



Department for
International Trade

Open General Export Licence

Exports or Transfers in Support of UK Government Defence Contracts

April 2018

Open General Export Licence (Exports or transfers in Support of UK Government Defence Contracts) dated 11 April 2018 granted by the Secretary of State.

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

Licence

1. Subject to the following provisions of this Licence;
 - (1) goods specified in Part A of Schedule 1 hereto, other than any goods specified in Part B thereof, may be exported from the United Kingdom to a destination in any country specified in Schedule 2 to this Licence; or
 - (2) any person may provide technical assistance for "any relevant use" to any person or place in a country specified in Schedule 3 to this licence; or
 - (3) any UK person may provide technical assistance for "any relevant use" from a place outside the European Community to any person or place in a country specified in Schedule 3 to this licence; or
 - (4) any UK person may transfer, by any means, any software or technology to any person or place in the United Kingdom, where they are aware that such software or technology is intended for "any relevant use", and has reason to believe such software or technology may be used in a country specified in Schedule 3 to this licence; or
 - (5) any UK person may transfer, by any means, software or technology from any place outside the European Community to a person or place

^(a) S.I. 2008/3231, as amended

in a country specified in Schedule 3 to this licence where that United Kingdom person is aware that such software or technology is intended, in its entirety or in part, for “any relevant use”; providing the export, provision or transfer is in relation to an eligible United Kingdom Government Defence Contract.

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) to a destination within a Customs Free Zone;
 - (2) if the exporter has been informed by a competent authority, or is otherwise aware, that the equipment or information has been classified by the Ministry of Defence as OFFICIAL-SENSITIVE or above (including UK material classified RESTRICTED or above, graded prior to 2nd April 2014, and internationally security classified material),
unless:
 - a. the proposed export is for sub-contracting or collaborating on a UK Defence Contract and has been approved by:
 - (i). the Ministry of Defence under ‘F1686’ (Application to sub-contract or collaborate on classified work) as identified in the Security Policy Framework issued by the Cabinet Office (and included in the UK Government OFFICIAL-SENSITIVE Security Conditions) and a written letter of clearance has been issued, **or**
 - (ii). the Ministry of Defence Contracting Authority under a letter delegating authority up to an OFFICIAL-SENSITIVE level to an identified company Security Controller to approve the export, **or**
 - (iii). any written letter of approval as identified in any applicable Project Security Instructions (PSI) approved by collaborating

partner nations governments.

and

- b. for all goods classified CONFIDENTIAL, for material classified by the UK prior to 2nd April 2014, or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above, 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) Principal Security Advisor.
- (3) 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 2nd April 2014, and internationally security 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.
- (4) 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.
- (5) which fall within the scope of Council Directive 91/477/EEC on control of the acquisition and possession of weapons or the scope of Regulation (EU) No 258/2012 implementing Article 10 of the UN Firearms Protocol

establishing export authorization, and import and transit measures for firearms, their parts, components and ammunition.

Conditions and Requirements

- 3 The authorisation in paragraph 1 above is subject to the following conditions:
- (1) before any exporter, provider or transferor first exports goods, provides technical assistance or transfers, by any means, software or technology under this licence, they shall have informed the Secretary of State of this intention under this licence, specifying the name of the exporter, provider or transferor and the address at which copies of the records of their export or transfers may be inspected under condition 3(4) below;
 - (2) the exporter, provider or transferor **must** obtain prior to making **any** export, providing any technical assistance or transferring, by any means, software or technology pursuant to this licence, written approval from the Export Control Joint Unit Ministry of Defence (ECJU MOD) that the export or transfer or provision will be made in relation to an eligible United Kingdom Government Defence Contract and may be exported to the country of destination covered by this licence;
 - (3) on making any export of goods or non-electronic transfer of software or technology pursuant to this Licence, the exporter shall produce to an officer of UK Border Force, if so requested, documentary evidence in the form of a copy of the current written approval referred to in sub-paragraph 3(2);
 - (4) the exporter, provider or transferor shall, in addition to provisions of sub-paragraph 3(1) above, maintain records of:
 - (a) the date and destination of each export, provision or transfer;
 - (b) the name and address of the consignee to whom the goods, technical assistance or software or technology are being exported, provided or transferred;

- (c) any F1686 or Security Transportation Plan clearance letters, MOD Contracting Authority letter, or proof of PSI clearance referred to in 2(a–b) above;
 - (d) original written MOD approval referred to in 3(2) above.
- (5) such records shall be maintained for at least four years after the date of the relevant export or transfer and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State.
- (6) 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 (Export or Transfers in Support of UK Government Defence Contracts)";
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 Force if so requested; and

- (7) prior to audit, the ECO will issue a pre-visit questionnaire (PVQ). This must be completed, in full, and returned by the date given.
- (8) the exporter shall notify the Secretary of State of any change in the address referred to in 3(1) above within 30 days of that change.
- (9) 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.

