



Department for
International Trade

Open General Export Licence

Technology for Dual-Use Items – from June 2019

December 2020

EXPORT LICENCE

Open General Export Licence (Technology for Dual-Use Items– from June 2019)

Dated 31 December 2020, 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 Article 9(2) and (4) of,—

- (a) in relation to England and Wales and Scotland, 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, 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 (OJ No. L 134, 29.5.2009, p. 1, as amended) as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the 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 provisions of this licence, any item specified in Schedule 1 may be exported from the United Kingdom by any person established in the United Kingdom, to any destination 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,

- (a) 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
 - (b) 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 2 (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 2 (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 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 (Technology for Dual-Use Items – from June 2019)"; 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 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.

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 purposes 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 at 23:00 on 31 December 2020.
8. The Open General Export Licence (Technology for Dual-Use Goods – from June 2019) dated 17 January 2020 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

This export authorisation covers the following items;

(1) Technology specified in any entry in Annex I to the Regulation which is necessary for the development or production or use of items specified in any of the following entries in that Annex:

| | |
|---------------------------|--|
| 1A003 | |
| 1C003 | |
| 1C004 | |
| 1C005 | |
| 1C006 | |
| 1C008 | |
| 1C009 | |
| 2A001 | |
| 2B003 | |
| 2B005 | |
| 3A001. a.3. to 3A001.a.12 | |
| 3A001.a.14 | |
| 3A001.b. | Other than entries 3A001.b.3.a., 3A001.b.3.b., 3A001.b.3.f, 3A001.b.4.a., 3A001.b.4.b., 3A001.b.9., 3A001.b.10 and 3A001.b.12. |
| 3A001.c. | |
| 3A001.d. | Other than entry 3A001.d.1. |
| 3A001.e.1. | |
| 3A001.f. | |
| 3A002.c. to 3A002.f. | Other than entry 3A002.d.5. |
| 3B001.a.1. | |
| 3B001.a.3. | |
| 3B001.b. to 3B001.h. | Other than entries 3B001.b.5. and 3B001.f.2. |
| 3B002 | |
| 3C001 | |
| 3C002 | Other than entry 3C002.e. 3C003 |
| 3C004 | |
| 3D002 | Other than in relation to entries 3B001.f.2. |
| 4A004 | |

| | |
|----------------------|--|
| 4D001 | |
| 5A001 | Other than entries 5A001.b.1.d., 5A001.b.4., 5A001.e., 5A001.f., 5A001.g., 5A001.h. and 5A001.j |
| 5B001 | Other than entry 5B001.b. and entry 5B001.a. in relation to entries 5A001.b.1.d., 5A001.b.4., 5A001.e., 5A001.f., 5A001.g., 5A001.h and 5A001.j. |
| 5D001.a. to 5D001.c. | Other than in relation to entries 5A001.b.1.d., 5A001.b.4., 5A001.e., 5A001.f., 5A001.g., 5A001.h. and 5A001.j. |
| 6A004 | Other than entry 6A004.e. |
| 6A006.a. | Other than entry 6A006.a.3. |
| 6A006.c. | Other than in relation to 6A006.a.3. |
| 6B004 | |
| 6C004 | Other than entries 6C004.b. and 6C004.c. |
| 8A001 | |
| 8A002 | Other than entry 8A002.a.4. and 8A002.r |
| 8B001 | |
| 8D001 | Other than in relation to entries 8A002.a.4. and 8A002.r |
| 9A002 | |
| 9B001 | |
| 9B002 | Other than in relation to entry 9E003.a.3.c. 9B003 |
| 9B004 | Other than in relation to entry 9E003.a.3.c. |
| 9B005 | |
| 9B008 | |
| 9B009 | |
| 9D002 | Other than in relation to entries 9B002. and 9B004., when applicable to entry 9E003.a.3.c. |
| 9D003 | |
| 9D004.a. to 9D004.c. | |

(2) Technology specified in the following entries in Annex I to the Regulation:

| | |
|----------------------|-----------------------------|
| 1E002 | Other than entry 1E002.g |
| 2E003 | |
| 3E003.a. to 3E003.d. | |
| 5E001.b. | |
| 7E004.a.2. | |
| 7E004.a.3. | |
| 7E004.b. | Other than entry 7E004.b.5. |
| 7E004.c. | |
| 8E002 | |

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than a destination in:

Afghanistan, Albania, Algeria, Angola, Argentina, Armenia, Australia, Azerbaijan, Bahrain, Belarus, Bosnia and Herzegovina, Bulgaria, Burma (Myanmar), Canada, Cuba, Egypt, Georgia, Iran, Iraq, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Libya, Myanmar (Burma), Moldova, Mongolian People's Republic, New Zealand, North Korea, Norway, Pakistan, People's Republic of China (including Special Administrative Regions), Russian Federation, Saudi Arabia, Socialist Republic of Vietnam, Sri Lanka, Sudan, Switzerland, Syria, Taiwan, Tajikistan, Turkey Turkmenistan, Ukraine, United Arab Emirates, USA, Uzbekistan, and Venezuela.

- European Union Member States as follows: Austria, Belgium, 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 revised to take into account changes in legislation following the end of the transition period.
2. This licence permits, without further authority but subject to certain conditions, the export of the items specified in Schedule 1 from the United Kingdom where the exporter is established in the United Kingdom, to any destination specified in Schedule 2. This includes the transmission of software or technology by fax, telephone or other electronic media.
3. The Export Control Order 2008 (“the Order”) contains 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/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 above may be inspected.

This notification must be made via DIT’s electronic licensing system, SPIRE: <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 authorized by the Secretary of State.
4. 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.

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/she 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(2)).
6. 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.
7. 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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