**TRADE LICENCE**

**Open General Trade Control Licence (Trade and Transportation: Small Arms and light weapons)** dated 14 January 2016, granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 26 of the Export Control Order 2008[1] ("the Order"), hereby grants the following Open General Trade Control Licence:

*Licence*

1. Subject to the following provisions of this Licence, any person (referred to in this Licence as the "trader or transporter") may;

   (1) supply or deliver any goods specified in Schedule 1; or
   (2) agree to supply or deliver any goods specified in Schedule 1; or
   (3) do any act, or agree to do any act calculated to promote the supply or delivery any goods specified in Schedule 1; or

   from any country, other than a country or individual specified in Schedule 2(1), to any country specified in Schedule 2(1) Part A; or from any country specified in Schedule 2(1) Part A to any other country, other than a country specified in Schedule 2(2) Part B hereto,
   providing the goods are not located in the UK or Isle of Man, unless they are goods in transit.

*Exclusions*

2. This licence does not apply:

   (1) if the trader or transporter is aware or suspects that the goods are or may be intended, in their entirety or in part for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons, or

[1] S.I.2008/3231

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

(2) if the trader or transporter knows or has reason to believe that the action in paragraph 1 above will or may result in the removal of the controlled goods to a country not authorised in Schedule 2;

(3) if the trader or transporter has been informed by a competent UK authority, or is aware that the transaction will be carried out contrary to the export or import law or regulations of the exporting or importing country;

(4) if the goods are to be supplied from DPRK (North Korea), Iran, Zimbabwe or any individual to which the Al Qa'ida and Taliban Sanctions[2] apply; or

(5) if the destination of the goods is within a Customs Free Zone;

(6) where the trader or transporter has, at the time of the act, been served with a notice which suspends or revokes his ability to use this Licence pursuant to article 32(1) of the Order, unless the period of suspension or revocation has expired.

*Conditions and Requirements*

3. The authorisation in paragraph 1 above is subject to the following conditions:

(1) The provisions of Article 28 ***(registration)*** of the Order shall apply to any act under the authority of this licence;

(2) The provisions of Article 29 ***(record keeping)*** of the Order shall apply to any act under the authority of this licence;

[2] Al Qa'ida and Taliban (United Nations Measures) Order 2002 (S.I.111/2002).

(3) Where the trader or transporter has received a warning letter sent on behalf of the Secretary of State which identifies failure to comply with this Licence or a provision of applicable export control legislation, the trader or transporter shall take such steps as are identified in that warning letter (within the timescale stated) in order to restore compliance with the Licence. Without prejudice to article 34 of the Order, failure to comply with this condition may result in this Licence being revoked or suspended until the trader or transporter can show compliance to the satisfaction of the Export Control Organisation. The trader or transporter will be notified in writing of any such suspension or revocation and the initial period of such suspension or revocation. Where at the end of this initial period, the trader or transporter has not shown compliance to the satisfaction of the Export Control Organisation, the period of suspension or revocation may be extended. The trader or transporter will be notified of such an extension in writing.

(4) The Secretary of State has the power to vary or withdraw export licences at any time. If you do not use this licence within any 24-month period for an export allowed by this licence, your entitlement to use it will **automatically run out** at the end of that 24-month period and your registration details will be removed from SPIRE. However, you can register for this licence again if you want to use it after your registration has ended.

(5) You **must** update the 'Open licensing returns' within SPIRE, for **all** exports or trade carried out within each calendar year. You **must** update the returns by the last day of the following January at the latest (for example, you would need to update the January to December returns by the end of the following January) and include **all** the information required. You do **not** have to report on technology transfers.

*Prohibitions not affected by this Licence*

4. Nothing in this Licence shall affect any prohibition or restriction on the

trade or the carrying out of any act with respect to the trade of any goods concerned under, or by virtue of, any enactment other than a prohibition or restriction in the legislation under which this licence was issued, as set out in the licence itself.

*Interpretation*

5. For the purpose of this Licence:

(1) “any person” means any person operating from within the UK, or any UK person operating outside the UK or Isle of Man;

(2) a “Customs Free Zone” is a part of the territory of a country where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the Customs territory of that country, and are not subject to the Customs controls that would otherwise apply;

(3) "goods in transit" shall not be considered to be located in the UK or Isle of Man;

(4) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Export Control Act 2002, or in the Order.

*Entry into Force*

6. This Licence came into force on 14 January 2016.

7. The Open General Trade Control Licence (Small Arms) dated 4 March 2015 is hereby revoked.

**An Official of the Department for Business,**
**Enterprise and Regulatory Reform authorised**
**to act on behalf of the Secretary of State**

## SCHEDULE 1
## GOODS CONCERNED

1. Goods specified in paragraphs 9 to 13 of Part 2, Schedule 1 to the Export Control Order 2008 (small arms and light weapons) other than goods also specified in paragraph 14 of that Schedule (MANPADs).

