

Status: Point in time view as at 07/12/2022.

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

[^{F1}ANNEX IIc

[^{F1}RETAINED] GENERAL EXPORT AUTHORISATION No [^{F1}003] (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.
- F1** Word in Annex 2c heading substituted (31.12.2020) by The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), regs. 1, **3(25)(a)(i)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F1** Word in Annex 2c heading substituted (31.12.2020) by The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), regs. 1, **3(25)(a)(ii)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

Export after repair/replacement

Issuing authority: [^{F2}the Secretary of State]

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 [^{F3}imported] into the customs territory of the [^{F4}United Kingdom] for the purpose of maintenance, repair or replacement, and are exported ^{F5}... 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 [^{F6}imported] into the customs territory of the [^{F7}United Kingdom] for maintenance, repair or replacement within a period of 5 years after the date when the original export authorisation has been granted.

Textual Amendments

- F3** Word in Annex 2c Pt. 1 para. 1(a) substituted (31.12.2020) by The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), regs. 1, **3(25)(c)(i)(aa)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F4** Words in Annex 2c Pt. 1 para. 1(a) substituted (31.12.2020) by The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), regs. 1, **3(25)(c)(i)(bb)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in Annex 2c Pt. 1 para. 1(a) omitted (31.12.2020) by virtue of The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), regs. 1, **3(25)(c)(i)(cc)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in Annex 2c Pt. 1 para. 1(b) substituted (31.12.2020) by The Trade etc. in Dual-Use Items and Firearms etc. (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/771), regs. 1, **3(25)(c)(ii)(aa)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

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F7 Words in Annex 2c Pt. 1 para. 1(b) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(c)(ii)(bb)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

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.,
 - 5A002.c.,
 - 5A002.d.,
 - 5A002.e.,
 - 5A003.a.,
 - 5A003.b.,
 - 6A001.a.2.a.1.,
 - 6A001.a.2.a.5.,
 - 6A002.a.1.c.,
 - 8A001.b.,
 - 8A001.c.1.,
 - 9A011.

Part 2 — This authorisation is valid ^{F8}... for exports to the following destinations:

Destinations

Textual Amendments

F8 Words in Annex 2c Pt. 2 omitted (31.12.2020) by virtue of [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(d)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

- Argentine Republic,
- Bosnia and Herzegovina,
- Federative Republic of Brazil,
- French Overseas Territories,

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- Iceland,
- Kingdom of Morocco,
- Montenegro,
- People’s Republic of China (including Hong Kong Special Administrative Region and Macao Special Administrative Region),
- Republic of Albania,
- Republic of Chile,
- Republic of Croatia,
- Republic of India,
- Republic of Kazakhstan,
- Republic of Korea,
- Republic of North Macedonia, the,
- Republic of Serbia,
- Republic of Singapore,
- Republic of South Africa,
- Republic of Tunisia,
- Republic of Turkey,
- ^{F9} ...
- Ukraine,
- United Arab Emirates,
- United Mexican States.

Textual Amendments

- F9** Words in Annex 2c Pt. 2 omitted (7.12.2022) by virtue of [The Export Control \(Amendment\) \(EU Exit\) Regulations 2022 \(S.I. 2022/1300\)](#), regs. 1(1), 20

Part 1.

3 — **Conditions and requirements for use** This authorisation can only be used when the initial export has taken place under a ^{F10}... General Export Authorisation or an initial export authorisation has been granted to the ^{F11}[Secretary of State] for the export of the items which have subsequently been ^{F12}[imported] into the customs territory of the ^{F13}[United Kingdom] for the purposes of maintenance, repair or replacement. This authorisation is valid only for exports to the original end-user.

Textual Amendments

- F10** Words in Annex 2c Pt. 3 para. 1 omitted (31.12.2020) by virtue of [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(i)(aa)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Words in Annex 2c Pt. 3 para. 1 substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(i)(bb)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Word in Annex 2c Pt. 3 para. 1 substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(i)(cc)** (with reg. 5) (as amended by S.I. 2020/1502, regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

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F13 Words in Annex 2c Pt. 3 para. 1 substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(i)(dd)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

2. This authorisation does not authorise the export of items where:
- (1) the exporter has been informed by the ^{F14}[Secretary of State] 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,
 - (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 ^{F15}... a decision of the Organization for Security and Co-operation 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 ^{F16}[United Kingdom] without authorisation or in breach of an authorisation prescribed by ^{F16}[national legislation];
 - (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.

Textual Amendments

- F14** Words in Annex 2c Pt. 3 para. 2(1) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(ii)(aa)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in Annex 2c Pt. 3 para. 2(1)(b) omitted (31.12.2020) by virtue of [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(ii)(bb)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Words in Annex 2c Pt. 3 para. 2(1)(c) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(ii)(cc)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

3. On exportation of any of the items pursuant to this authorisation, exporters must:

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- (1) [F17 mention the reference number of the initial export authorisation in the export declaration to customs, the reference number X002 and specify that the items are being exported under General Export Authorisation 003 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 [F18 United Kingdom], of any maintenance, repair or replacement of the items carried out in the [F18 United Kingdom] and of the fact that the items are being returned to the end-user and the country from which they were imported into the [F18 United Kingdom].

Textual Amendments

- F17** Annex 2c Pt. 3 para. 3(1) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(iii)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in Annex 2c Pt. 3 para. 3(2) substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(iv)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

- [F19]4. Any exporter who uses this authorisation must notify the Secretary of State 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 Secretary of State, prior to the first use of this authorisation.

Reporting requirements attached to the use of this authorisation and additional information that the Secretary of State might require on items exported under this authorisation are defined by the Secretary of State.

The Secretary of State may require the exporter to register prior to the first use of this authorisation. Registration shall be automatic and acknowledged by the Secretary of State 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 sub-paragraphs shall be based on those defined for the use of national general export authorisations granted by the Secretary of State.]

Textual Amendments

- F19** Annex 2c Pt. 3 para. 4 substituted (31.12.2020) by [The Trade etc. in Dual-Use Items and Firearms etc. \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/771\)](#), regs. 1, **3(25)(e)(v)** (with reg. 5) (as amended by [S.I. 2020/1502](#), regs. 2(3), 10); 2020 c. 1, Sch. 5 para. 1(1)

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.]

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