

OPEN GENERAL EXPORT LICENCE

**Military Goods, Software and
Technology: Government or
NATO End Use**

OCTOBER 2015

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Open General Export Licence (Military Goods, Software and Technology: Government or NATO end use)

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.

Section 1. Purpose

- (1) The purpose of this Open General Export Licence (OGEL) is to allow you to export or transfer goods, software or technology from the United Kingdom to any of the destinations or countries listed in this licence to a **government** or a **NATO organisation**. This includes re-exporting goods, software or technology to and from permitted destinations, even if they have been incorporated into other products. This OGEL will mainly be used by exporters who supply military goods, software and technology to a **government** or a **NATO organisation** in the listed destinations.
- (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, software and technology are excluded and you will have to provide certain documents before exporting the components, and keep records so that the Export Control Organisation (ECO) can carry out audits to confirm you have used the OGEL correctly. **If you fail to use this OGEL correctly the 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**.

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

- (1) The description of the goods, software or technology 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) You **may only export or transfer** any of the goods, software or technology listed in the first column unless we tell you otherwise in the second column.

Control list classification	
ML4 a. ML4 b.1. ML4 b.2.	All goods under these categories but not including : <ol style="list-style-type: none"> 1 anti-personnel landmines, and specially designed components of these goods; 2 anti-vehicle mines, and specially designed components of these goods; 3 Complete Man Portable Air Defence Systems (<i>MANPADS</i>) (with or without missiles, including related launching equipment and rockets) and specially designed components of these goods; 4 missiles for <i>MANPADS</i> (including missiles which can be used without modification in other applications); 5 <i>cluster munitions, explosive bomblets, explosive submunitions</i>, and specially designed components of these goods; or 6 rockets, missiles capable of a range of at least 300 km, and the following components which can be used in these goods. <ol style="list-style-type: none"> a Individual rocket stages b Rocket engines c Thrust vector control systems d Weapon or warhead safing, arming, fuzing and firing components e Re-entry vehicles, and the following components of these goods. <ol style="list-style-type: none"> i. Heat shields and components of these goods ii. Heat sinks and components of these goods iii. Electronic equipment for re-entry vehicles

Control list classification	
ML 4 c.	All goods under this category.
ML5	All goods under this category.
ML6	All goods under this category but not including: <ul style="list-style-type: none"> • complete vehicles.
ML7 g.	All goods under this category. However, you may not export these goods if they are to be sent to armed forces deployed to a destination not specified in Section 3. See 4 (4).
ML9	All goods under this category but not including: <ul style="list-style-type: none"> • complete vessels.
ML10	All goods under this category but not including: <ul style="list-style-type: none"> • complete aircraft; or • complete unmanned aerial vehicles (UAVs) and any components specially designed or modified for UAVs.
ML11	All goods under this category but not including: <ul style="list-style-type: none"> • any items relating to goods whose export is not allowed in this table; • guidance sets capable of achieving a system accuracy of 3.33% or less of the range, that can be used in rockets or missiles capable of a range of at least 300 km; or • test equipment for <i>MANPAD</i> systems.
ML13 c. ML 13 d.	All goods under these categories.
ML14	All goods under this category but not including: <ul style="list-style-type: none"> • training equipment for <i>MANPADS</i>.
ML15	All goods under this category.
ML16	All goods under this category but not including: <ul style="list-style-type: none"> • any items relating to goods whose export is not allowed in this table.
ML17	All goods under this category but not including: <ul style="list-style-type: none"> • ML17 f. and 17 g. and specially designed components of these goods; or • ML17n. and specially designed components of these goods, as long as they are for use in connection with <i>cluster munitions</i>, <i>explosive submunitions</i> and <i>explosive bomblets</i>.

