



Department for
International Trade

Open General Export Licence

Chemicals

September 2022

EXPORT LICENCE

Open General Export Licence (Chemicals)

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

The Secretary of State 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 retained 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:
 - (1) any items specified in Part A of Schedule 1 hereto, other than any specified in Part B thereof, may be exported from the United Kingdom by any person established in the United Kingdom, to any destination other than a destination in any country specified in Schedule 2 hereto; and
 - (2) any items specified in Part B of Schedule 1 hereto may be exported from the United Kingdom by any person established in the United Kingdom, to any destination in any country specified in Schedule 3 hereto.

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 subparagraph (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) 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

3. The authorisation in paragraph 1 is subject to the following conditions:
 - (1) no shipment shall contain more than 20kg of any items specified in Part A or B of Schedule 1.
 - (2) 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 (Chemicals)"; or
 - (b) the SPIRE reference (in the form 'GBOGE 200X/XXXXX') of the exporter's registration in respect of this licence,

which shall be presented to an officer of HM Border Force if so requested.

- (3) 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.
- (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.

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;
 - (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 (Chemicals) 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

PART A

Items specified in entry 1C350, (excluding heads 4, 23, 29 and 66-89), of Annex I to the Regulation.

PART B

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

1C350 heads 1-3, 5-9, 11-13, 17-19, 21-22, 26-28, 30-36, 38, 46, 51-52, 54-57, 59, 63 and 65.

1C450

SCHEDULE 2 DESTINATIONS CONCERNED

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

All destinations other than in:

- Afghanistan, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Burundi, Canada, Croatia, Cyprus, Czech Republic, Denmark, Democratic Republic of the Congo, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iran, Iraq, Ireland, Italy, Japan, Latvia, Liberia, Libya, Lithuania, Luxembourg, Malta, Myanmar, Netherlands, New Zealand, Nigeria, North Korea, Norway, People's Republic of China, Poland, Portugal, Romania, Russia Rwanda, Serbia and Montenegro, Slovakia, Slovenia, Somalia, Spain, Sweden, Sudan, Switzerland, Syria, Tanzania, Uganda and USA

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.

SCHEDULE 3 DESTINATIONS CONCERNED

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

Albania, Algeria, Brazil, Cameroon, Chile, Cook Islands, Costa Rica, Côte d'Ivoire, Ecuador, El Salvador, Ethiopia, Fiji, Georgia, India, Lao People's Democratic Republic, Lesotho, Maldives, Mauritius, Mexico, Monaco, Mongolia, Morocco, Namibia, Niger, Oman, Papua New Guinea, Paraguay, Peru, Philippines, Republic of Moldova, Saint Lucia, Saudi Arabia, Seychelles, South Africa, Sri Lanka, Swaziland, Tajikistan, Turkmenistan, Uruguay and Uzbekistan.

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 Part A of Schedule 1 to the Licence, other than those specified in Part B of that Schedule. Items in Part B of that Schedule may be exported to any destination in Schedule 3. There is a 20kg limit on shipments of items specified in Part A or B of Schedule 1.
3. The Export Control Order 2008 (“the Order”) contain certain registration and recording 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 under the authority of this Licence must maintain and retain certain records relating to each such 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 the DIT’s electronic licensing system, SPIRE: <https://www.spire.trade.gov.uk/spire/fox/espire/LOGIN/login>

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 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 3(3)).

7. Where, the DIT identifies failures in compliance with licence conditions or the legislation during a compliance visit, the 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 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 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.

9. This Licence does not extend to any prohibition under legislation other than the Regulation or the Order: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.

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