



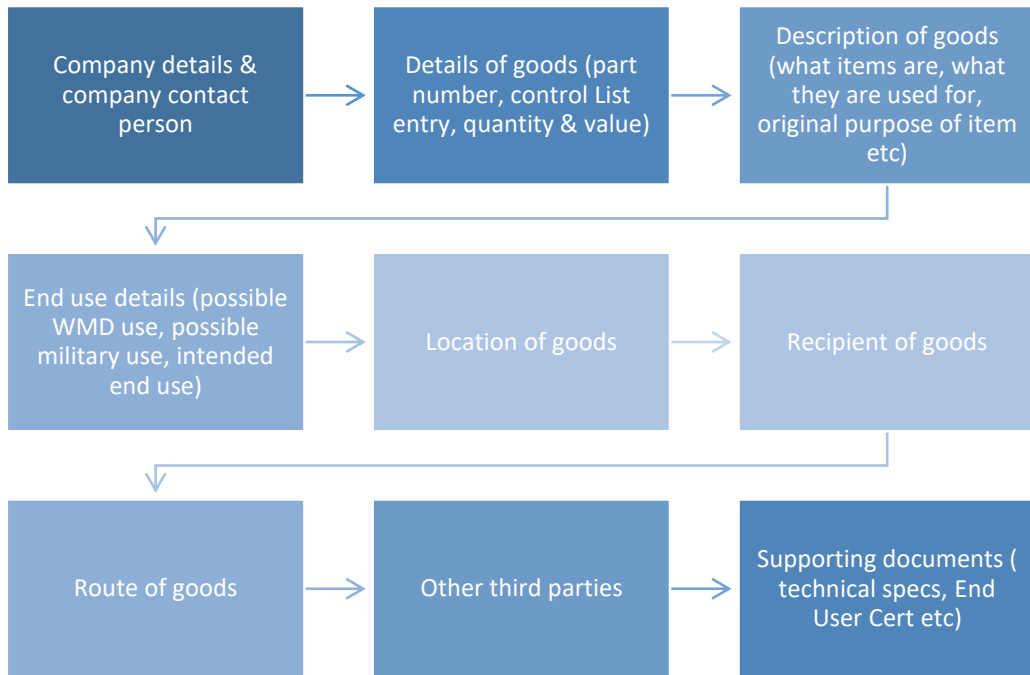
# Export Control in English

**A language training course book for both self-study and trainer led courses**

**Joe Farha & Mike Hicks**

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# 5. The Licensing Process



**Examine** the above sections you are required to complete in the United Kingdom’s Department of Business, Innovation and Skills export licensing software tool “SPIRE”.

**Discuss** the similarities and differences to your own countries procedure when applying for a licence.

1. Does your country’s government have a similar software tool to Spire?
2. What are the different sections that you need to fill in?
3. What kind of information does each section ask for?
4. What causes the most amount of work for you in your position?

**Think** of each section of a standard licence application for your country. **Write** down one question that is in each section.

Section	Question

5.1 **Match up** the halves of the sentences.

- A Please provide details of the goods, software
- B If any of the items are components
- C Have you been granted approval
- D Are the items, in their entirety or in part
- E Please describe in detail the intended
- F Will the export be used overseas in the
- G From which country do you
- H Please provide details of
- I Will the goods be shipped on a
- J Enter details of any third
- K Upload any relevant documentation to

- to proceed with marketing activity in respect to the item?
- for use in connection with chemical weapons?
- complied with any relevant export limitations?
- you should describe the function and purpose.
- the consignee and end user (if different).
- or technology you are proposing to export
- production of other items
- through air waybill or bill of lading?
- parties and their role in this transaction.
- support your application.
- end use of the items.

5.2 **Now Match** the above sentences to the categories that you think they belong to (some categories have more than one answer).

- 1. Details of items (control list No.) \_\_\_\_\_
- 2. Description of goods (original purpose of item) \_\_\_\_\_
- 3. End use details (possible WMD, military use, intended end use) \_\_\_\_\_
- 4. Location of goods \_\_\_\_\_
- 5. Recipient of goods \_\_\_\_\_
- 6. Route of goods \_\_\_\_\_
- 7. Other third parties involved \_\_\_\_\_
- 8. Supporting documents \_\_\_\_\_
- 9. Promotion Approvals \_\_\_\_\_

**5.3** The following text excerpts are taken from the Australian Department of Defence Defence Export Control Office' "Application to Export Controlled Goods and Technology" document.

**Read** the texts and **fill in** gaps the using words from the boxes.

on behalf of undertaken	to enable technical attributes	nominated contact circumstances	require
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\_\_\_\_\_ DECO to seek further information during the assessment process, you must include details of a \_\_\_\_\_ person. This person should be able to discuss the \_\_\_\_\_ of the items of technology, and other details of the application.

In some \_\_\_\_\_, exports are \_\_\_\_\_ by someone \_\_\_\_\_ the person who owns the goods. If you are not the owner of the goods or technology we \_\_\_\_\_ you to give us information about who owns the items being exported.

in-principle	opportunities	sanctioned destination granted	tender
renew	export control assessment		

You should tell us if the application will involve the export or supply of items to a \_\_\_\_\_, or entity.

