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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 16.12.2008
COM(2008) 854 final

2008/0249 (ACC)

Proposal for a

COUNCIL REGULATION

**amending Regulation (EC) No 1334/2000 setting up a Community regime for the control
of exports of dual-use items and technology**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Dual-use items (including software and technology) are civil items which can be used for military purposes. They are subject to control when they are to be exported from the European Union. These controls are designed in particular to prevent the proliferation of weapons of mass destruction. In particular, they meet the objectives set by United Nations Security Council Resolution 1540, as adopted in April 2004.

To ensure that such control is fully effective and complies with Member States' commitments at multilateral level, authorisation is required under Article 3 of Regulation (EC) No 1334/2000 for export of the dual-use items listed in Annex I.

There are four types of export authorisations referred to in Article 6 of Regulation (EC) No 1334/2000. First, Community General Export Authorisation (CGEA) No EU001, as referred to in Article 6 of Regulation 1334/2000, covers most of the exports of controlled items to seven countries (United States of America, Canada, Japan, Australia, New Zealand, Switzerland and Norway). Second, for all other exports for which an authorisation is required under the Regulation, it leaves to the *national* authorities the final decision as to whether to grant a national general, global or individual export licence (Article 6(2)).

National general export authorisations are created by individual EU Member States and are valid in principle across the EU. However, in spite of the requirements of Articles 15 and 20 of Regulation (EC) No 1334/2000, there is a lack of transparency across Member States regarding both the scope and conditions of use of national general export authorisations and the list of exporters denied access to national general export authorisations. As a result, the chances of infringement of the Regulation are significant. This leads to regulatory treatment of certain exports that benefits businesses established in one Member State at least partly at the expense of businesses established in and national security interests of other Member States, and is not in the best interests of the Community as a whole. The discrepancy between national authorisations is particularly difficult to manage for companies established in several Member States. Third countries and the private sector have questioned the current situation that permits such divergent practices for the same exports.

In December 2006, the Commission thus put forward the creation of new Community Export Authorisations (COM(2006)828) in a bid to simplify the current legal system, enhance the EU industry's competitiveness and establish a level playing field for all EU exporters when they export certain items to certain destinations.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

Since this initiative requires “**narrow**” **legislative action** in the field of dual-use export controls, which is unlikely to have significant impact beyond the dual-use goods regime, targeted consultation of Member States' licensing officers was conducted within the framework of the sub-group on new CGEAs of the Working Party on Dual-Use Goods

established by the German Presidency in response to the Commission's afore-mentioned initiative, which met for the first time on 20 March 2007.

This initiative does not create new administrative burdens for companies, as it would allow the export of specified controlled items by any exporter established in any Member State without an administrative obligation to apply for an authorisation before the export takes place (individual or global authorisation) provided the shipment and destinations are eligible and the conditions are met. The objective is to provide exporters with a more comprehensive instrument than national authorisations — valid throughout the European Union.

Since there is no direct correlation between Commodity Codes and goods described in the Dual-Use Control, only very limited statistics are available, and thus it proved impossible to measure the exact impact. However, it is clear that the initiative will have a positive operational impact on exporters, that there will be no negative impact at EU level and that this narrow legislative initiative would have no far-reaching economic, social or environmental impact beyond the dual-use goods regime.

Nonetheless, the draft proposal is quite broad in scope — as it covers most of what is presently covered by national general export authorisations in the 7 Member States that apply such authorisations (namely, UK, Germany, France, Sweden, Netherlands, Italy, and Greece). Indeed, EU action in this area will only have added value if the resulting scope of EU legislation covers at least a substantial part of the scope of existing national general export authorisations.

Based on discussions within the sub-group on new CGEAs of the Working Party on Dual-Use Goods, which continued its work under the Portuguese Presidency, the Commission can now present to the Council a proposal for new Community General Authorisations for certain non-sensitive dual-use items to certain non-sensitive countries. The draft proposal covers six new CGEAs. Compared to the preferences expressed by the Working Party sub-group on new CGEAs, this proposal has added a number of countries and items and made a number of changes to the conditions of use of the authorisations.

Commission proposal

In the light of the above, six new Annexes should be added to Regulation (EC) No 1334/2000 and Articles 6 and 7 amended accordingly.

