



Department for
International Trade

Open General Export Licence

Military and Dual Use Goods:

UK Forces deployed in non-embargoed destinations

January 2017

Open General Export Licence (Military and Dual Use Goods: UK Forces deployed in non-embargoed destinations) dated 20 January 2017, granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by article 26 of the Export Control Order 2008¹ (the Order), hereby grants the following Open General Export Licence.

Licence

1. Subject to the following provisions of this licence:
 - (1) goods, software or technology specified in Schedule 2 to the Order, other than any goods, software or technology specified in Schedule 1 to this licence, may be exported or transferred by electronic means from the United Kingdom, to any UK armed forces, or the MOD notified civilian contingent, in any country other than one specified in Part A of Schedule 2 to this licence;
 - (2) goods, software or technology specified in Part A of Schedule 1 to this licence may be exported or transferred by electronic means from the United Kingdom, to any UK armed forces, or the MOD notified civilian contingent, in any country other than one specified in Schedule 2 to this licence;
 - (3) export or transfer of goods, software or technology that would otherwise be prohibited by article 4, 5, 6, 7, 10, 11 or 12 of the Order is permitted to the extent that it is to any UK armed forces, or the MOD notified civilian contingent, in any country other than one specified in Part A of Schedule 2 to this licence;
 - (4) any person may provide technical assistance, the provision of which would otherwise be prohibited by Article 19 of the Order, to any person or place in any country other than one specified in Part A of Schedule 2 to this licence; and
 - (5) any goods may be exported, technical assistance provided or software or technology transferred in a manner identified in paragraph 1(1) to (4) to any warship or Naval Auxiliary of the United Kingdom or Government Service ship provided the vessel confirms it is **not** in an unauthorised destination; provided that the exporter, transferor or provider, as the case may be, knows at the time of export, transfer or provision that the goods, software or technology or technical assistance are for the sole use of UK armed forces, or the MOD notified civilian contingent, and not for use in an unauthorised destination.

¹ S.I. 2008/3231, as amended

Exclusions

2. This licence does not authorise the export of goods, provision of technical assistance or transfer, by any means, of software or technology:
 - (1) for exports of goods or software and technology in tangible form, if the exporter, provider or transferor has been informed by a competent authority, or is otherwise aware, (e.g. from information received from the manufacturer), that they have been classified CONFIDENTIAL, for material classified by the UK prior to 2 April 2014, or internationally security classified CONFIDENTIAL equivalent material, or SECRET or above **unless** the exporter has a current written Security Transportation Plan that has been approved in a written letter of clearance issued by the MOD Defence Equipment and Support (DE&S) Security Advisor for those goods;
 - (2) in the case of intangible technology transfers it is prohibited to export technology classified OFFICIAL-SENSITIVE or above (including UK material classified RESTRICTED or above, graded prior to 2 April 2014, and internationally classified material), **unless:**
 - (a) the method of transmission is protected by encryption appropriate to the classification of the data; and
 - (b) the exporter holds any necessary clearance from a government accreditation authority which can be produced to the Compliance Officer.
 - (3) where the exporter has, at the time of export, been served with a notice which suspends or revokes their 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 exporter shall comply with the following conditions and requirements:
 - (1) not later than 30 days after an exporter, provider or transferor first exports goods, provides technical assistance or transfers, by any means, software or technology under this licence, they shall inform the Secretary of State, specifying their name and the address at which copies of records of their export or transfer or provision may be inspected under condition 3(2) below;
 - (2) the exporter, provider or transferor shall maintain the following records under this Open General Export Licence:
 - (a) the date of the export, provision or transfer;
 - (b) the name and address of the individual to whom, or the

Unit or ship to which, the goods, technical assistance or software or technology are being exported, provided or transferred;

- (c) a description of the goods exported, technology transferred or technical assistance provided;
 - (d) MOD DE&S Security Advisor clearance letter referred to in 2(1) above (in the case of "Goods" that are classified CONFIDENTIAL for material classified by the UK prior to 2 April 2014, or internationally security classified CONFIDENTIAL equivalent material, or SECRET or above)
 - (e) where appropriate the Operational Name/Code;
 - (f) unit (including the UIN where known) that the goods are being exported to;
 - (g) where appropriate a copy of UOR/MOD Contract,
- (3) any such records shall be maintained for at least **four years** after the date of the relevant export or transfer or provision and the exporter, transferor or provider shall permit the records to be inspected and copied by any person authorised by the Secretary of State;
- (4) official and commercial export documentation accompanying the export of goods or non-electronic transfer of software or technology shall include a note stating either:
- (a) "the goods are being exported under the OGEL (Military and Dual Use Goods: UK Forces deployed in non-embargoed destinations)"; or
 - (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 20??/?????') of the exporter's registration in respect of this licence

which shall be presented to an officer of UK Border Agency if so requested;

- (5) prior to audit, the ECO will issue a pre-visit questionnaire (PVQ). This must be completed, in full, and returned by the date given.
- (6) the exporter, transferor or provider shall notify the Secretary of State of any change in the address referred to in paragraph 3(1) above within 30 days of that change.
- (7) 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.

- (8) 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.

Prohibitions not affected by this licence

4. This licence shall not affect a prohibition or restriction in any legislation other than the legislation under which this licence was issued.