2. Components specially designed for goods falling within paragraph 1, above.

3. Goods specified in paragraphs 18 to 22 of Part 2, Schedule 1 to the Export Control Order 2008.

## SCHEDULE 2
## COUNTRIES CONCERNED

**This authorisation is valid for the following:**

*(1). From any country, other than (DPRK) North Korea, Iran, Libya, Russia, Syria, Zimbabwe or any individual to which the Al'Qa'ida and Taliban Sanctions apply, to any country specified in Part A of this Schedule.*

**PART A:**

Australia, Austria, Belgium, Canada, Channel Islands, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland (Republic of), Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia, Spain, Sweden, Switzerland, USA; and

*(2). From any country in Part A of this Schedule to any country other than a country specified in Part B of this Schedule.*

**PART B:**

Angola, Afghanistan, Albania, Argentina, Armenia, Azerbaijan, Belarus, Benin, Bosnia & Herzegovenia, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, China (excluding SARs), Colombia, Congo (Brazzaville), Democratic Republic of Congo (DRC), Dubai, East Timor, Eritrea, Ethiopia, Gambia, Georgia, Ghana, Guinea, Guinea Bissau, Haiti, Hong Kong SAR, Iran, Iraq, Ivory Coast, Jamaica, Kenya, Krygyzstan, Lebanon, Liberia, Libya, Macau SAR, Mali, Mauritania, Moldova, Montenegro, Morocco, Namibia, Nepal, Niger, Nigeria, (DPRK) North Korea, Occupied Palestinian Territories, Oman, Pakistan, Russia, Rwanda, Senegal, Serbia, Sierra Leone, Somalia, Sri Lanka, South Sudan, Sudan, Syria, Taiwan, Tajikistan, Tanzania, Togo, Trinidad & Tobago, Turkmenistan, Uganda, Ukraine, Uzbekistan, Venezuela, Yemen and Zimbabwe.

## EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This licence has been updated to amend references to the paragraph numbers listed in Schedule 1 to the Export Control Order 2008 to include the expanded list of items subject to Category B of the Trade Controls by Export Control (Amendment) Order 2014 (SI 2014 No 702).

2. This Open General Trade Control Licence permits, without further authority but subject to certain conditions, involvement in the transfer of goods in of Schedule 1 to the licence, from any country, other than DPRK (North Korea), Iran, Zimbabwe or individuals to which Al Qa'ida and Taliban Sanctions apply, to any country specified in Schedule 2 Part A and from any country in Part A to any country other than a country specified in Part B of that Schedule and any act or arrangement associated with that transfer.

3. Subject to its conditions, the licence is available for use by any person operating from within the UK, and by any UK person operating outside the UK or Isle of Man.

4. The transfers may only be made under this Licence if they satisfy certain restrictions. These include;

- not for use in connection with weapons of Mass Destruction (WMD);
- not for use in connection with exports of goods located in the UK or Isle of Man;
- not for use if the trader or transporter has been informed by a competent UK authority, is aware that the transaction was contrary to the law of the exporting or importing country;
- not for use if the goods are to be supplied from DPRK (North Korea), Iran, Zimbabwe or any individual to which the Al Qa'ida and Taliban Sanctions apply.

5. The provisions of this Licence only apply for the purposes of the Order. They do not affect the need to obtain other consents that may be required for the export of particular military goods, whether under other statutory provisions (such as the Official Secrets Act 1989) or otherwise (such as under contractual obligations). In addition, this Licence does not extend to prohibitions in other legislation implementing United Nations Sanctions.

6. The issue of this licence doesn't remove the requirement to obtain permission of the authorities of the appropriate country to remove or receive goods from or to that territory as necessary.

7. The provisions of this licence does not apply to any person whose sole involvement, in respect of paragraph 1(1), (2) and (3) of the licence, is to provide or agree to provide:
   (a) financial or financial services;
   (b) insurance or re-insurance services; or
   (c) general advertising or promotional services.

   these activities are not subject to control.

8. If the trader or transporter has been informed by a competent authority or is otherwise aware (e.g. from information received from the manufacturer) that trade in controlled goods includes goods subject to a protective marking, appropriate security transportation arrangements (in accordance with national practices of the exporting country) must be made.

9. The Order contains certain registration and record keeping requirements which apply to persons using this licence, as follows,

   (a) Under Article 28 of the Order, any person who does any act under the authority of this licence must, before or within 30 days after the first occasion he makes use of the licence, provide

details to the Secretary of State of his name and address where copies of the records referred to below may be inspected.

This notification must be made via the Export Control Organisation's electronic licensing system, SPIRE at, https://www.spire.bis.gov.uk

(b) Under Article 29 of the Order, any person who does any act under the authority of this licence must maintain and retain certain records relating to each such acts for at least 4 years from the end of the calendar year in which the authorised act takes place, and must permit such records to be inspected and copied by any person authorised by the Secretary of State.

10 The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as he/she thinks fit. If a trader or transporter receives written notice to this effect, they will be prevented from relying on this Licence. The power to suspend may be used in addition to criminal prosecution or as an alternative. Suspension may occur for example where a trader or transporter is being investigated or prosecuted in relation to a possible criminal offence, or has been found guilty of a criminal offence under the export control legislation. It may also be used in situations where a trader or transporter has breached the conditions of the Licence and failed to take corrective action within a reasonable period (see condition 3(3)).

11. Where the ECO identifies failures in compliance with licence conditions or the legislation during a compliance visit, the ECO may send a warning letter to the trader or transporter listing the improvements that need to be made to ensure compliance. The letter will set out the timeframe within which these improvements must be completed. Failure to complete these improvements may lead to the trader or transporter's ability to use the licence being suspended for a period of time.

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BIS/16/46