

OPEN GENERAL EXPORT LICENCE

MILITARY COMPONENTS

OCTOBER 2015

Open General Export Licence (Military Components)

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Open General Export Licence (Military Components)

The Secretary of State grants this Open General Export Licence under article 26 of the Export Control Order 2008 (SI 2008/3231 as amended).

This licence comes into force on 19 October 2015. This replaces the licence dated 13 June 2014.

This licence has been changed to make Ministry of Defence (MOD) security requirements clearer, including references to the MOD Form 680 and F1686. It has also been amended to update the reference to the rating code PL5001 which is listed under Section 2 (Goods and software you can export or transfer under this licence). This change is as a result of an update to Schedule 2 of the Export Control Order 2008 which came into force via the Export Control (Amendment) Order 2015 (SI 2015/351) on 24 March 2015.

1. Purpose

- (1) The purpose of this Open General Export Licence (OGEL) is to allow you to export military 'components' for military equipment, as long as the original equipment has been exported with the approval of the UK licensing authority (the Export Control Organisation (ECO)) or has been supplied by the UK Government. This OGEL will mainly be used by exporters who need to supply components (goods or software) to maintain or repair equipment held by their customers for the use of the original government end-user.
- (2) However, as with any OGEL, there are limits to what it covers. It is limited to a number of low-risk destinations. Some goods and software are excluded and you will have to provide certain documents before exporting the components, and keep records so that the ECO can carry out audits to confirm you have used the OGEL correctly. **If you fail to use this OGEL correctly ECO may suspend or withdraw your authorisation to use this licence.**
- (3) You should only register to use this licence if you have **fully considered** the terms and conditions that follow and are able to meet them **all**.

2. Goods and software you can export or transfer under this licence

- (1) The description of the goods or software listed in the table below has the same meaning as those described in Schedule 2 (Military Goods) of the Export Control Order 2008 as amended.
- (2) This licence allows you to export **components** (goods and software) specifically designed for any military goods or equipment listed in Schedule 2 (Military Goods) of the Export Control Order 2008 as amended, except goods listed below and which do not improve the performance of the originally supplied equipment.
- (3) You **may not export or transfer components for** any of the following (goods or software):

| Control list classification | |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ML3 | <i>Cluster munitions, explosive submunitions.</i> |
| ML4 a ML4 b1 | <ul style="list-style-type: none"> • Missiles for Man Portable Air Defence Systems (MANPADS) (with or without missiles, including related launching equipment and rockets). • MANPADS (including missiles which can be used without modification in other applications). • Anti-personnel landmines. • <i>Cluster munitions, explosive bomblets and explosive submunitions.</i> |
| ML10c | Unmanned aerial vehicles (UAV) and their launchers, ground support equipment and related equipment for command and control. |
| ML11a | Electronic equipment specially designed or modified for military use: <ul style="list-style-type: none"> • Test equipment for MANPADS. • Goods for use with <i>cluster munitions, explosive submunitions and explosive bomblets.</i> |
| ML14 | Training equipment for MANPADS. |
| ML16 | Forging, castings and other unfinished goods for use with <i>cluster munitions, explosive submunitions and explosive bomblets.</i> |
| ML17f | Libraries for MANPADS. |
| ML17n | Test models specially designed for the development of <i>cluster munitions, explosive submunitions and explosive bomblets.</i> |

| Control list classification | |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| PL5017 | Equipment and test models for MANPADS. |
| PL5001c, PL5001f | Security and paramilitary police <i>goods</i> listed. |
| ML18, | Equipment listed in classification ML18 (production equipment and environmental test facilities) whose export is not allowed in this table. |
| ML21 | Software listed in classification ML21 (software) related to any equipment whose export is not allowed in this table. |

Note: The goods and software shown above in italics are defined in the glossary.

- (3) You **must not** export or transfer under this licence goods (either complete items or components of items) which fall within the scope of the Directive on the Control of the Acquisition and Possession of Weapons (Council Directive 91/477/EEC as amended).