Proposal for a

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amending Regulation (EC) No 1334/2000 setting up a Community regime for the control of exports of dual-use items and technology

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 thereof,

Having regard to the proposal from the Commission,

Whereas:

- (1) Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology¹ requires dual-use items (including software and technology) to be subject to effective control when they are exported from the Community.
- (2) It is desirable to achieve uniform and consistent application of controls throughout the Community in order to avoid unfair competition among Community exporters and ensure efficiency of the security controls in the Community.
- (3) In its Communication of 18 December 2006², the Commission put forward the idea of the creation of new Community General Export Authorisations in a bid to simplify the current legal system, enhance the industry's competitiveness and establish a level playing field for all Community exporters when they export certain items to certain destinations.
- (4) In order to create new Community General Export Authorisations for certain non-sensitive dual-use items to certain non-sensitive countries, the relevant provisions of Regulation (EC) No 1334/2000 need to be amended by the addition of new Annexes.
- (5) The competent authorities of the Member State where the exporter is established should be provided with the possibility of not permitting the use of the Community General Export Authorisations foreseen in this Regulation where the exporter has been sanctioned of an export-related offence punishable by the withdrawal of the right to use these authorisations.

¹ OJ L 159, 30.6.2000, p. 1.

² COM (2006) 828 final.

- (6) Regulation (EC) No 1334/2000 should therefore be amended accordingly,
HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1334/2000 is amended as follows:

- (1) Article 6 is amended as follows:

- (a) Paragraph 1 shall be replaced by the following:

“1. Community general export authorisations for certain exports as set out in Annexes IIa to g are established by this Regulation.

The competent authorities of the Member State where the exporter is established can refuse the use of these authorisations in cases of an exporter who has been sanctioned of an export-related offence punishable by the withdrawal of the right to use these authorisations.

Member States will notify the Commission and the competent authorities of the Member States the names of the national exporters who are banned from using the authorisation and the period during which this ban applies according to the sanction attributed by the national system.”

- (b) Paragraph 3 is replaced by the following:

“3. Items listed in Annex IIh shall not be included in a general authorisation.”

- (2) In Article 7(1), the first sentence is replaced by the following:

“1. Where dual-use items for which an application has been made for an individual export authorisation to a destination not listed in Annex IIa or to any destination where dual-use items listed in Annex IV are or will be located in one or more Member States other than the one where the application has been made, that fact shall be indicated in the application.”

- (3) The Annexes are amended as follows:

- (a) Annex II is renumbered as Annex IIa and is amended as follows:

- (i) Part 1, paragraph 2, is replaced by the following:

“All dual-use items specified in any entry in Annex I to this Regulation except those listed in Annex IIh.”

- (ii) Part 2 is deleted.

- (iii) Part 3 is renumbered as Part 2.

- (b) Annexes IIb to h, as set out in Annex to this Regulation, are inserted.

Article 2

This Regulation shall enter into force on the thirtieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels,

For the Council
The President

ANNEX

“ANNEX IIb

COMMUNITY GENERAL EXPORT AUTHORISATION No EU002

Low Value Shipments

Issuing authority: European Community

Part 1

1-1) This general export authorisation in accordance with Article 6(1) is valid throughout the Community subject to the following provisions of this authorisation:

Any item specified in any entry in Annex I to this Regulation, except those listed in Part.1.2 below, may be exported from the European Community by any exporter established in any Member State to any destination in any country specified in Part 2 below.

1-2) Excluded items:

- All items specified in Annex IIh to this Regulation,
- All items in categories D and E and items specified in
 - 1A002a
 - 1A004
 - 1C012a
 - 1C227
 - 1C228
 - 1C229
 - 1C230
 - 1C231
 - 1C236
 - 1C237
 - 1C240
 - 1C350
 - 1C450
 - 5A001b5

- 5A002
- 5B002
- 6A001a2a1
- 6A001a2a5
- 6A002a1c
- 6A008l3
- 8A001b
- 8A001d
- 9A011

Part 2 — Countries of destination

This export authorisation is valid for exports to the following destinations:

Argentina	South Africa
Brazil	South Korea
Iceland	Turkey

Part 3 — Conditions and requirements for use of this authorisation

1. Only exporters with Authorised Economic Operator status for security and safety purposes granted by a Member State on the basis of Article 5a of Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code³ (CC), and Articles 14a-14q of Commission Regulation (EEC) No 2454/93 of 2 July 1993⁴ laying down its Implementing Provisions may export items under the authority of this authorisation.
2. This authorisation does not authorise the export of items:
 - (1) where the exporter has been informed by the competent authorities of the Member State in which he is established that the items in question are or may be intended, in their entirety or in part,
 - (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

³ OJ L 302, 19.10.1992, p. 1.

