

**EXPORT CONTROL
ORGANISATION**

**IN ASSOCIATION WITH:
MINISTRY OF DEFENCE (MOD)
FOREIGN AND COMMONWEALTH
OFFICE (FCO)**

Guidance on the Export
Licensing of Man-Portable
Air Defence Systems
(MANPADs)

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1. Introduction

The purpose of this guidance is to provide officials and industry with information on how the UK Government interprets the provisions of the Wassenaar “Elements for Export Controls of MANPADS”.

These guidelines were agreed in December 2003 and amended in December 2007. They are accessible at:
<http://www.wassenaar.org/publicdocuments/2007/Elements%20for%20Export%20Controls%20of%20Manpads.doc>.

This guidance also takes account of the UK’s G8 commitments on MANPADS, notably Declarations on MANPADS, agreed at Evian in June 2003, and on the Secure and Facilitated International Travel Initiative agreed at Sea Island in June 2004.

2. Background on the Wassenaar Arrangement and the agreed international commitment on MANPADS

The Wassenaar Arrangement is an international grouping of countries or “international regime” (that includes the UK), which collectively maintain agreed control lists of restricted goods comprising both military and dual-use items. The Wassenaar lists form the basis for the UK’s national export control lists, in particular, the UK Military List.

MANPADs (or MAN Portable Air-Defence Systems) are shoulder-launched surface to air missiles. They are one specific category of controlled products - a type of small arm and light weapon.

Because they are relatively cheap and easy to acquire, the international community has recognised MANPADs as posing a unique terrorist and proliferation threat, especially to civil aviation, peace-keeping, crisis-management and anti-terrorist operations.

It is in this context that the Wassenaar Arrangement member states jointly agreed the ‘Elements for Export Controls of MANPADS’.

As a member of the Wassenaar Arrangement, the UK has a prior international commitment under Criterion 1 (c) of the Consolidated EU and National Arms Export Licensing Criteria. This specifically states that “The Government will not issue an export licence if approval would be inconsistent with....the UK’s commitments in the frameworks of the Australia Group, the Missile Technology Group, the Nuclear Suppliers Group and the Wassenaar Arrangement”.

As a result, licence applications for MANPADs which are not consistent with the Elements will be refused on the basis of Criterion 1(c).

Further details about the Wassenaar Arrangement are available on the export control pages on the Department for Business website at <http://www.bis.gov.uk/exportcontrol> or directly from the Wassenaar Arrangement's website at <http://www.wassenaar.org/>

The UK Strategic Export Control Lists and the Consolidated Criteria are published on the export control pages on the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol>

3. Implications for Exporters in applying for an export licence

The exports of MANPADs are assessed on the basis of various factors which continue to apply. These include:

- the Consolidated Criteria which outline the 8 criterion against which all export licences issued by the ECO are judged on a case-by-case basis. This includes Criterion 7 (which concerns the risk that goods will be diverted or re-exported 'under undesirable conditions').
- related policy statements (such as the incorporation factors
- arms embargoes in place on specific countries

The "Elements for Export Controls of MANPADS" agreed by the Wassenaar Arrangement group of countries are an additional set of factors against which all applications for MANPADs are assessed.

Compliance with the 'Elements' does not of course imply that an export should be approved and the 'Elements' are not a substitute for other assessment factors.

Exporters should take into account this guidance when:

- applying for Trade Control licences (which concern the 'trafficking and brokering' of MANPADs
- applying for Ministry of Defence (MOD) F680 clearance
 - You should bear in mind that at the F680 application stage we would not seek government to government assurances, and hence all F680 approvals must include the proviso at [Annex A](#)).

Export licence and MOD F680 applications can be made via the Export Control Organisation's SPIRE export licensing database – <https://www.spire.bis.gov.uk>

More information about the types of licences which might be available to exporters in applying for an export licence (and guidance on the F680 application process) are available on the export control pages on the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol>.

Please also see section 5 of this guidance about [Assessing Export Licence Applications involving MANPADs](#) which provides specific information relating to export licence applications involving MANPADs not included elsewhere.

For all licences, you must adhere to the relevant terms and conditions.