- (10) 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.
- (11) 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 exportation or carrying out of any other act with respect of the exportation or transfer 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) “the Act” means the Export Control Act 2002^(b)_a
- (2) “cluster munitions” means conventional munitions designed to disperse or release “explosive submunitions”;
- (3) “explosive submunitions” means conventional munitions, weighing less than 20 kilograms each, which in order to perform their task are dispersed or released by another conventional munition and are designed to function by detonation of an explosive charge prior to, on or after impact;
- (4) “explosive bomblets” means conventional munitions, weighing less than 20 kilograms each, which are not self-propelled and which, in order to perform their task, are specially designed to be dispersed or released by a dispenser affixed to an aircraft, and are designed to function by detonating an explosive charge prior to, on or after impact;
- (5) sub paragraphs (2) and (3) above do not include the following conventional munitions,
 - (a) a munition or submunition designed to disperse flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
 - (b) a munition or submunition designed to produce electrical or electronic effects;
 - (c) a munition that has all of the following characteristics:
 - (i) each munition contains fewer than ten “explosive submunitions”

^(b) 2002 c.28

- (ii) each “explosive submunition” weighs more than four kilograms;
 - (iii) each “explosive submunition” is designed to detect and engage a single target object;
 - (iv) each “explosive submunition” is equipped with an electronic “self destruction mechanism”;
 - (v) each “explosive submunition” is equipped with an electronic “self deactivating feature”.

- (6) a "Customs Free Zone" is a part of the territory of a country where any goods introduced are generally regarded, in so far 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;

- (7) "eligible UK Government Defence Contract" means a contract which is supported by prior written approval from the Ministry of Defence confirming eligibility under this licence. This may include contracts that have been let by Agencies such as OCCAR, NAMSA or NETMA where the UK Government is a recipient of the final finished goods, technical assistance or software or technology.;

- (8) “entry” includes part of an entry;

- (9) “technical assistance” means any technical support related to repairs, development, manufacture, assembly, testing, use, maintenance or other technical service;

- (10) “any relevant use” means use in connection with the development, production, handling operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons or other nuclear explosive devices, or the development , production, maintenance or storage of missiles capable of delivering such weapons;

- (11) 'by any means' in relation to transfer of software or technology means a transfer by any electronic or non-electronic means.
- (12) "F1686" is the means by which exporters can obtain clearance to sub-contract or collaborate at a level classified OFFICIAL-SENSITIVE or above on UK MOD projects with overseas companies.
- (13) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Act or the Order as appropriate.

Entry into force

- (a) This Licence shall come into force on 11 April 2018.
- (b) The Open General Export Licence (Exports or transfers in Support of UK Government Defence Contracts) that came into force on 17 November 2017 is hereby revoked.

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

SCHEDULE 1

EXPORTS CONCERNED

PART A - (goods authorised for export)

Any goods specified in Part 1 of Schedule 2 to the Order:

PART B - (goods not authorised for export)

1. Goods falling within entry ML3 as follows:
 - (1) “Cluster munitions”, “explosive submunitions”, and specially designed components therefor;
2. Goods falling within entry ML4 as follows:
 - (1) Anti-personnel landmines and specially designed components therefore;
 - (2) “Cluster munitions” and specially designed components therefor;
 - (3) “explosive bomblets” and specially designed components therefor;
 - (4) “explosive submunitions” and specially designed components therefor.
3. Goods falling within ML11 insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets;
4. Goods falling within ML16 insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets;
5. Goods falling within ML17.n insofar as they are for use in connection with cluster munitions, explosive submunitions and bomblets;
6. Goods falling within entry PL5001 c. and f.;
7. Technology equipment and software specified in entries ML22, ML18 or ML21, related to equipment specified in 1 to 6 of Part B of this Schedule.

SCHEDULE 2

DESTINATIONS CONCERNED

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

Exports of goods specified in Part A of Schedule 1 to this licence, other than those specified in Part B of Schedule 1 are authorised to the following destinations;

Algeria, Anguilla, Antigua & Barbuda, Ascension Island, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Bermuda, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Bulgaria, Cameroon, Canada, Cayman Islands, Channel Islands, Chile, Colombia, Costa Rica, Croatia, Curacao, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Falkland Islands, Faroe Islands, Finland, France, Georgia, Germany, Gibraltar, Greece, Grenada, Guatemala, Guyana, Honduras, Hungary, Iceland, Indonesia, Irish Republic, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Malaysia, Malta, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, Netherlands, New Caledonia, New Zealand, Nicaragua, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Puerto Rico, Qatar, Romania, St Christopher & St Nevis, St Helena, St Lucia, St Vincent, San Marino, Saudi Arabia, Seychelles, Singapore, Slovak Republic, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Trinidad & Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United States of America, Uruguay, US Virgin Islands, Zambia.