3. Countries or destinations allowed under this licence

- (1) Australia, Austria
Belgium
Canada, Croatia, Czech Republic
Denmark
Estonia
Finland, France
Germany, Gibraltar, Greece
Hungary
Iceland, Ireland (Republic of), Italy
Japan
Latvia, Lithuania, Luxembourg
Malta
Netherlands, New Zealand, Norway
Poland, Portugal
Romania
Slovenia, Slovakia, Spain, Sweden, Switzerland (including Liechtenstein)
Turkey
USA.
- (2) You **must not** export or transfer goods or software to a 'customs free zone'. A 'customs free zone' is a part of the territory of a country where any goods introduced are generally regarded, as far as import duties and taxes are concerned, as being outside the customs territory of that country, and so the usual customs controls do not apply.

4. Who you can export goods and software to

- (1) You must only export or transfer goods or software if the ultimate end-user is the same government end-user as for the original equipment, and is the government of one of the countries or territories listed in section 3; and
- (2) You must only export or transfer goods or software to the end-user for the original equipment as shown either in the original export licence or in the documents relating to the sale of the equipment by the UK Government; or
- (3) If goods or software are transferred or exported to a **government end-user** different from that to which the equipment was initially sold, you must ensure:
 - a. The goods or software are for the ultimate end-use for a government of one of the countries or territories listed in section 3;**and**
 - b. There is evidence (such as a contract or documentation) that the same goods or software, in the same form, were previously exported as original equipment to another government listed in section 3,

5. Other restrictions that apply

- (1) You **must not** export or transfer goods and software to be incorporated into other goods and software that are to be exported, re-exported or transferred to a person or company in a country or destination **other than** one specified in section 3 of this licence. You must make sure that you keep to any relevant project security instruction (PSI).
- (2) **Security classified goods and software**
 - a. You **must only** export or transfer goods and software classified **OFFICIAL-SENSITIVE or above** (including UK material classified **RESTRICTED** or above, graded prior to 2nd April 2014, and internationally security classified material), if you have the correct written approvals. The different types of approval are explained below.
 - i. if the export is in support of any **sub-contracting or collaboration** activity which **directly contributes** towards a United Kingdom Government defence contract a **Ministry of Defence approval has to** be provided by one of the following means, and you must keep a record of any written letter of clearance given for inspection as described in sections 8 (1) a - h:
 - A. the '**F1686**' (Application to sub-contract or collaborate with an overseas contractor on work involving OFFICIAL-SENSITIVE and above classified information) procedure. The F1686 procedure, and how to obtain an approval, is described in the Security Policy Framework issued by the Cabinet Office (and included in the UK Government OFFICIAL-SENSITIVE Security Conditions); **or**
 - B. the UK MOD Contracting Authority for the work under a letter delegating authority up to an **OFFICIAL-SENSITIVE** level to an identified company Security Controller to approve the export; **or**
 - C. any written letter of approval as identified in any applicable **Project Security Instructions (PSI)** approved by collaborating partner nations governments;

or

ii. if the export is not in support of any sub-contracting or collaboration activity which directly contributes towards a United Kingdom Government defence contract, approval has to be provided by the MOD Form 680 procedure. You may only export these goods and software to the **named end-user** stated in the MOD Form 680 and you will need to keep a record of that end-user for inspection as described in sections 8 (1) a to h. You can apply for a MOD Form 680 through SPIRE: <https://www.spire.trade.gov.uk/>

b. For goods and software classified **CONFIDENTIAL**, for material classified by the UK prior to 2nd April 2014 or internationally security classified **CONFIDENTIAL**-equivalent material, or **SECRET** or above, you will need a current written approval for a Security Transportation Plan. A Security Transportation Plan approval can be obtained from the MOD Defence Equipment and Support (DE&S) Principal Security Advisor. More information is available from the Principal Security Advisor (please see below for their contact details).