What is the purpose of this application? Do you want to:

- Apply for a permission
- Apply for an \_\_\_\_\_, of goods or technology
- Seek an \_\_\_\_\_, approval assessment
- Apply to export or supply items that have previously been \_\_\_\_\_, in-principle approval assessment
- \_\_\_\_\_ a permission, export assessment or in-principle approval assessment

If are you seeking an in-principle approval assessment, why do you require the assessment. eg responding to a \_\_\_\_\_, or seeking marketing \_\_\_\_\_?

subsequent integration	evaluation on-sold	expiration collaboration	manufacturer temporary
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Select the option which best describes why the goods or technology will be exported or supplied.

- For use by the consignee or end user
- To be \_\_\_\_\_, by a distributor or retailer
- \_\_\_\_\_, basis - demonstration exhibit
- Being returned to the Original Equipment \_\_\_\_\_, or their agent (includes for repair, at the expiration of the original equipment, the \_\_\_\_\_ of a foreign Government temporary export licence)
- Expiration of a foreign Government temporary export licence
- Being returned to the owner after repair, modification, demonstration or exhibition in Australia
- For \_\_\_\_\_, into a larger assembly and \_\_\_\_\_, return to Australia
- For \_\_\_\_\_, testing
- Academic research or \_\_\_\_\_.

actual accurately	submitted delayed	quantity applicable	abbreviations brochures
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- Where \_\_\_\_\_ you must include details of the make, model, Serial number, NATO Stock Number, \_\_\_\_\_, unit of measure and value. If these details are not provided, the assessment may be \_\_\_\_\_.
- For technology the information should \_\_\_\_\_ describe the \_\_\_\_\_ technology that is being supplied in as much detail as possible.
- You should avoid the use of initials, acronyms or \_\_\_\_\_.
- Where additional information, such as \_\_\_\_\_, or technical specifications, explain the design features or capabilities of the items, these should be \_\_\_\_\_ as attachments to the application.

import permission intend	receiving foreign	repair order conduct	armed force consider
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To \_\_\_\_\_ our assessment of your application, we need to understand what you know about the parties who will be \_\_\_\_\_ the goods and technology, and how they \_\_\_\_\_ to use them.

If your application includes the export of goods or technology, you should submit an applicable End-Use Certificate, Statement by Ultimate Consignee or Purchaser, \_\_\_\_\_ issued by the foreign government, Work Order, \_\_\_\_\_ or Purchase Order.

**5.5** Again using the previous 6 exercises, **decide if the following sentences are true or false.**

1. Details of the goods' owner must always be included in the application. True / false
2. If you have already received an in-principal approval assessment, you do not need to apply for a licence. True / false
3. You require a licence to export if you are answering a call to tender. True / false
4. If you are an OEM, and have repaired an item from a customer, you do not require a licence to return it to the customer. True / false
5. To save space on the application it is recommended to use abbreviations and acronyms. True / false
6. It is best to send technical specifications and brochures in a separate email. True / false
7. You are expected to provide detailed information about who will use the items and how the items will be used. True / false
8. You need to show proof you have been given permission by certain third party countries to re-export goods produced in those countries. True / false

**Think** of one of your own products that may be exported and complete the export licensing application form below.

Export Licensing Application Portal		Page 1
<b>Person Details:</b>		
Title _____	Forename _____	Middle Initial _____ Surname _____
Job Title _____		
Address _____		
Country _____	Email Address 1 _____	
Telephone No. _____		
<b>Organisation Details:</b>		
Organisation Name _____		
Nature of Business _____		
Website Address 1 _____		
<b>General Goods Description:</b>		
Please provide details of the goods, software or technology you are proposing to export		
_____		
_____		
_____		
_____		

**Further Details on the Items, their Use and Original Design Intent:**

In the space below you should explain what the items are, what they are for and, in all cases, the purpose for which they were originally designed. Identify those items that are general purpose (i.e. designed for no specific equipment) with an explanation making it clear why this is so. If any of the items are components, you should briefly describe the function and purpose of the equipment/systems for which they are components (fuller details of the equipment/system may be added as may be added as supporting technical documentation.)

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**Intended End Use:**

Please describe in detail the intended end use of the items. Please describe in detail the intended end use of the items. Please include any details of products manufactures, maintained or repaired using the goods exported.

Is the proposed export for use in relation to the production overseas of other items?

Yes/No

If so, please give a full description of the items to be produced, and their intended end use.

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**Goods Location**

Please tell us from which country you intend to export the goods. When applying for an export licence the goods will normally be located in the UK, but for Annex I dual-use goods they may be located in another Member State of the European Union (EU).

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**Goods Recipient:**

Please provide details of the Consignee and End User (if different) of the goods. Please take care when completing this section. The addresses that will appear on any issued licences will be exactly as entered in this box. If you enter the incorrect details here, you may need to reapply as we cannot make changes to the application once it has been sent to advisors in other government departments. The end user details that you should enter are those of the entity that will use the goods as exported from this jurisdiction. If you know that the goods will be incorporated and exported to an ultimate end user, that entity should be listed as a third party.

