

-- Non official translation --

**Federal Office of
Economics and Export Control**

**Announcement referring
to General Licence No. 27
(Certified recipients)**

of 05.06.2012

I. Preliminary remark

Against the background of the general endeavour to restrict controls of the movement of goods to sensitive business transactions and acts, and not to burden foreign trade more than necessary, it is appropriate to offer simplified procedures for certain exports. This applies i. a. to transfers of defence-related products specified in Part I, Section A of the Export List (Annex AL) to recipients in other Member States of the European Union. These recipients were granted a certificate by their authorities in accordance with Article 9 of the Directive simplifying terms and conditions of transfers of defence-related products within the Community (Directive 2009/43/EC of 06.05.2009), the content of which is to facilitate Intra-EU transfers of those goods. Pursuant to Article 5 (2b) of the directive general licences are published if the recipient is an undertaking certified under its Article 9.

In this regard, there is no need to monitor transfers of other defence-related products to the above recipients by individual licensing procedures, as all Members States agreed in the Common Position 2008/944/CFSP of 8 December to adopt common directives for the assessment of exports of defence-related products and, thus, a sufficiently harmonised export control policy is ensured.

For your information the version of the General Licence No. 27 was published at BAFA's web sites at www.ausfuhrkontrolle.info.

II. General Licence

1. Title of the General Transfer Licence

General Licence No. 27 (Certified recipients)

2. Issuing Authority

Federal Office of Economics and Export Control (BAFA), Frankfurter Straße 29-35, D-65760 Eschborn

3. Validity

3.1 This is a General Transfer Licence pursuant to section 1 (2) of the Foreign Trade and Payments Regulation (AWV). This licence is valid on the economic territory and shall apply to residents within the meaning of section 4 paragraph 1 no. 5 of the Foreign Trade and Payments Act (AWG).

3.2 This General Licence does not apply

- if the relevant products are transferred to a free zone or free warehouse located in a destination to which this General Licence applies;
- if there are elements of a negligent, careless or intentional perpetration of acts punishable under the War Weapons Control Act (KWKG); all the other licensing requirements and prohibitions (e. g. embargoes, rules or orders to apply restrictive measures with a view to combating terrorism) shall remain unaffected;
- if the supplier is aware that the final destination of the products is a country not specified in Section II, no. 5 of this General Licence, particularly a country on Country List K or an embargoed destination within the meaning of Article 4 (2) of Regulation (EC) No. 428/2009;
- if the supplier is aware that the recipient does no longer hold a valid certificate pursuant to Article 9 of the Directive simplifying terms and conditions of transfers of defence-related products within the Community (Directive 2009/43/EC of 06.05.2009);
- if BAFA has made a statement, requested by and on behalf of the supplier, making it necessary to subject the transfer of the goods specified in that statement to individual licensing procedure.

4. Permitted products:

4.1 This General Licence concerns transfers of products specified in the control items 0003, 0006, 0009a, b, f, g, 0010a, b, d – I, 0013, 0016, 0017h of Part I Section A of the Export List (Annex AL) as well as software and technology listed in the control items 0021a, 0021b1, 0022a for goods of the above-mentioned items of Part I, Section A of the Export List to recipients in other EU Member States that are certified pursuant to Article 9 of the Directive simplifying terms and conditions of transfers of defence-related products within the Community (Directive 2009/43/EC of 06.05.2009), unless these goods are excluded under figure 4.2.

4.2 Figure 4.1 does not apply to

- goods mentioned in the War Weapons List (Annex to KWKG),
- ammunition referred to in item 0003a of Part I, Section A of the Export List for weapons controlled by item 0012 of Part I Section A of the Export List as well as
- all other goods in Part I Section A of the Export List not mentioned in figure 4.1 of this General Licence.

5. Permitted destinations:

This general licence is valid for transfers to the following destinations:

All Member States of the European Union (Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Great Britain, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Sweden, Slovakia, Slovenia, Spain).

6. Conditions and requirements

This general licences is granted on the following conditions:

6.1 If the supplier intends to use this General Licence he must register as a user at BAFA prior to or within 30 days after the first transfer. This statement on registration for the use of this general licence should be submitted electronically via ELAN-K2. A prior registration is necessary for the use of the ELAN-K2 system. Access to this system is possible via a link “Login and registration ELAN-K2” at the Homepage of the Federal Office of Economics and Export Control (BAFA).

6.2 The supplier shall report the transfers based on this General Licence to BAFA, using the ELAN-K2 system. These reports can be directly recorded by means of an electronic notification form in ELAN-K2, or by using an XML-file to be downloaded via an interface provided by BAFA. The report shall comprise all products transferred with reference to the General Licence No. 27. Deliveries of several identical products to one consignee may be combined.

The reporting period covers a half-year term (1 January to 30 June and 1 July to 31 December). The reports for the preceding six months shall be submitted in the period from January 1 to 31, and from July 1 to 31. Reports shall be submitted correctly and completely to BAFA via ELAN-K2 in the above-mentioned periods.

An electronic information is also necessary if there were no transfers under this General Licence in the reporting period (zero report).

The submission of reports for transfers made until 30.6.2012 and of zero reports for the period from 1.1.2012 to 30.6.2012 is not required.

6.3 The supplier shall ensure the safekeeping of all records resulting from the use of this General Licence. These records shall be kept for a period of no less than three years, starting with the end of the calendar year in which the transfer took place. Other record keeping requirements shall remain unaffected.

Furthermore, the supplier is obliged to permit an inspection of the above records by BAFA on the company's premises. In case of non-permission this licence may be revoked.

6.4 BAFA may revoke this General Licence, entirely or in part, where required by the protective purpose pursued by sect. 7 (1) Foreign Trade and Payments Act (AWG), in particular in case of violations of the foreign trade provisions and the conditions of this General Licence. The revocation is published in the Federal Gazette. This also applies to the subsequent inclusion, amendment or addition of a term or requirement.

This General Licence may also be revoked towards individual suppliers unless they ensure the necessary compliance with the relevant export control regulations, or with the conditions and requirements of this General Licence. The principles of the exporters' reliability (sect. 3 para. 2 sentence 1 AWG) apply *mutatis mutandis*.

Furthermore, the General Licence may also be revoked towards individual recipients and end-users if there is a serious risk that the recipient or end-user certified under Article 9 will not

respect any condition attached to this General Licence, or that transfers to this recipient or end-user could affect the public order, public security or the essential security interests of the Federal Republic of Germany (Article 15 (2) of Directive 2009/43/ EC of 6.5.2009).

Pursuant to Article 15 (2) of the Directive simplifying terms and conditions of transfers of defence-related products within the Community (Directive 2009/43/EC) the effect of this General Licence may be provisionally suspended with regard to individual recipients. Details are laid down in Article 17 (1) of the Directive simplifying terms and conditions of transfers of defence-related products within the Community (Directive 2009/43/EC).

The subsequent inclusion, amendment or supplement of a condition shall be reserved.

The validity of this General Licence shall be limited to 31.3.2013.