Note: To apply for for Security Transportation Plan approval, or F1686 approval for material classified CONFIDENTIAL by the UK prior to 2nd April 2014 or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above, or for further information please contact:

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

To apply for F1686 approval for material classified OFFICIAL-SENSITIVE (including UK material classified RESTRICTED, graded prior to 2nd April 2014, and internationally security classified material) please contact your Ministry of Defence Contracting Authority using the details on the applicable Security Aspects Letter for the work.

- c. You **must not** transfer software **electronically** that has been classified **OFFICIAL-SENSITIVE or above** (including UK material classified **RESTRICTED** or above, graded prior to 2nd April 2014, and internationally security classified material) unless:
- i. the method of transmission is protected by encryption appropriate to the classification of the data ; and
 - ii. you hold any necessary clearance from a government

accreditation authority and you can make the clearance document available for inspection by any person authorised by the Secretary of State.

(3) **Weapons of mass destruction (WMD)**

- a You **must not** export or transfer all or part of goods or software if you are aware or suspect they may be used, in whole or in part, for a WMD purpose. You may become aware of, or suspect, this in the following ways:
- i. A competent authority tells you.
 - ii. You are already aware of this intended use.
 - iii. You have grounds for suspecting that the goods or software may be used for this purpose, unless you have made all reasonable enquiries about what the goods or software will be used for, and are satisfied that they will not be used for a WMD purpose.
- b If you have any concerns over the end use of the goods or software t you should contact the ECO's End User Advice Service.
- (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.

6. Actions you must take before exporting or transferring goods or software under this licence

- (1) You must be satisfied that you and the goods or software you plan to export or transfer can meet all the requirements set out in this licence.
- (2) You must also have an undertaking from the government end-user confirming that the original equipment was exported from the UK under a valid licence or was supplied by the UK Government if:
- a. you were not the supplier of the original equipment; or
 - b. the person or entity receiving (the consignee) the goods or software is not the person or entity (consignee) that received the original equipment.
- (3) Before using this licence, you **must** register through the ECO's electronic licensing system, 'SPIRE' (<https://www.spire.trade.gov.uk/>), stating where you will keep records of the exports or transfers and where ECO may inspect them.

Note: The undertaking is only valid as long as the circumstances under which the undertaking was given have not changed or modified over that period, including:

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- the details of the person or entity (consignee) receiving the goods or software ;

- the terms of the OGEL under which it was given;
- the destination of the goods or software is not an embargoed destination; or
- for any reason which the ECO considers should result in that undertaking no longer being valid.

The ECO considers it best practice that end-user undertakings are renewed every 12 months.

- (4) If you need to meet conditions in section 5 (2) a and b of this licence, you must also have written approval from the Ministry of Defence before exporting goods or software.

7. Actions you must take when exporting or transferring goods or software under this licence

- (1) For all physical exports of goods or software, you must make sure that the commercial documents that go with the goods or software include a declaration stating either:
- a 'the goods [or software] are being exported under the OGEL (military components)'; or
 - b your SPIRE licence reference (in the form "GBOGE 20??/?????").
- (2) You should present these documents to officials of HM Revenue & Customs when asked, together with the information and documents listed in section 8. (1) f or g below.
- (3) 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..

8. Records that you must keep

- (1) You must keep the following records relating to exporting or transferring tangible and intangible goods and software under this licence for **four years** and you must make them available for any person authorised by the Secretary of State to inspect. The detailed requirements are set out in article 29 of the Export Control Order 2008. In summary, you must keep a record of the following:
- a The date and destination of export.
 - b The name and address of the person or entity (the consignee) you are exporting or transferring the goods or software to.
 - c A description of the goods or software.
 - d The **original undertaking** from the person or entity (consignee) receiving the goods or software, **or** documents described in 6 (3) above (for example a

purchase order, an excerpt of the contract).

- e The classification in Schedule 2 of the Export Control Order.
- f Documents referred to in section 7 above that include either of the declarations described in section 7. (1) a or b.
- g A copy of the original equipment licence, or evidence that the UK Government sold the original equipment that the components will be used for.
- h If you **are not the original supplier** of the goods or software, or if you are not exporting or transferring the components to the original customer, you must provide an original undertaking from the government end-user, as described in section 6.(2).