Control list classification	
PL5017	<p>All goods under this category but not including:</p> <ul style="list-style-type: none"> • any items relating to goods whose export is not allowed in this table.
ML18	<p>All goods under this category but not including:</p> <ul style="list-style-type: none"> • production equipment for: <ul style="list-style-type: none"> a <i>MANPAD</i> systems; b anti-personnel landmines; or c <i>cluster munitions, explosive submunitions</i> and explosive <i>bomblets</i>.
ML21a. ML21 b.1. ML21c. ML21d.	<p>All goods under these categories, but not including software for:</p> <ul style="list-style-type: none"> • any items relating to goods whose export is not allowed in this table; or • developing or updating software embedded in military weapon systems. <p>You may not export software controlled in ML21 if it relates to ML7g and is to be sent to armed forces deployed outside a destination or country allowed under this licence. See 4 (4).</p>
ML22	<p>All goods under this category but no including technology for:</p> <ul style="list-style-type: none"> • any items relating to goods whose export is not allowed in this table; or • source code, if the source code relates to software whose export is not allowed in this table. This does not apply to a source code relating to ML17.f. <p>You may not export technology controlled in ML22 if it relates to ML7g and is to be sent to armed forces deployed outside a destination or country allowed under this licence. See 4 (4).</p>

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

Section 3. Countries or destinations allowed under this licence

- (1) Australia, Austria
Belgium, Bulgaria
Croatia, Canada, Cyprus, Czech Republic
Denmark
Estonia
Finland, France
Germany, Greece
Hungary
Iceland, Ireland (Republic of), Italy
Japan
Latvia, Lithuania, Luxembourg
Malta
Netherlands, New Zealand, Norway
Poland, Portugal
Romania
Slovakia, Slovenia, Spain, Sweden, Switzerland (including Liechtenstein)
United Kingdom, USA

Note: The UK is included as a destination for goods, software or technology which have been initially exported from the UK to one of the destinations listed above and are then re-exported to the United Kingdom after being incorporated into other products.

- (2) You **must not** export or transfer goods, software or technology 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.

Section 4. Who you can export goods, software and technology to

You must only export or transfer goods, software or technology for:

- (1) the end use of a **government** of the countries or destinations listed in section 3;
or
- (2) the end use of a **NATO organisation** as long as they are in one of the countries or destinations listed in section 3; **or**
- (3) a **contractor** in a destination listed in section 3 of this licence, as long as you have documents from that contractor (for example, copy of a purchase order, an excerpt of a contract, a written undertaking by the contractor) that confirm that the items are required for **use by a government or NATO organisation** as referred to in 4 (1) (2) above; **or**
- (4) the armed forces of a destination specified in section 3 of this licence that are **deployed outside that destination**, as long as those items are for **use only by those armed forces** and **do not fall** within entry ML7.g. in Schedule 2 to the Export Control Order 2008 or within entries ML21 or ML22 as they relate to entry ML7.g.

Section 5. Other restrictions that apply

- (1) You **must not** export or transfer goods, software or technology to be incorporated into other goods or technology 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, software and technology**
 - a. You **must only** export or transfer goods, software or technology 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 –g:
 1. 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). More information is available from the MOD Defence Equipment and Support (DE&S) Principal Security Advisor; **or**
 2. the UK MOD Contracting Authority for the work that the export relates to under a letter delegating authority up to an **OFFICIAL-SENSITIVE** level to an identified company Security Controller to approve the export; **or**
 3. 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** approval. You may only export these goods, software and technology 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 – g. You can apply for a MOD Form 680 through SPIRE:
<https://www.spire.trade.gov.uk/spire/fox/espire/LOGIN/login>

- b. For goods, software and technology 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 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 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, 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 or technology **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, software or technology 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, software or technology 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, software or technology 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.

