



Department
for Business
Innovation & Skills

OPEN GENERAL EXPORT LICENCE

International Non-Proliferation
Regime Decontrols: Military
Items

AUGUST 2014 (Revoked Oct 2015)

REVOKED

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REVOKED

Open General Export Licence (International Non-Proliferation Regime Decontrols: Military Items) dated 14 August 2014, granted by the Secretary of State. This licence is revoked.

The Secretary of State, in exercise of powers conferred by Article 26 of the Export Control Order 2008⁽¹⁾ ("the Order") hereby grants the following Open General Export Licence:

Licence

1. Subject to the following provisions of this Licence, any goods in Schedule 1 hereto may be exported from the United Kingdom to any destination specified in Schedule 2 to this Licence.

Exclusions

2. The licence does not authorise the export of goods:
 - (1) if the exporter has been informed by a competent authority of the Member State where he is established that they are or may be intended, in their entirety or in part 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, or
 - (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), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be so used;

¹ S.I.2008/3231

- (4) if the exporter has been informed by a competent authority, or is otherwise aware that the goods have been classified by the Ministry of Defence as having a protective marking of RESTRICTED or above;
- (5) 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) before first using this Licence, the exporter shall inform the Secretary of State of their intention to do so, specifying their name and the address at which copies of records maintained pursuant to paragraph 4(2) may be inspected; this notification must be made via the Export Control Organisation's electronic licensing system, SPIRE, at www.spire.bis.gov.uk;
- (2) the exporter or transferor shall maintain the following records in respect of all their exports and transfers of items under this Open General Export Licence:
 - a) the date and destination of each;
 - b) the name and address of the consignee and, where known, the
 - c) end-user;
 - d) a description of the items exported or transferred;
 - e) the quantity of goods exported;

and any such records shall be maintained for at least 3 years after the end of the calendar year in which the export or transfer took place, and the exporter or transferor shall permit the records to be inspected and copied by any person authorised by the Secretary of State;

- (3) except in the case of an export of technology by telephone, fax

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documentation accompanying the items shall include a note stating either:

- (a) “These items are being exported under the Open General Export Licence (International Non-Proliferation Regime Decontrols: Military Items)”; 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 Revenue and Customs if so requested.

- (4) 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.
- (5) 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.

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However, you can register for this licence again if you want to use it after your registration has ended.

- (6) 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 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⁽²⁾;
 - (2) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it has in the Act or the Order.

Entry into Force

6. This Licence came into force on 14 August 2014 (revoking all previous versions) and was itself revoked in October 2015.

***An Official of the Department for Business, Innovation and Skills
authorised to act on behalf of the Secretary of State***

² 2002 c.28

REVOKED

SCHEDULE 1

GOODS CONCERNED

1. Rifles or handguns specified in ML1.a., specially designed to discharge an inert projectile by compressed air or CO₂, and specially designed components therefor.
2. Weapons specified in ML1.b., specially designed to discharge an inert projectile by compressed air or CO₂, and specially designed components therefor.
3. Blank or dummy ammunition specified in ML3.a., not incorporating components designed for live ammunition.
4. Components specified in ML3.a., specially designed for blank or dummy ammunition.

SCHEDULE 2

DESTINATIONS CONCERNED

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

All destinations other than in:

Afghanistan, Argentina, Armenia, Azerbaijan,
Belarus, Burma (Myanmar), Burundi,
Democratic Republic of the Congo, Eritrea,
Guinea,
Iran, Iraq, Ivory Coast,
Lebanon, Liberia, Libya,
North Korea,
Occupied Palestinian Territories,
Macau Special Administrative Region,
Russia, Rwanda,
Sierra Leone, Somalia, South Sudan, Sri Lanka, Sudan, Syria,
Tanzania,
Uganda,
Zimbabwe.

EXPLANATORY NOTE

(This Note is not part of the Licence)

1. This Open General Export Licence has been amended to add Russia to the list of non-permitted destinations as listed under 'Schedule 2 – Destinations Concerned'. This follows the adoption of an EU arms embargo on Russia imposed by Council Decision 2014/512/CFSP and Council Regulation (EU) No 833/2014.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of military items described in Schedule 1 to the licence from the United Kingdom to any destination in Schedule 2 to the licence.
3. This licence is intended to allow the export of items which were the subject of a review in the Wassenaar Arrangement in 2013.
4. 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 intending to export items under the authority of this licence must, before the first occasion they make use of the licence, provide details to the Secretary of State of their name and address where copies of the records referred to above may be inspected. This notification must be made via the Export Control Organisation's (ECO) electronic licensing system, SPIRE, at www.spire.bis.gov.uk.
 - (b) 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 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.

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 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(4)).

6. 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.

7. 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.

8. The provisions of this Licence only apply for the purposes of the Export Control Order 2008. They do not affect the need to obtain other consents that may be required for the export of particular military goods, whether under other statutory provisions (such as the Official Secrets Act 1989) or otherwise (such as under contractual obligations). In addition, this Licence does not extend to prohibitions in other legislation implementing United Nations sanctions.

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This publication available from www.gov.uk/bis

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BIS/14/1043

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