⁴ OJ L 253, 11.10.1993, p. 1.

nuclear explosive devices, or the development, production, maintenance or storage of missiles capable of delivering such weapons,

- (b) for military end-use where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or 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 national military lists 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) where 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); or
 - (3) to a destination within a customs-free zone or to a free warehouse;
 - (4) unless the items exported constitute a low-value shipment.
3. Box 44 in the Single Administrative Document (SAD) shall include a note stating that "These items are being exported under the Community General Export Authorisation No EU002 (Low Value Shipments)".
4. Any exporter who uses this authorisation must:
- (1) inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export;
 - (2) inform the foreign purchaser, before exportation, that the items he plans to export pursuant to this authorisation cannot be re-exported to an ultimate destination in a country which is not a Member State of the European Community or a French overseas collectivity and is not mentioned in Part 2 of this authorisation.
5. For the purposes of this authorisation, "a low-value shipment" means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed €5 000. For this purpose, "value" means the price billed to the consignee; if there is no consignee or determinable price, it is the statistical value.
6. Orders may not be split to meet the value limit.
7. Restriction on annual value of orders. The total value of exports per calendar year from the same exporter to the same ultimate or intermediate consignee of commodities classified under a single entry in Annex I may not exceed 12 times the value limit set in this Community general export authorisation. However, there is no restriction on the number of shipments provided that the value is not exceeded.

COMMUNITY GENERAL EXPORT AUTHORISATION No EU003

Export after Repair / Replacement

Issuing authority: European Community

Part 1 — Items

1-1) This is general export authorisation in accordance with Article 6(1) and covers the following items:

All dual-use items specified in any entry in Annex I except those listed in paragraph 1-2 below:

- a. where the items were imported into the European Community territory for the purpose of maintenance or repair, and are exported to the country of consignment without any changes to their original characteristics, or
- b. where the items are exported to the country of consignment in exchange for items of the same quality and number which were re-imported into the European Community territory for repair or replacement under warranty.

1-2) Items excluded

- a. All items specified in Annex IIh ,
- b. All items in categories D and E and items specified in:
 - 1A002a
 - 1C012a
 - 1C227
 - 1C228
 - 1C229
 - 1C230
 - 1C231
 - 1C236
 - 1C237
 - 1C240
 - 1C350

- 1C450
- 5A001b5
- 5B002. Equipment specially designed for the “development” and/or “production” of equipment or functions specified in 5A002.a.2 to 9, including measuring, test, repair or production equipment
- 6A001a2a1
- 6A001a2a5
- 6A002a1c
- 6A008l3
- 8A001b
- 8A001d
- 9A011

Part 2 — Countries of destination

The export authorisation is valid throughout the Community for exports to the following destinations:

Algeria, Andorra, Antigua and Barbuda, Argentina, Aruba, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Cape Verde, Chile, China, Comoros Islands, Costa Rica, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Falkland Islands, Faroe islands, Fiji, French Guyana, French OT, Gabon, Gambia, Gibraltar, Greenland, Grenada, Guadeloupe, Guam, Guatemala, Ghana, Guinea Bissau, Guyana, Honduras, Hong Kong Special Administrative Region, Iceland, India, Indonesia, Israel, Jordan, Kuwait, Lesotho, Liechtenstein, Macau, Madagascar, Malawi, Malaysia, Maldives, Mali, Martinique, Mauritius, Mexico, Monaco, Montserrat, Morocco, Namibia, Netherlands Antilles, New Caledonia, Nicaragua, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Puerto Rico, Qatar, Russia, Samoa, San Marino, Sao Tome e Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, South Korea, Sri Lanka, St. Helena, St. Kitts and Nevis, St. Vincent, Surinam, Swaziland, Taiwan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turks and Caicos Islands, United Arab Emirates, Uruguay, US Virgin Islands, Vanuatu, Venezuela.

Part 3 — Conditions and requirements for use of this authorisation

1. This general authorisation can only be used when the initial export has taken place under a Community 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 re-imported into the Community Custom territory for the purposes of repair or replacement under warranty, as defined below.