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**Route of Goods:**

Please provide details of the route the goods will take from their present location to their destination. If the goods will be shipped on a through air waybill or bill of lading please select which. If not please select No and provide details of the extended route the goods will take.

If you are not sure what route will be taken but expect it to be on a waybill or bill of lading, please select that option.

Air waybill/Bill of Lading/Expected Airway Bill/Expected Bill of Lading/No  
 If the Answer is no please provide further details here:

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**Other Third Parties:**

Please provide details of any other Third Parties and their role in this transaction, such as Agent, Broker, Distributor, the Ultimate End User, etc.

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**5.6** Ari is calling Petra about some possible new business for the company in Israel. **Listen to the conversation** and take notes on the following points.

1. What did Ari and Petra think of the presentation at the last sales conference?

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2. What is the reason for Ari's call to Petra?

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3. What is some of the equipment the Israelis want to buy?

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4. What licences will Petra apply for?

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5. When does Ari need to have his offer submitted to the Israelis by?

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6. What information should Petra ask Ari to give her so she can proceed?

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# Case Study

## Accept or Deny

The Council “COMMON POSITION 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment” (often known as the Common Position on Arms Exports or just “the Common Position”) lays down 8 criteria that EU Member States should incorporate into their licensing decisions, against which all licence applications should be assessed.

1. Respect for Member States international obligations and commitments, in particular sanctions adopted by the UN Security Council or the European Union, and agreements on non-proliferation and other subjects;
2. Respect for human rights in the country of final destination as well as respect by that country of international humanitarian law;
3. The internal situation in the country of final destination – Member States will not allow exports that would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination;
4. Preservation of regional peace, security and stability;
5. Security of Member States and of territories whose external relations are the responsibility of a Member State, as well as that of friendly and allied countries;
6. Behaviour of the buyer country with regard to the international community, as regards in particular its attitude to terrorism, the nature of its alliances and respect for international law;
7. Existence of a risk that the military technology or equipment will be diverted within the buyer country or re-exported under undesirable conditions;
8. Compatibility of the exports with the technical and economic capacity of the recipient country, taking into account the desirability that states should meet their legitimate security and defence needs with minimal diversion of human and economic resources for armaments.

**Task:** You are responsible for assessing licence applications against the Common Position criteria.

Decide if you should grant or deny the licence application based on one or more of the 8 criteria. For each licence state if you would accept or refuse the application and in the case of denials, give the reason why. If necessary, use the internet to help you conduct relevant research to inform you decision.

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:335:0099:0103:EN:PDF>

**E.g.**

<b>Licence application</b>	<b>Licence?</b>	<b>Reason and /or criteria used</b>
<p><b>Equipment:</b> All wheel drive vehicles with ballistic protection.</p> <p><b>Source:</b> UK</p> <p><b>Licence application made to:</b> UK authorities</p> <p><b>End user:</b> Azerbaijan</p> <p><b>Date of application:</b> Not applicable</p>	<p>Refuse</p>	<p>Criteria 1 used. Additional information; OSCE embargo in place, UK considers this to cover all military equipment.</p>

<b>Licence application</b>	<b>Licence?</b>	<b>Reason and /or criteria used</b>
<p><b>Equipment:</b> Test and verification equipment software for test and verification equipment.</p> <p><b>Source:</b> Romania</p> <p><b>Licence application made to:</b> Romanian authorities</p> <p><b>End user:</b> Azerbaijan</p> <p><b>Date of application:</b> Not applicable</p>		

**Licence application**

**Equipment:**

Small arms and light weapons, larger caliber artillery systems, fire control systems, wheeled and tracked military vehicles, military aircraft/aircraft technology

**Source:**

Germany

**Licence application made to:**

German authorities

**End user:**

Bahrain

**Date of application:**

2013

Licence?

Reason and /or criteria used

**Licence application**

**Equipment:**

Biotechnology equipment, cryogenic equipment, diver location sonars, imaging cameras, software for diver location sonars, technology for space qualified focal plane arrays

**Source:**

UK

**Licence application made to:**

UK authorities

**End user:**

China

**Date of application:**

Not applicable

Licence?

Reason and /or criteria used

# Acknowledgements

The authors acknowledge the following sources of copyright material and are very grateful for the permissions that have been granted. While we have made every effort to identify the copyright holders of all the material used, this has not always been possible. If you find an omission has been made, please contact us and we will be more than happy to update the acknowledgements in future editions. Please note that URLs for websites referred to in this book were correct at the time of printing. We cannot guarantee that external sites will remain online, or that the content referred to will remain at that specific URL.

## Chapter Five

*Exercise 5.3*

Defence Defence Export Control Office' "Application to Export Controlled Goods and Technology" document.  
<https://forms.business.gov.au/smartforms/dod/application-to-export-controlled-goods-and-technology/>

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US Navy Imagery