SCHEDULE 3

DESTINATIONS CONCERNED

This export authorisation is valid for provision of technical assistance or transfer of software or technology for “any relevant use” to the following destinations:

Algeria, Anguilla, Antigua & Barbuda, Ascension Island, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bermuda, Bolivia, Botswana, Brazil, British Virgin Islands, Brunei, Cameroon, Canada, Cayman Islands, Channel Islands, Chile, Colombia, Costa Rica, Croatia, Curacao, Ecuador, Egypt, El Salvador, Falkland Islands, Faroe Islands, Georgia, Gibraltar, Grenada, Guatemala, Guyana, Honduras, Iceland, Indonesia, Israel, Jamaica, Japan, Jordan, Kazakhstan, Kenya, South Korea, Kuwait, Liechtenstein, Macedonia, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Mexico, Monaco, Morocco, Mozambique, New Caledonia, New Zealand, Nicaragua, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Puerto Rico, Qatar, St Christopher & St Nevis, St Helena, St Lucia, St Vincent, San Marino, Saudi Arabia, Seychelles, Singapore, South Africa, Sri Lanka, Switzerland, Thailand, Trinidad & Tobago, Tunisia, Turkey, Turkmenistan, Ukraine, United Arab Emirates, United States of America, Uruguay, US Virgin Islands, Zambia.

EXPLANATORYNOTE

(This Note is not part of the Licence)

1. This Open General Export Licence has been amended to update the ACP address to the ECJU MOD.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, exportation of military goods specified in Schedule 1 Part A, excluding goods in Part B of this licence, to any destination in Schedule 2; provision of technical assistance for “any relevant use” to destinations specified in Schedule 3; and the transfer of software and technology by any means to a person or place within the UK if the transferor has reason to believe it is intended for any relevant use to a destination specified in Schedule 3; the transfer of software or technology by any means by a UK person for a relevant use from any country outside the European Community to any country specified in Schedule 3, providing the export or transfer is for the purpose of an eligible United Kingdom Government Defence Contract.
3. The goods may only be exported, provided or transferred under this licence if they satisfy certain conditions. These include that the goods are the subject of prior written approval by Ministry of Defence (ECJU MOD) confirming they are subject to an eligible UK Government Defence Contract and, if classified as OFFICIAL-SENSITIVE or above, must have obtained, in writing, approval from the Ministry of Defence Contracting Authority (MOD)(DE&S) either through F1686, a delegated authority letter or PSI letter as specified in 3(4)(c).

Confirmation of eligible status can be obtained from:

ECJU MOD
Export Control Joint Unit-MOD Team
2nd Floor, Area C
3 Whitehall Place
London SW1A 2AW

e-mail: ECJU-MODTeam@mod.uk

Tel: 020 721 80314 or 020 7218 4841

When applying, exporters should allow 15 working days for your request to be processed as ECJU MOD Staff cannot guarantee that requests can be processed at short notice. You should also provide full details of any proposed export together with details of any extant licences that they have in place for the goods in question, or licences for such that have recently expired.

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

4. F1686 Procedure:

“F1686” is the means by which exporters can obtain clearance to sub-contract or collaborate at a level classified OFFICIAL-SENSITIVE or above on UK MOD projects with overseas companies. This procedure is laid out in the Security Policy Framework, issued by the Cabinet Office (and included in the UK Government OFFICIAL-SENSITIVE Security

Conditions). It is properly known as, “Application to subcontract or collaborate on classified work (also known as F1686).”

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 goods under this Licence and of the address where copies of the said records 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/>

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(7)).
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 the exporter from using another OGEL so long as they meet all its terms and conditions and that they have not received a letter suspending or revoking their ability to use that licence.

9. The exporter shall produce to an officer of UK Border Force, if so requested, documentary evidence in the form of the original of the current Ministry of Defence written approval.

10. The provisions of this licence only apply for the purposes of the Export Control Order 2008, in particular, this licence does not extend to prohibitions in other legislation implementing United Nations sanctions.

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Any enquiries regarding this publication should be sent to:

Department for International Trade

3 Whitehall Place,

London SW1A 2AW

Tel: 020 7215 5000

If you require this publication in an alternative format, email enquiries@trade.gov.uk, or call 020 7215 5000.

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