2. This authorisation does not authorise the export of items:
- (1) where the exporter has been informed by the competent authorities of the Member State in which he is established that the items in question are or may be intended, in their entirety or in part,
 - (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 where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or 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) where 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 sub-paragraph (1);
 - (3) where 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) for an essentially identical transaction where the initial authorisation has been revoked.
3. On exportation of any of the goods pursuant to this authorisation, exporters must:
- (1) mention the reference number of the initial export authorisation in the export declaration to the customs together with the name of the Member State that granted the authorisation. This should be mentioned together with the EU reference number of the CGEA 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 goods into the European Community, of any repairs to the goods carried out in the European Community and of the fact that the items are being returned to the person and the country from which they were imported into the European Community.
4. Any exporter who uses this authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date when the first export takes place.

Definitions

5. For the purpose of this authorisation, “repair” means making good any remediable defects, and maintenance or restoration work. This may involve coincidental improvement on the original goods, i.e. resulting from the use of modern replacement components or from use of a later build 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. It may also involve improvements of a purely cosmetic nature, e.g. paint work.
6. For the purpose of this authorisation, “replacement under warranty” does not include any enhancement to the functional capability of the original goods or providing new or additional functions.

ANNEX II d

COMMUNITY GENERAL EXPORT AUTHORISATION No EU004

Temporary Export for Exhibition or Fair

Issuing authority: European Community

Part 1

1. This is general export authorisation in accordance with Article 6(1).
2. Subject to the following provisions of this authorisation, any items specified in any entry in Annex I except those listed in paragraph 3 below may be exported temporarily out of the Community territory for exhibitions or fairs (no longer than three months) and are to be re-imported unchanged into Community territory.
3. Items excluded
 - a. All items specified in Annex IIh,
 - b. All items in categories D and E and items specified in:
 - 1A002a
 - 1B001
 - 1C002.b.4
 - 1C010
 - 1C012.a
 - 1C227
 - 1C228
 - 1C229
 - 1C230
 - 1C231
 - 1C236
 - 1C237
 - 1C240
 - 1C350
 - 1C450

Category 3 — Electronics

- 3A001.a.2, a.5

Category 5 — Telecommunications and information security

- 5A001b5
- 5A002. Except commercial, civil cellular radio base stations not capable of encryption of telecommunications, except via the air interface or for base station operations, administration, maintenance or provisioning functions.
- 5B002. Equipment specially designed for the “development” and/or “production” of equipment or functions specified in 5A002.a.2 to 9, including measuring, test, repair or production equipment.

Category 6 — Sensors and lasers

- 6A001
- 6A002a
- 6A008I3
- 8A001b
- 8A001d
- 9A011

Part 2 — Countries of destination

This export authorisation is valid throughout the Community for exports to the following destinations:

Argentina
Bahrain
Bolivia
Brazil
Brunei
Chile
China
Ecuador

Egypt
Hong Kong Special Administrative Region
Iceland
Jordan
Kuwait
Malaysia
Mauritius
Mexico
Morocco
Oman
Philippines
Qatar
Russia
Saudi Arabia
Singapore
South Africa
South Korea
Tunisia
Turkey
Ukraine

Part 3 — Conditions and requirements for use of this authorisation

1. This general authorisation does not authorise the export of items:
 - (1) where the exporter has been informed by the competent authorities of the Member State in which he is established that they are or may be intended, in their entirety or in part,

- (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 where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or 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) where 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 Articles 4(1) and 4(2);
 - (3) where 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) where the exporter has been informed by a competent authority, or is otherwise aware (e.g. from information received from the manufacturer), that the items in question have been classified by the competent authority as having a protective marking of CONFIDENTIEL UE or above or an equivalent national security classification marking, as appropriate.
- 2. Box 44 in the Single Administrative Document (SAD) shall include a note stating that "These items are being exported under the Community General Export Authorisation No EU004 (Temporary Export for Exhibition or Fair)".
 - 3. Any exporter who uses this general authorisation must notify the competent authorities of the Member State where he is established (as defined in Article 6(6)) of the first use of this authorisation no later than 30 days after the date when the first export takes place.

Interpretation

- 4. For the purpose of this authorisation, "exhibition" means any trade or industrial exhibition, fair or similar public show or display which is not organised for private purposes in shops or business premises with a view to the sale of foreign products, during which the products remain under customs control.