- (2) For goods and software which have any of the functions or characteristics of information security described in Category 5 Part 2 of Annex 1 to Council Regulation (EC) No.428/2009 (as amended), every 12 months you must present a copy of the records set out in section 8. (1) a, b or c above to a representative of the Secretary of State (the CESG and send a copy to the ECO) for inspection. You can contact the CESG at the following email address:

intrelexport@cesg.gsi.gov.uk

9. Other legal requirements

- (1) You must complete, in full, the pre-visit questionnaire (PVQ) which you receive before an audit visit by the ECO and return it by the date given in the letter that came with it.
- (2) You **must not** export or transfer goods or software if their use would be inconsistent with the terms of a United Nations (UN), Organisation for Security and Co-operation in Europe (OSCE) or European Union (EU) arms embargo or any other arms embargo.
- (3) As well as keeping to the requirements of this licence, you must also keep to any other relevant laws and acts which are in force. There may be restrictions or limits under other laws which apply when exporting these goods or, software under other laws which apply when exporting these goods or software.

10. If you fail to meet the terms and conditions of this licence

- a If, following an audit visit, the ECO send you a 'failure to comply' warning letter, you must take the steps set out in that letter and within the timescale given. If you do not do this, the ECO may **suspend or withdraw your authorisation** to use this licence until you can satisfy the ECO that you are able to meet the terms and conditions of this licence.
- b The ECO may suspend or withdraw this licence if you do not satisfy the

requirements of all the terms and conditions of this licence. If this is the case, you may (along with anyone who has exported or transferred goods or software for you) be prosecuted.

- c You **must not** export or transfer goods or software under this licence at any time once the ECO have suspended or withdrawn your authorisation to use this licence by serving a notice on you under article 32(1) of the Export Control Order 2008.

Glossary

Expressions used in this licence and in the Export Control Act 2002 (2002 C.28) or in the Export Control Order 2008 have the same meaning here as they do in the Act and Order. The legislation referred to in this licence is updated from time to time and you will need to check that you have the most up-to-date version when using this licence. For the legislation that applies to UK exports, please visit: <http://www.legislation.gov.uk>

You can see the original Export Control Order at <http://www.legislation.gov.uk/ukxi/2008/3231/contents/made>

You can see the original Schedule 2 at <http://www.legislation.gov.uk/ukxi/2008/3231/schedule/2/made>

The following terms and acronyms used in this licence have the following meanings.

Section 1 - Purpose

- 1 'Components' includes goods and software. Components are the goods or software which form a system or larger unit or are part of a mechanical or electrical complex.
- 2 'Military equipment' includes goods and software.
- 3 'You' means someone who has registered as a user with SPIRE, the electronic licensing system of the Export Control Organisation (ECO), a part of the Department for International Trade.

Section 2 - Goods and software

Note: Definitions of the goods and software shown below have the same meaning as that given in the Export Control Order 2008 (as amended).

- 1 The phrase 'Do not improve the performance of' means you may export modern replacement components or use a later standard for reliability or safety reasons,

as long as they do not improve the way the goods or equipment works or give the goods or equipment new or extra functions.

- 2 'Cluster munitions' means conventional munitions designed to disperse or release 'explosive submunitions' (**see note below**).
- 3 'Explosive bomblets' means conventional munitions, weighing less than 20 kilograms each, which are not self-propelled and which are specially designed to be dispersed or released by a dispenser fixed to an aircraft, and are designed to work by detonating an explosive charge before, on or after impact.
- 4 'Explosive submunitions' means conventional munitions, weighing less than 20 kilograms each, which are dispersed or released by another conventional munition and are designed to work by detonating an explosive charge before, on or after impact (**see note below**).
5. 'MANPADS' (Man Portable Air Defence Systems) are surface-to-air missile systems designed to be carried and fired by a single person, and other surface-to-air missile systems designed to be operated and fired by more than one person acting as a crew.

Note: cluster munitions and explosive submunitions above do not include the following conventional munitions.

