

## **EXPORT LICENCE**

**Open General Export Licence (Low Value Shipments)** dated 6 January 2014, granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 9(2) and (4) of Council Regulation (EC) No. 428/2009 ("the Regulation")<sup>(a)</sup> and Article 26 of the Export Control Order 2008 ("the Order")<sup>(b)</sup>, hereby grants the following Open General Export Licence:

### *Union Licence*

1. This is general export authorisation under the terms of Article 9(2) of Council Regulation (EC) No. 428/2009. This authorisation, in accordance with Article 9(2) of that Regulation, is valid in all Member States of the European Union and is a Union Licence for the purposes of the Order.
2. Subject to the following provisions of this Licence, any items specified in Schedule 1 hereto, may be exported from the United Kingdom, or from any other Member State by any person established in the United Kingdom, to any destination except a destination in a country specified in Schedule 2.

### *Exclusions*

3. This Licence does not authorise the export of items:
  - (1) if the exporter has been informed by a competent authority of the Member State where he is established that they 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

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(a) O.J. No. L134 29.5.09. p.1

(b) S.I. 2008/3231

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 and the purchasing country or country of destination is subject to an arms embargo imposed by a Decision or a Common Position adopted by the Council of the European Union or a decision of the OSCE or 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 territory of the Member State concerned without authorisation or in violation of an authorisation prescribed by national legislation of that Member State;
- (2) if 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 sub-paragraph (1);
  - (3) if the exporter has grounds for suspecting that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1)(a), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be so used;
  - (4) to a destination within a Customs Free Zone; or

- (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (6) if the export is for any military purpose;
- (7) unless the items exported constitute a low value shipment.
- (8) where the exporter has, at the time of export, 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*

4. The authorisation in paragraph 1 is subject to the following conditions:
  - (1) except in the case of an export of technology by telephone, fax or other electronic media, official and commercial export documentation accompanying the items shall include a note stating either:
    - (a) "These items are being exported under the OGEL (Low Value Shipments)"; or
    - (b) the SPIRE reference (in the form 'GBOGE 20XX/XXXXX') of the exporter's registration in respect of this licence,which shall be presented to an officer of HM Border Agency if so requested;
  - (2) Where the exporter 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 exporter 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 exporter can show compliance to the satisfaction of the Export Control Organisation. The exporter 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 exporter has not shown compliance to the satisfaction of the Export Control Organisation, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

- (3) 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.
- (4) 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.

### *Registration*

5. The requirements of Article 28 of the Order **shall** apply to this licence.

### *Prohibitions not affected by this Licence*

6. Nothing in this Licence affect any prohibition or restriction on the export of any items other than under the Regulation or Order, and this licence

does not confer any licence or permission under, or for the purposes of, any enactment other than the Regulation and the Order.

### *Interpretation*

7. For the purpose of this Licence:

- (1) "Customs Free Zone" means 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;
- (2) "entry" includes part of an entry; and
- (3) "a low value shipment" means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments the aggregate value of which does not exceed £6,000; and for this purpose "value" shall mean the value required to be declared to Customs on the export of the items concerned except that items not specified in Schedule 1 hereto shall be taken to have no value; and
- (4) unless the context otherwise requires, any other expression used in this Licence has the same meaning as in the Regulation or the Order as appropriate.

*Entry into Force*

8. This Licence comes into force on 6 January 2014.
9. The Open General Export Licence (Low Value Shipments) that came into force on 1 July 2013 is revoked.

**An Official of the Department for  
International Trade, authorised  
to act on behalf of the Secretary of State**

# **SCHEDULE 1**

## **ITEMS CONCERNED**

Items specified in any of the following entries in Annex I to Council Regulation (EC) No. 428/2009.