4. Definition of MANPADs

The UK interprets the term MANPADS¹, in the context of paragraph 1 of the 'Elements', to refer to the list below:

- a. Complete MANPAD systems (with or without missiles).
 - b. Missiles for MANPAD systems (including missiles which can be used without modification in other applications).
 - c. Launchers for MANPAD systems (includes grip-stock for fire-and-forget systems and guidance systems).
 - d. Components and spare parts for MANPAD systems. *
 - e. Software for MANPAD systems.
 - f. Technology for MANPAD systems.
 - g. Production equipment for MANPAD systems.
 - h. Field test equipment for MANPAD systems.
 - i. Individual trainers for MANPAD systems.
- (* - See [Note A](#) on handling of licence applications for components and spare parts)

5. Assessing Export Licence Applications involving MANPADs

¹ Some common shoulder launched MANPADS are: SA-7b (Strela-2M), SA-16 (Igla-1), SA-18 (Igla), HN-5, QW-1 (Vanguard), QW-2, Anza I, Anza II, Stinger Basic, Stinger RMP, Blowpipe, Javelin, Starburst, Starstreak (HVM). This is not an exhaustive list, and some names (such as "Javelin") apply to systems which are not MANPADS. One man can carry each of these systems. In addition to shoulder-launched systems there are pedestal based systems, often called CREWPADS. Examples are Mistral and RBS-70. These are not as portable or concealable as shoulder-launched systems, but can be transported by two or more men or in a small vehicle. A number of mobile systems have been produced that are designed to fire MANPADS missiles, for example Asrad, Blazer and Aspic.

Licence assessment within the ECO will feature a MANPADs tick-box so that any relevant goods can be flagged up to Other Government Department (OGD) advisers for their detailed consideration against the Wassenaar Elements. Where ECO have indicated they are unsure about the nature of the goods, MOD will provide advice to enable a judgement to be made.

The table below shows how the UK applies the 'Elements'.

Specific obligations in the Elements UK Government implementation

<p>"Decisions to permit MANPADs exports will be made by the exporting government by competent authorities at <i>senior policy level</i>". (3.1) "...will exercise maximum restraint in transfers of MANPADs production technologies, and, while taking decisions on such transfers, will take into account elements stipulated in 3.7,3.8,3.9 and 3.11.(2)</p>	<p>Within ECO officials at HCS Grade 7 or higher will sign off all licence applications. FCO / MOD will, when making recommendations to ECO, ensure senior officials are consulted as necessary. MANPADs exports are currently <u>not</u> to be considered at the Smart Front End (SFE), although there might be some clear cut refusals which could in fact be handled by the SFE.</p>
<p>"...MANPADS exports will be made.....<i>only to foreign governments or agents specifically authorised to act on behalf of a government</i> and after presentation of <i>an official EUC certified by the Government of the receiving country.</i>" (3.1)</p> <p>Prior to authorising MANPADs exports</p>	<p>Government has or will reach overarching written agreement with certain foreign governments regarding storage and handling of MANPADs, including re-export. In certain cases agreement will also be reached that particular companies in their countries are authorised to act as their agents. This overarching agreement will also set out that the foreign government will not permit the re-export of MANPADs to non-state actors. The overarching agreement fulfils the role of an EUC as specified in the elements for all MANPADs exports to these countries. As for all other applications, where an overarching agreement is not in place, standard End User Certificates (EUCs) will also be required in support of individual export licence applications concerning MANPADs.</p>

² "End-use assurances with regard to MANPADS and their components" should be understood as their use only for purposes stipulated in the end-user certificate or any other document containing the obligations of the importing State.

