of dual-use items.