|                          |   |
|--------------------------|---|
| 1C005                    |   |
| 1C009                    |   |
| 3A001.a.3. to 3A001.a.11 |   |
| 3A001.b                  | Other than entries 3A001.b.3.a, 3A001.b.3.b, 3A001.b.4.a, 3A001.b.4.b, 3A001.b.9 and 3A001.b.10                         |
| 3A001.c                  |   |
| 3A002.a to 3A002.f       | Other than entry 3A002.a.6  |
| 3B001                    | Other than entries 3B001.f.2 and 3B001.i  |
| 3B002                    | Other than entry 3B002.d  |
| 3C001                    |   |
| 3C002                    | Other than entry 3C002.e  |
| 3C003                    |   |
| 3C004                    |   |
| 5A001.b.1.a              |   |
| 5A001.b.1.b              |   |
| 5A001.b.1.c              |   |
| 5A001.c                  |   |
| 6A002.a.3                | Other than entries 6A002.a.3.a.2.b, 6A002.a.3.b.2.b, 6A002.a.3.d, 6A002.a.3.f and 6A002.a.3.g                           |
| 6A003.b.1 to 6A003.b.3   | Other than entries 6A003.b.1.b and 6A003.b.3 when containing image intensifier tube components specified in 6A002.a.2.b |
| 6A003.b.4.a              | Other than cameras incorporating focal plane arrays specified in 6A002.a.3.a.2.b, 6A002.a.3.b.2.b and 6A002.a.3.d       |
| 8A002.b to 8A002.j       | Other than 8A002.d.1.c.   |

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

**This export authorisation is valid for exports to the following destinations:**

***All destinations other than in:***

- Afghanistan, Albania, Angola, Armenia, Australia, Azerbaijan, Belarus, Bosnia and Herzegovina, Canada, Georgia, Iran, Iraq, Japan, Kazakhstan, Kyrgyzstan, Libya, the Former Yugoslav Republic of Macedonia, Moldova, Mongolian People's Republic, New Zealand, North Korea, Norway, People's Republic of China (including Special Administrative Regions), Russian Federation, Serbia and Montenegro, Sri Lanka, Switzerland, Socialist Republic of Vietnam, Syria, Taiwan, Tajikistan, Turkmenistan, Ukraine, USA and Uzbekistan
- European Union Member States as follows: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden – **an export licence is NOT required for dual-use goods being exported to EU destinations BUT you must state on export documents that your items require a licence if exported outside the EU and you must keep records (as specified in Articles 22(10) and 22 (8) of the EU Dual Use Regulation).**

**NOTE:**

**1. Exports of items covered by this licence may be made under the authority of the European Union General Export Authorisation (EU GEA 001), subject to certain conditions and restrictions, to the following destinations:**

**Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein), USA**



## **EXPLANATORY NOTE**

(This note is not part of the licence)

1. This licence has been amended to reflect the new reporting process in connection with the Transparency Initiative.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export from the United Kingdom, or from any other Member State of the European Union (EU) where the exporter is established in the United Kingdom, to any destination other than one listed in Schedule 2 to the Licence of items specified in Schedule 1 to the Licence, providing that they constitute a low value shipment.
3. A "low value shipment" for this purpose means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments, the aggregate value of which does not exceed £6,000. For this purpose the value of the items is the value as required to be declared for Customs purposes (i.e. their value Free on Board (FoB)) except that items not specified in Schedule 1 to the Licence are to be taken to have no value. A single export order broken down into a number of shipments constitutes one low value shipment.
4. The Export Control Order 2008 ("the Order") contain certain registration and record keeping requirements which apply to persons using this Licence.
  - (a) Under Article 28 of the Order, an exporter who exports items 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 the address where copies of the records referred to above may be inspected.

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

(b) Under Article 29 of the Order, any person established in the United Kingdom who exports items from the United Kingdom or another Member State under the authority of this Licence must maintain and retain certain records relating to each such export for at least three years from the end of the calendar year in which the export takes place, and must permit such records to be inspected and copied by any person authorised by the Secretary of State.

5. 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 thinks fit. If an exporter receives written notice to this effect, he 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 an exporter 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 an exporter has breached the conditions of the Licence and failed to take corrective action within a reasonable period (see condition 4(2)).

6. 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 exporter 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 exporter's ability to use the licence being suspended for a period of time.

7. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent him from

using another OGEL so long as he meets all its terms and conditions and that he has not received a letter suspending or revoking his ability to use that licence.

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