<p>(as indicated in paragraph 1.2), the exporting government will assure itself of the recipient government's guarantees:</p> <ul style="list-style-type: none"> • not to re-export MANPADs except with the prior consent of the exporting government; • to transfer MANPADs and their components to any third country only in a manner consistent with the terms of the formal government to government agreements, including co-production or licensing agreements for production, and contractual documents, concluded and implemented after the adoption of this document at the 2007 Plenary, as well as end-use assurances and/or extant export licences; • to ensure that the exporting State has the opportunity to confirm, when and as appropriate, fulfilment by the importing State of its end-use assurances with regard to MANPADS and their components² (this may include on-site inspections of storage conditions and stockpile management or other measures, as agreed between the parties)and • to inform promptly the exporting government of any instance of compromise, unauthorised use, loss, or theft of any MANPADS material. (.8) 	<p>Officials will therefore check to see if the export they are considering is to a country or company covered by such an overarching agreement. If it is not, the FCO will seek a more detailed official End User Certificate (EUC) or Government purchase order. This must state that:</p> <ul style="list-style-type: none"> • (in cases where the recipient will be a company) the government of the recipient country has authorised that company to act on its behalf, • the recipient will inform the Government promptly of any instance of compromise, unauthorised use, loss, or theft of the export and; • the item will not be re-exported except with the prior consent of the UK Government. Any such requests for consent will be considered against the Consolidated Criteria. <p>(see language to be used at Annex B) In assessing applications, we will also take into account whether the recipient country has signed up to the Wassenaar Elements.</p>
<p>"General licences are inapplicable for exports of MANPADs; each transfer is subject to an individual licensing decision." (3.2)</p>	<p>Open Individual Export Licences (OIELs) are subject to individual licensing decisions. MANPADs and related equipment (as set out in paragraph 3 above) may not be included on any Open General Export Licences (OGELs). There are four exceptions –</p> <ul style="list-style-type: none"> - OGELs may be used for transfers to UK or allied forces overseas. - OGELs may be used for components for the manufacture or

	<p>repair of MANPADs to be used by UK forces.</p> <ul style="list-style-type: none"> - The demonstration OGEL may be used, but only in cases where the demonstration will be of a basic nature, involve no live firing and no transfer of sensitive data, and not enhance the recipients capability to operate MANPADs. - Repair OGELs may be used only where the export is to return a faulty item to the original manufacturer for repair. <p>More information about OGELs and how to register for these types of licences can be found on the export control pages on Businesslink at http://www.businesslink.gov.uk/exportcontrol</p>
<p>Decisions to authorise MANPADs exports will take into account:</p> <ul style="list-style-type: none"> • Potential for diversion or misuse in the recipient country; • The recipient government's ability and willingness to protect against unauthorised re-transfers, loss, theft and diversion; (3.7) 	<p>Standard Criterion 7 (of the Consolidated Criteria) consideration.</p> <p>Standard Criterion 7 (of the Consolidated Criteria) consideration.</p>
<p>Decisions to authorise MANPADs exports will take into account:</p> <ul style="list-style-type: none"> • The adequacy and effectiveness of the physical security arrangements of the recipient government for the protection of military property, facilities, holdings, and inventories. (3.7) • The recipient government's willingness and ability to implement effective measures for secure storage, handling, transportation, use of MANPADs material, and disposal or destruction of excess stocks to prevent unauthorised access and 	<p>Applicants will be required to provide information on where MANPADs exports are to be stored. If there is uncertainty over physical security, or over willingness and ability to implement effective measures, it may be necessary to consult geographical desks, MOD, and/or Post. The security standards we will accept are as set out in paragraph 2.9 of the Elements (guidance is also contained in the OSCE Handbook of Best Practices on Small Arms and Light Weapons). For temporary exports for exhibition etc see also Note B.</p>

use etc. (3.9)	
Prior to authorising MANPADs exports, the exporting government will assure itself of the recipient government's guarantees: to afford requisite security to classified material and information in accordance with applicable bilateral agreements, to prevent unauthorised access or compromise; (3.8)	This will be dealt with under existing MOD procedures for the protection of classified information.

Note - for exports to countries listed on the OGTCL (under Countries Concerned) Part A listed countries, we operate a streamlined system. For these countries we only require: -

- An End User Undertaking (EUU) which is signed, dated with an official stamp and includes a proviso that the item will not be re-exported except with the prior consent of the UK Government. Further details about EUUs are available on the export control pages on the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol>
- Where the recipient is a company, not a Government, confirmation from the Government that the company is authorised to act on its behalf in regard to the proposed sale.

6. Other aspects of the Wassenaar Elements

The UK's obligations under paragraphs 1.3, 3.4, 3.5, 3.10, 3.11, 3.12, 3.13, 3.14 4, 5 and 6 of the 'Elements' are being taken forward in other fora, and so do not form part of this guidance.