Section 6. Actions you must take before exporting or transferring goods, software and technology under this licence

- (1) You must be satisfied that you and the goods, software or technology you plan to export or transfer can meet all the requirements set out in this licence.
- (2) Before using this licence, you **must** register through the ECO's electronic licensing system, SPIRE:
(<https://www.spire.trade.gov.uk/spire/fox/espire/LOGIN/login>), stating where you will keep records of the exports or transfers and where the ECO may inspect them.
- (3) You must:
 - a have an **original undertaking** from the person or entity (known as a consignee undertaking) receiving the goods, software or technology which confirms the export is for a **permitted use** (this undertaking must remain in force for the period of the contract); **or**
 - b provide a document as evidence (for example, a purchase order, excerpt of contract) from the person or entity (consignee) receiving the goods, software or technology which **states** the export is for a **permitted use** . The document **must also include** the contract number and the name of the items which can be

checked against the control list classification of the goods, software or technology being exported; **or**

- c **only** in the case of contracts directly from a **government in a destination** listed in section 3, or **NATO organisations**, provide documents as evidence (for example, a purchase order, excerpt of contract) that include the contract number and the name of the goods, software or technology, that can be checked against the control list classification of the goods, software or technology being exported.

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:

- the details of the person or entity (consignee) receiving the goods, software or technology;
- the terms of the OGEL under which it was given;
- the destination of the goods, software or technology 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, software or technology.

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

- (1) For all physical exports of goods, software or technology, you must make sure that the commercial documents that go with the goods, software or technology include a declaration stating either:
 - a 'the goods (software or technology) are being exported under the OGEL (Military Goods, Software and Technology: Government or NATO end use)';
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

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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.

Section 8. Records that you must keep

- (1) You must keep the following records relating to exporting or transferring 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 or transfer.
 - b The name and address of the person or entity (the consignee) you are exporting or transferring the goods, software or technology to.
 - c A description of the goods, software or technology.
 - d The **original undertaking** from the person or entity (consignee) receiving the goods, software or technology, **or** documents described in 6 (3) above (for example a purchase order or 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 The written approval from the Ministry of Defence, if this is needed to meet the requirements of sections 5 (2) a, b or c.
- (2) For goods, software and technology 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 and 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.qsi.gov.uk

Section 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, software or technology 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, software or technology.

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

- (1) 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.
- (2) 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, software or technology for you) be prosecuted.
- (3) You **must not** export or transfer goods, software or technology 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

This licence has been amended to reflect new reporting process in connection with the Transparency Initiative.

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 that 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: 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 'Equipment' includes goods, software and technology.
- 2 'Re-export means to export goods, software or technology listed in section 2, from a permitted destination, listed in section 3, back to the UK or to another destination allowed under this licence.
- 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, software and technology

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

- 1 'Cluster munitions' means conventional munitions designed to disperse or release 'explosive submunitions' (**see note below**).
- 2 '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.
- 3 'Explosive submunitions' means conventional munitions, weighing less than

munition and are designed to work by detonating an explosive charge before, on or after impact (**see note below**).

4. 'WMD purposes' means used in connection with developing, producing, handling, operating, maintaining 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.

Note: 1 and 3 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.

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. 'Collaborate' means to work together on an activity or project either under a contract, agreement or other form of arrangement.
3. '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 .

4. 'MOD Form 680' is the way in which the Government assesses proposals by companies to release security classified goods, software and technology 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.
5. 'Application to sub-contract or collaborate with an overseas contractor on work involving OFFICIAL-SENSITIVE and above classified information (also known as F1686)'. It is the way in which exporters can gain approval 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.
6. 'Transferring software or technology electronically' means, in relation to this licence, sending software or technology by fax, phone, email or other electronic media. (Sending software or technology by phone is included only where the technology is contained in a document and the relevant part of the document is read out over the phone, or is described over the phone in such a way as to achieve substantially the same result as if it had been read).
7. 'WMD purposes', means used in connection with developing, producing, handling, operating, maintaining, storing 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.
8. '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, software or technology or dual-use items.
9. 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/spire/fox/espire/LOGIN/login>

- 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 template.](#)
- 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).
- 5 Permitted use means use of the items specified in section 2 of this licence, by an individual or an organisation (for example, company or partnership) in a destination specified in section 3 and which meets the conditions set out in sections 4, 5, and 9 (2) and other relevant conditions, restrictions or requirements set out in this licence.

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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