Interpretation

5. For the purpose of this licence:
 - (1) “the Act” means the Export Control Act 2002²
 - (2) “entry” includes part of an entry;
 - (3) “MOD notified civilian contingent” means civil servants, deployed contractors, and those contractors with UK Government defence contracts including Contractors on Deployed Operations (CONDO) or personnel directly employed or engaged by HMG;
 - (4) “unauthorised destination” means;
 - (a) in relation to goods, software or technology specified in Schedule 2 to the Order, other than goods, software or technology specified in Schedule 1 to this licence, any country specified in Part A of Schedule 2 to this licence;
 - (b) in relation to goods, software or technology specified in Part A of Schedule 1 to this licence, any country specified in Schedule 2 to this licence;
 - (c) in relation to the provision of technical assistance, any

² 2002 c.28

country specified in Part A of Schedule 2 to this licence.

- (5) unless the context otherwise requires, any other expression used in this licence shall have the meaning it has in the Act or the Order (and in the event of any inconsistency, the meaning in the Order shall prevail).

Entry into Force

6. This licence shall come into force on 31 January 2017.
7. The Open General Export Licence (Military and Dual-Use Goods: UK Forces deployed in non-embargoed destinations) dated 6 October 2015 is hereby revoked.

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

**SCHEDULE 1
EXCLUDED MILITARY GOODS**

PART A

1. Goods falling within paragraphs 11 to 14 of Schedule 1 to the Order;
2. Components specially designed for goods falling within paragraphs 11 to 14 of Schedule 1 to the Order;
3. Technology, equipment and software specified in ML18, ML21 or ML22, related to equipment specified in 1 or 2 of Part A of this Schedule.

PART B

1. Goods falling within paragraphs 6 to 9 of Schedule 1 to the Order;
2. Goods falling within entry ML4 as follows:
 - (1) Anti-personnel landmines and specially designed components therefor;
3. Goods falling within entry PL5001 c and f.;
4. Technology, equipment and software specified in ML18, ML21 or ML22, related to equipment specified in 1, 2 or 3 of Part B of this Schedule.

**SCHEDULE 2
DESTINATIONS CONCERNED**

PART A

Those destinations that are subject to an arms embargo

Armenia, Azerbaijan, Belarus, Burma (Myanmar) Central African Republic, China (including Macau but excluding Hong Kong Special Administrative Region) Democratic Republic of the Congo, Eritrea, Iran, Iraq, Lebanon, Libya, North Korea, Russia, Somalia, South Sudan, Sudan, Syria, Yemen, Zimbabwe

PART B

Those destinations covered by the ECOWAS Moratorium

Benin, Burkina Faso, Cape Verde, Gambia, Ghana, Guinea, Guinea Bissau, Ivory Coast, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, Togo.

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence revokes the previous version dated 6 October 2015. This version has been amended to update Schedule 2 (Destinations Concerned). Guinea, Ivory Coast and Liberia have been removed from the list of excluded destinations listed under Part A following the revocation of EU sanctions in April 2014 and June 2016 respectively. Rwanda has also been deleted from Part A and North Korea and the Central African Republic have been added to Part A.
2. Guinea, Ivory Coast and Liberia all remain listed under Schedule 2 (Part B) which lists countries covered by the ECOWAS Moratorium.
3. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of certain goods, software or technology (including their transfer by electronic means) to UK armed forces, or the MOD notified civilian contingent. In particular it covers export and transfer of military and dual-use goods, software and technology except to the countries specified in Part A of Schedule 2; the provision of technical assistance for “any WMD purposes” except to the countries specified in Part A of Schedule 2; and the supply of goods and services to any warship or Naval Auxiliary of the United Kingdom or Government Service ship. There are certain military items that are completely outside the coverage of this licence (anti-personnel landmines and certain items that could be used for inhuman or degrading treatment or punishment and related software and technology) and certain military items (small arms and light weapons and related software and technology) where there are additional restrictions on destination. **This licence does not authorise the export or transfer of dual-use goods, software or technology to the extent that their export or transfer is prohibited by the Council Regulation (EC) No.428/2009.**
4. The goods, software, technology or technical assistance may only be exported, provided or transferred under this licence if certain conditions are satisfied. These include that the goods, software or technical assistance are intended for UK Forces, or the MOD notified civilian contingent including CONDO; and if the goods, software, technology or technical assistance are classified CONFIDENTIAL, for material classified by the UK prior to 2 April 2014, or internationally security classified CONFIDENTIAL equivalent material, or SECRET or above, prior written approval of the Security Transportation Plan for the export, provision or transfer must have been obtained in writing from the Ministry of Defence.

Security Transportation Plan approvals can be obtained from:

Defence Equipment & Support (DE&S)
Principal Security Advisor
Security Advice Centre
Poplar - 1
MOD Abbey Wood
Bristol,
BS34 8JH
Tel: 030 67934378
Fax: 030 67934925
e-mail: desinfra-securityadvicecentre@mod.uk

5. An exporter who exports goods under the authority of this licence must before their first exportation under the licence, inform the Secretary of State of their intention to export and of the address where copies of the records may be inspected.

This notification must be made via the Export Control Organisation electronic licensing system, SPIRE, at www.spire.trade.gov.uk.

6. The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as they think fit. If an exporter 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 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 3(5)).
7. 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.
8. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent them from using another OGEL so long as they meet all its terms and conditions and they have not received a letter suspending or revoking their ability to use that licence.

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