ANNEX IIe

COMMUNITY GENERAL EXPORT AUTHORISATION No EU005

Computers and related equipment

Issuing authority: European Community

Part 1

This export authorisation is in accordance with Article 6(1) and covers the following items in Annex I:

1. Digital computers specified in 4A003a or 4A003b, where the computers do not exceed an “Adjusted Peak Performance” (“APP”) greater than 0.8 Weighted TeraFLOPS (WT).
2. Electronic assemblies specified in 4A003c, specially designed or modified to enhance performance by aggregation of processors so that an “Adjusted Peak Performance” (“APP”) of the aggregation greater than 0.8 Weighted TeraFLOPS (WT) is not exceeded.
3. Spare parts, including microprocessors for the above-mentioned equipment, where they are exclusively specified in 4A003a, 4A003b or 4A003c and do not enhance performance of the equipment beyond an “Adjusted Peak Performance” (“APP”) greater than 0.8 Weighted TeraFLOPS (WT).
4. Items described in entries 3A001.a.5, 4A003.e, 4A003.g.

Part 2 — Countries of destination

The export authorisation is valid throughout the Community for exports to the following destinations:

Algeria, Andorra, Antigua and Barbuda, Argentina, Aruba, Bahamas, Bahrain, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Cape Verde, Chile, Comoros Islands, Costa Rica, Croatia, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Falkland Islands, Faroe islands, Fiji, French Guyana, French OT, Gabon, Gambia, Gibraltar, Greenland, Grenada, Guadeloupe, Guam, Guatemala, Ghana, Guinea Bissau, Guyana, Honduras, Hong Kong SAR, Iceland, India, Jordan, Kuwait, Lesotho, Liechtenstein, Madagascar, Malawi, Malaysia, Maldives, Mali, Martinique, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montserrat, Morocco, Namibia, Netherlands Antilles, New Caledonia, Nicaragua, Niger, Oman, Panama, Papua New Guinea, Peru, Philippines, Puerto Rico, Qatar, Russia, Samoa, San Marino, Sao Tome e Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Solomon Islands, South Africa, South Korea, St. Helena, St. Kitts and Nevis, St. Vincent, Surinam, Swaziland, Togo, Trinidad and Tobago, Tunisia, Turkey, Turks and Caicos Islands, UAE, Ukraine, Uruguay, US Virgin Islands, Vanuatu.

Part 3 — Conditions and requirements for use of this authorisation

1. This authorisation does not authorise the export of items:
 - (1) where the exporter has been informed by the competent authorities of the Member State in which he is established that they are or may be intended, in their entirety or in part,
 - (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 where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or 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) where 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 Articles 4(1) and 4(2);
 - (3) where the relevant items are exported to a customs-free zone or a free warehouse which is located in a destination covered by this authorisation.
2. Any exporter who uses this authorisation must:
 - (1) inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export;
 - (2) inform the foreign purchaser, before exportation, that the items he plans to export pursuant to this authorisation cannot be re-exported to an ultimate destination in a country which is not a Member State of the European Community or a French overseas collectivity and is not mentioned in Part 2 of this authorisation.

ANNEX II

COMMUNITY GENERAL EXPORT AUTHORISATION No EU006

Telecommunications and Information Security

Issuing authority: European Community

Part 1 Items

This export authorisation is in accordance with Article 6(1) and covers the following items in Annex I:

1. The following items of Category 5 Part I:
 - (a) Items, including specially designed or developed components and accessories therefor specified in 5A001b No 2 and 5A001c and d.
 - (b) Items specified in 5B001 and 5D001, where test, inspection and production equipment is concerned and software for items mentioned under a).
2. Technology controlled by 5E001a, where required for the installation, operation, maintenance or repair of items specified under 1 and intended for the same final consignee.
3. Items, including specially designed or developed components and accessories therefor specified in Category 5 Part 2 A to D (Information Security), as follows:
 - (a) items specified in the following entries unless their cryptographic functions have been designed or modified for government end-users within the European Community:
 - 5A002a1;
 - software in entry 5D002c1 having the characteristics, or performing or simulating the functions, of equipment in entry 5A002a1;
 - (b) equipment specified in 5B002 for items referred to under a) ;
 - (c) software as part of equipment whose features or functions are specified under b).
4. Technology for the use of goods specified in 3a) to 3c).

Part 2 — Countries of destination

This export authorisation is valid throughout the Community for exports to the following destinations:

Argentina

Croatia

Russia

South Africa

South Korea

Turkey

Ukraine

Part 3 — Conditions and requirements for use of this authorisation

1. This authorisation does not authorise the export of items:
 - (1) where the exporter has been informed by the competent authorities of the Member State in which he is established that they are or may be intended, in their entirety or in part,
 - (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 where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or 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) where 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 Articles 4(1) and 4(2).
2. This authorisation may not be used where the relevant items are exported to a customs-free zone or a free warehouse which is located in a destination covered by this authorisation.
3. Any exporter who uses this authorisation must:

- (1) inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export;
- (2) inform the foreign purchaser, before exportation, that the items he plans to export pursuant to this authorisation cannot be re-exported to an ultimate destination in a country which is not a Member State of the European Community or a French overseas collectivity and is not mentioned in Part 2 of this authorisation.