- A munition or submunition designed to disperse flares, smoke, pyrotechnics or chaff, or a munition designed for an air-defence role only.
 - A munition or submunition designed to produce electrical or electronic effects.
 - A munition that has **all** of the following characteristics:
 - a. Each munition contains fewer than 10 explosive submunitions.
 - b. Each explosive submunition weighs more than 4 kilograms.
 - c. Each explosive submunition is designed to detect and engage a target object.
 - d. Each explosive submunition has an electronic self-destruction mechanism.
 - e. Each explosive submunition has an electronic self-deactivating feature.
6. The Directive on the Control of the Acquisition and Possession of Weapons (as amended) (Council Directive 91/477/EEC) sets out the restriction on possessing and the procedures for transferring certain firearms and weapons within the EU. For more information, visit: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1991:256:0051:0058:EN:PDF>

Section 4 - Who you can export or transfer goods and software to

1. 'Government' includes any person a government appoints to act on its behalf.

Section 5 - Other restrictions that apply

1. 'Security Classified' means that information or other assets are given a security classification when assessed against a security classification scheme. A security classification scheme is an administrative system to make sure that access to information and other assets is correctly managed and that assets are protected to an agreed and proportionate security classification level throughout their life. Other governments and organisations such as NATO and OCCAR have their own security classification schemes.
2. 'Project security instructions' are the specific security instructions for a particular project. They are generated either after the signature of a project memorandum of understanding (MoU) involving more than one country or as part of a contractual arrangement. They bring together the security regulations of everyone involved in the project and often provide extra security instructions on classification, marking, release and other security arrangements for that project. A MoU is a document describing an agreement between more than one individual or organisation. It sets out the intended common line of action but does not imply a legal commitment.
3. 'MOD Form 680' is the way in which the Government assesses proposals by companies to release security classified goods and software to foreign organisations (for example, individuals, companies partnerships or governments). An MOD Form 680 approval is not an approval to use an Open General Export Licence or to export without a licence. It is a separate security requirement.
4. 'F1686' 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 sub-contract or collaborate with an overseas contractor on work involving OFFICIAL-SENSITIVE and above classified information on classified work (also known as F1686)". It is the way in which exporters can gain clearance to subcontract work to or work in partnership with overseas companies on certain projects. F1686 approval is not an approval to use an Open General Export Licence. It is a separate security requirement.
5. 'Transferring software electronically' means, in relation to this licence, sending software by fax, phone, email or other electronic media.
6. 'WMD purposes', as defined in article 2(1) of the Export Control Order 2008, means used in connection with developing, producing, handling, operating, maintaining, storing, detecting, identifying or spreading (disseminating) chemical, biological or nuclear weapons or other nuclear explosive devices, or developing, producing, maintaining or storing missiles capable of delivering such weapons.
7. 'Competent authority' means in the UK the Secretary of State or anybody acting under their authority and, in the EU, anyone authorised by a member state to grant export or trade licences for military goods or software or dual- use items.
8. The 'End User Advice Service' is provided by the UK Government and can be accessed through SPIRE. The Service is the process by which you can obtain advice from the ECO about any concerns you may have with the overseas entities (businesses or individuals) involved with your export transactions.

Section 6 - Before exporting or transferring goods or software

1. 'SPIRE' is the UK licensing authority's online licence application and registration system. You will need to register yourself and your business on SPIRE before you can apply for a licence to export controlled goods. Website:
<https://www.spire.trade.gov.uk/>
2. A 'consignee' may be an individual, a company, a government or NATO.
3. An 'original undertaking' means one that has a person's original signature and has not been copied, faxed or converted into an electronic format.
[Download an end-user undertaking form.](#)
4. 'Government' as it relates to a contract includes direct contracts with governments, armed forces of a government, government agencies and companies working on behalf of government (and there is evidence of them doing so).

Section 7 - When exporting or transferring goods of software

1. 'Declaration' means a commercial document completed for an official of Her Majesty's Government (HMG) which meets the conditions set out in section 7(1).

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psi@nationalarchives.gsi.gov.uk.

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