Additionally, paragraph 3.3 (which applies to Government exports only) and paragraph 3.6 (which represents existing UK export licensing practice) are also not included within this specific guidance.

7. Transparency

The UK Strategic Export Control Annual Report (published by the Foreign Office) includes summaries of items covered by this guidance, making clear that they are MANPADs.

This enables our reporting to be more transparent. It also assists in the production of the government's information returns to international regimes and organisations including the Wassenaar Arrangement, OSCE and the United Nations(UN), although we only report on transfers of whole MANPADS systems to these international organisations.

8. Contacts for Further Advice

For further general information about export controls please contact:

Export Control Organisation
3rd Floor
1 Victoria Street
London SW1H 0ET
Tel: 020 7 215 4594
Fax: 020 7215 4539
E-mail: eco.help@bis.gsi.gov.uk

Information on export controls is published on:
<http://www.businesslink.gov.uk/exportcontrol> and
<http://www.bis.gov.uk/exportcontrol>

Note A – Handling of license applications for components and spare parts

- Components, including spares, for MANPADS produced outside of the UK, or for use in new MANPADS to be manufactured outside of the UK, must be covered by a Standard Individual Export Licence (SIEL).
- Components, including spares for MANPADS produced in the UK which were originally exported under a UK export licence, should ideally be covered as part of the original export licence application, and thereafter under an Open Individual Export Licence (OIEL). When applying for such an OIEL the company must make clear under which licence the original MANPAD System was exported. All such OIELs must name a specific end user.
- When applying for a licence for components, including spares, the company should make clear if the part will be used in a MANPADS application. If yes, this guidance should be applied. If the company clearly states a different, non MANPADS end use, this guidance does not apply (even if the item can be used in a number of applications, including MANPADS), but the item will still be subject to export control. Where the question of use is unclear clarification should be sought from the company.

Note B – Export for display / exhibition / demonstration

- Applications for temporary export of **non-operational** display items, should be accompanied by an assurance from the company that the item will remain in their possession, be securely stored and returned to the UK. If this is in order, other storage / end use assurances are not needed.
- Applications for the temporary export of active items must be handled in accordance with this guidance. In such cases the company or the host must provide details of adequate storage.

Annex A

Proviso to be included with all F680 approvals –

“The FCO / MOD draws your attention to the international commitments the UK has made to combat MANPADS proliferation, and the specific threats posed by potential criminal or terrorist use. We urge you to bring to the attention of the potential Government purchaser the specific obligations the UK has under the G8 Declaration on MANPADS, agreed at Evian in June 2003, under the G8 Declaration on the Secure and Facilitated International Travel Initiative agreed at Sea Island in June 2004 and under the Wassenaar Arrangement “Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)” as agreed in December 2003 and amended in December 2007 - copies of each are attached for ease of reference. Approval of this F680 **does not** guarantee approval of a future export licence. Future approval of an export licence application will be dependant upon suitable assurances being received from the recipient Government, and the UK Government being satisfied that the commitments mentioned above are met.

Annex B

Language to be used when overarching Government to Government assurances are **not** in place –

"The Government of *XX Country* agrees to ensure the physical security arrangements for the storage and transport of the goods specified in the attached schedule, including a commitment to protect against unauthorised re-transfers, loss, theft and diversion of Man Portable Air Defence Systems (MANPADS) during the time that these goods are in *XX Country*. The Government of *XX Country* agrees to inform the UK promptly of any instance of compromise, unauthorised use, loss, or theft, and agrees to seek prior consent from the UK before authorising any re-export of the goods. This assurance is given in accordance with UK export commitments under the 'Elements for Export Controls of Man-Portable Air Defence Systems (MANPADS)' agreed in the Wassenaar Arrangement Plenary of December 2003 and amended in December 2007 and with the provisions of the G8 Action Plan for the Enhanced Transport Security of MANPADS (June 2003) and the Sea Island Secure and Facilitated International Travel Initiative (June 2004)."

Plus, where the recipient is a company, rather than a Government

“The Government of *XX Country* confirms that it has authorised *YY Company* to act on its behalf in regard to the proposed sale”.