Definition

4. A government end-user is any central, regional or local government department, agency or other entity performing governmental functions within the European Community.

COMMUNITY GENERAL EXPORT AUTHORISATION No EU007

Chemicals

Part 1 — Items

This export authorisation is in accordance with Article 6(1) and covers items included in entries 1C350 (excluding headings 4, 23 and 29) and 1C450 (excluding heading a.3) of Annex I.

Part 2 — Countries of destination

The Authorisation is valid throughout the Community for exports to the following destinations:

Argentina; Bangladesh, Belize, Benin, Bolivia, Brazil; Cameroun, Chile; Cook Island, Costa Rica; Dominica, Ecuador, El Salvador, Fiji, Georgia, Guatemala, Guyana, India, Lesotho, Maldives, Mauritius, Mexico, Namibia, Nicaragua, Oman, Panama, Paraguay, Russia, St Lucia, Seychelles, Peru, Sri Lanka, South Africa; Swaziland, Turkey; Uruguay, Ukraine; Republic of Korea.

Part 3 — Conditions of use

1. This Authorisation does not authorise the export of items:
 - (1) where the exporter has been informed by the competent authorities of the Member State in which he is established that they are or may be intended, in their entirety or in part,
 - (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 where the purchasing country or country of destination is subject to an arms embargo imposed by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or 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) where 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 Articles 4(1) and 4(2).
- 2. This authorisation may not be used when the relevant items are exported to a customs-free zone or a free warehouse which is located in a destination covered by this authorisation.
- 3. No shipment shall contain more than 20kg of any of the following entries in Annex I to this Regulation:

1C350 headings 3, 5-8, 11-13, 17-19, 21-22, 26-28, 30-36, 38, 46, 51-52 and 54.
- 4. Any exporter who uses this authorisation must:
 - (1) inform the competent authorities of the Member State where he is established (as defined in Article 6(6)) of first use of the authorisation no later than 30 days after the date of first export;
 - (2) inform the foreign purchaser, before exportation, that the items he plans to export pursuant to this authorisation cannot be re-exported to an ultimate destination in a country which is not a Member State of the European Community or a French overseas collectivity and is not mentioned in Part 2 of this authorisation.
- 5. Any exporter who intends to use this authorisation has to register prior to the first shipment and designate the person or service in the company responsible for compliance with the scope and conditions of use of this authorisation.
- 6. Any exporter who has shipped more than 100kg of the items mentioned in Part 3.3 to the same end-user must report the situation to their national competent authorities that shall take decisions regarding the use of this authorisation for future shipments to that end-user.

ANNEX IIIh

(List referred to in Article 6(3) of and Annexes IIa to IId)

The entries do not always provide a complete description of the items and the related notes in Annex I. Only Annex I provides a complete description of the items.

The mention of an item in this Annex does not affect the application of the General Software Note (GSN) in Annex I.

- All items specified in Annex IV.
- 0C001 "Natural uranium" or "depleted uranium" or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing.
- 0C002 "Special fissile materials" other than those specified in Annex IV.
- 0D001 "Software" specially designed or modified for the "development", "production" or "use" of goods specified in Category 0, insofar as it relates to 0C001 or to those items of 0C002 that are excluded from Annex IV.
- 0E001 "Technology" in accordance with the Nuclear Technology Note for the "development", "production" or "use" of goods specified in Category 0, insofar as it relates to 0C001 or to those items of 0C002 that are excluded from Annex IV.
- 1A102 Resaturated pyrolysed carbon-carbon components designed for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.
- 1C351 Human pathogens, zoonoses and "toxins".
- 1C352 Animal pathogens.
- 1C353 Genetic elements and genetically modified organisms.
- 1C354 Plant pathogens.
- 7E104 "Technology" for the integration of flight control, guidance and propulsion data into a flight management system for optimisation of rocket system trajectory.
- 9A009.a. Hybrid rocket propulsion systems with total impulse capacity exceeding 1.1 MNs.
- 9A117 Staging mechanisms, separation mechanisms and interstages usable in "missiles".