



Department for  
International Trade

# Open General Export Licence

X

September 2022

## **EXPORT LICENCE**

### **Open General Export Licence (X)**

Dated 30 September 2022, granted by the Secretary of State.

The Secretary of State grants hereby grants the following Open General Export Licence under article 26(4) of the Export Control Order 2008 (S.I. 2008/3231, as amended) and—

- (a) in relation to England and Wales and Scotland, Article 9(2) and (4) of Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (EUR 2009/428, as amended).
- (b) in relation to Northern Ireland, Article 12(1) and (6) of Regulation (EU) 2021/821 of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1–461) as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the UK-EU Withdrawal Agreement.

In this licence where there is reference to “the Regulation”, in respect of items located in England, Wales or Scotland it means (a) above and in respect of items located in Northern Ireland it means (b) above.

#### *Licence*

1. Subject to the following provisions of this Licence, any items specified in Schedule 1 hereto, may be exported from the United by any person established in the United Kingdom, to any destination except a destination in a country specified in Schedule 2.

#### *Exclusions*

2. This Licence does not authorise the export of items:
  - (1) if the exporter has been informed by the Secretary of State 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 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 through its listing as an embargoed destination in Part 1 or 2 of Schedule 4 to the Export Control Order 2008 as amended from time to time, or by a decision of the OSCE or an arms embargo imposed by a binding resolution of the Security Council of the United Nations, and additionally in the case of goods being exported from NI an arms embargo imposed by a decision or a common position adopted by the Council of the European Union', or
- (c) for use as parts or components of military items listed in Schedule 2 to the Export Control Order 2008 that have been exported from the United Kingdom without authorisation or in violation of an authorisation.

- (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 retained Regulation not specified in Schedule 1; or
- (6) if the export is for any military purpose.
- (7) 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 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 (X)"; or
  - (b) the SPIRE reference (in the form 'GBOGE 20XX/XXXXXX') of the exporter's registration in respect of this licence,

which shall be presented to an officer of HM Border Force 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 Department for International

Trade (DIT). 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 DIT's satisfaction, 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*

4. An exporter who exports items under the authority of this Licence must, before the first occasion he/she makes use of the licence, provide details to the Secretary of State of his/her name and the address where copies of the records referred to in article 29 of the Order may be inspected.

*Prohibitions not affected by this Licence*

5. Nothing in this Licence affects any prohibition or restriction on the export of any items other than under the Regulation or the 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*

6. 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) 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*

7. This Licence comes into force on 30 September 2022.
8. The Open General Export Licence (X) dated 09 March 2022 is hereby revoked.

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

## SCHEDULE 1 ITEMS CONCERNED

Goods specified in any of the following entries in Annex I to the Regulation:

1D001	Other than software specially designed or modified for the development, production or use of items specified in the following entries: <ul style="list-style-type: none"> <li>• Entry 1B001.a, 1B001.b, 1B001.c, 1B001.d.1, 1B001.d.2, 1B001.d.3 or 1B001.e;</li> <li>• Entry 1B002 if the items are for the production of atomized or spherical metallic powder in a controlled environment;</li> </ul>
1D002	
2A001.a	
2B003	
3B001.a.1	
5A001.b.1.a	
5A001.b.1.b	
5A001.b.1.c	
5A001.b.2.b	
5A001.c	
5A001.d	
5B001.a	Only as applicable to test, inspection and production equipment for the development or production of items specified in the 5A001 entries listed above
5D001.a	Only as applicable to software for the development, production or use of items specified in the 5A001 entries listed above
6A002.a.2.a	Other than image intensifiers which: <ul style="list-style-type: none"> <li>• are specially designed for cameras specified in entry 6A003;</li> <li>• incorporate gallium arsenide (or similar semiconductor) photocathodes;</li> <li>• are radiation hardened; or</li> <li>• are ruggedised; or</li> <li>• specified in 6A002.a.2.a.2.b;</li> </ul>
6A004.a.1	
6A004.a.2	
6A004.a.4	
6A004.b	

6A004.d.2	
6A004.f	
6A005.b.6.c.1	Only as applicable to neodymium-doped, pulse-excited Q-switched lasers having a single-transverse mode output and an average output power equal to or less than 40W
6A005.c	Other than tunable lasers having a wavelength of 150nm or more but not exceeding 800nm
6A005.d.2	Other than CO lasers having a CW maximum rated output power, single or multimode, exceeding 10kW
6A005.f	
6A008.b 6A008.c 6A008.l.1	Other than radar systems, equipment and assemblies (1) designed or modified for use in rocket systems (including launch support equipment or facilities) capable of delivering a payload to a range of 300 km or more; or (2) which are range instrumentation radar systems, equipment and assemblies having all of the following: (a) an angular resolution better (less) than 3 milliradians (0.5 mils); (b) a range 30 km or more and a RMS range resolution better (less) than 10 m; and (c) velocity resolution of better (less) than 3 m/s
6B004.b	
6C004.a	
6C004.e	
8A002.i.2	Other than manipulators with more than five degrees of freedom;
9B005	
9B006	

## **SCHEDULE 2 DESTINATIONS CONCERNED**

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

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

- Afghanistan, Angola, Australia, Belarus, Burma, Canada, Iran, Iraq, Japan, Libya, Myanmar, New Zealand, North Korea, Norway, Russia, Sri Lanka, Switzerland, Syria, USA and Venezuela.
- 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.

### **NOTE 1:**

For exports from England, Wales or Scotland the Open General Export Licence (export of dual-use items to EU member states) permits exports of the items on this licence to EU member States and The Channel Islands.

For exports from Northern Ireland 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(8) and 22 (10) of the EU Dual Use Regulation).

### **NOTE 2:**

Exports of items from England, Wales or Scotland covered by this licence may be made under the authority of the General Export Authorisation (GEA 001), subject to certain conditions and restrictions, to the following destinations:

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

Exports of items from Northern Ireland 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, United Kingdom.

## **EXPLANATORY NOTE**

(This note is not part of the licence)

1. This Open General Export Licence has been amended to clarify that it is available for registration.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export from the United Kingdom 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
3. The Export Control Order 2008 (“the Order”) contains certain registration and record keeping requirements which apply to persons using this Licence. 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.
4. 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 DIT’s digital licensing system, SPIRE, at <https://www.spire.trade.gov.uk/>
5. Persons who registered to use previous versions of this licence do not need to re-register. Registrations are carried over to the current in force version of this licence.

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 he/she thinks 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 2(2)).
7. Where DIT identifies failures in compliance with licence conditions or the legislation during a compliance visit, DIT 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.
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 that they have not received a letter suspending or revoking their ability to use that licence.

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