



Department for  
International Trade

# **Open General Export Licence**

**Exports of non-lethal Military and Dual-Use Goods: to UK  
Diplomatic Missions or Consular Posts**

December 2020

## **EXPORT LICENCE**

**Open General Export Licence (Exports of non-lethal military and dual-use goods: To UK Diplomatic Missions or Consular Posts)** dated 31 December 2020, granted by the Secretary of State.

The Secretary of State grants 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 following provisions of this Licence goods specified in Schedule 1 hereto may be exported from the United Kingdom to a UK Diplomatic mission or Consular post overseas for exclusive use of HMG personnel, providing the export is in relation to an eligible United Kingdom Government Contract.

### *Exclusions*

- 2. This Licence does not authorise the export of goods:
  - (1) to a destination within a Customs Free Zone;

- (2) or software and technology in tangible form, if the exporter has been informed by a competent authority, or is otherwise aware, (for example, from information received from the manufacturer), that they have been classified by the Ministry of Defence as CONFIDENTIAL, for material classified by the UK prior to 2<sup>nd</sup> April 2014, or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above,
- unless** the exporter has a current written Security Transportation Plan that has been approved in a written letter of clearance issued by the MOD Defence Equipment and Support (DE&S) Security Advisor for those goods.
- (3) 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 above is subject to the following conditions:
- (1) before any exporter, provider or transferor first exports goods, under this licence, they shall have informed the Secretary of State of this intention under this licence, specifying the name of the exporter, provider or transferor and the address at which copies of the records of their export or transfers may be inspected under condition 3(4) below;
- (2) the exporter **must** obtain prior to making **any** export pursuant to this licence written approval from the Mission, in the form of a Purchase Order, issued against an eligible United Kingdom Government Contract which identifies the goods and consignee.
- (3) on making any export of goods, the exporter shall produce to an

officer of HM Border Force, if so requested, documentary evidence in the form of a copy of the current written approval referred to in sub-paragraph 3(2);

- (4) the exporter, provider or transferor shall, in addition to provisions of sub-paragraph 3(1) above, maintain records of:
  - (a) date and destination of each export, provision or transfer;
  - (b) name and address of consignee to whom the goods are being exported;
  - (c) MOD DE&S Security Advisor clearance letter referred to in 2(2) above (in the case of goods classified CONFIDENTIAL, for material classified by the UK prior to 2<sup>nd</sup> April 2014, or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above);
  - (d) original written Mission approval that the goods supplied are in relation to the contract referred to in 3(2) above, any such records shall be maintained for at least four years after the date of the relevant export or transfer and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State.
- (5) official and commercial export documentation accompanying the export of goods or non-electronic transfer of software or technology shall include a note stating either:
  - (a) "the goods are being exported under the OGEL (Export of non-lethal Military and Dual-Use goods: to UK Diplomatic Missions or Consular Posts)"; or
  - (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 20??/?') of the exporter's registration in respect of this licence,

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

- (6) the exporter shall notify the Secretary of State of any change in the address referred to in 3(1) above within 30 days of that change.
- (7) Prior to audit, Department for International Trade (DIT) will issue a pre-visit questionnaire (PVQ). This must be completed, in full, and returned by the date given.
- (8) 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 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 the satisfaction of DIT, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.
- (9) 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.

*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 or transfer 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) a "Customs Free Zone" is a part of the territory of a country where any goods introduced are generally regarded, in so far 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;
- (3) "eligible UK Government Contract" means a contract which is supported by a Purchase Order issued by a UK Diplomatic Mission for the supply of goods for the exclusive use of HMG personnel;
- (4) “entry” includes part of an entry;
- (5) unless the context otherwise requires, any other expression used in this Licence shall have the meaning it bears in the Act or the Order as appropriate.

### *Entry into force*

6. This Licence shall come into force at 23:00 on 31 December 2020.
7. The Open General Export Licence (Exports of non-lethal military and dual-use goods: To UK Diplomatic Missions or Consular Posts) dated 11 April 2018 is hereby revoked

**An Official of the Department for**

**International Trade, authorised  
to act on behalf of the Secretary of State**

## **SCHEDULE 1**

### **EXPORTS CONCERNED**

#### ***SUPPLY DIRECT TO UK DIPLOMATIC MISSIONS OR CONSULAR POSTS FOR USE OF HMG STAFF***

##### **Military list items**

- ML4.b.1 - explosive disposal equipment for military bombs, usually operated by the military;
- ML4.b.2 – explosive disposal equipment for non-military
  - bombs (for example, suicide bombers) but usually
  - operated by the military;
- ML6.b.1 - armoured all wheel drive civilian vehicles
- ML6.b.2 – components providing ballistic protection and specially designed for vehicles specified in ML6.b.1
- ML7.f and g – Military standard NBC protective equipment (for example, against chemical or gas attack)
- ML13.c and d – military helmets and higher specification body armour

##### **Dual use items intended primarily for civilian use**

- 1A006 – explosive disposal equipment for non-military bombs (for example, suicide bombers) but usually operated by civilian and police bodies.
- PL8001.a.4 – other explosive disposal equipment usually operated by civilian and police bodies
- 1A005 – dual use (lower specification) body armour
- 1A004 – civilian standard CBRN protective and detection or identification equipment (for example, against chemical or gas attack)



## 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 Open General Export Licence permits, without further authority but subject to certain conditions, exportation of non-lethal military and dual use goods specified in Schedule 1 of this licence for use by HMG staff in UK Diplomatic Missions or Consular Posts in any destination providing the export is for the exclusive use of HMG personnel.
3. The goods may only be exported under this licence if they satisfy certain conditions. These include that the goods are the subject of prior written approval by the Mission, in the form a Purchase Order, issued against an eligible UK Government Contract which identifies the goods and consignee, and if classified as CONFIDENTIAL, for material classified by the UK prior to 2<sup>nd</sup> April 2014, or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above, written approval from the Ministry of Defence (MOD)(DE&S) must have been obtained.

4. **Security Transportation Plan approvals Overseas**  
**Government site clearances can be obtained from:**

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](mailto:desinfra-securityadvicecentre@mod.uk)

5. An exporter who exports goods under the authority of this Licence must before their first exportation under this licence, inform the Secretary

of State of their intention to export goods under this licence and of the address where copies of the said records may be inspected.

This notification must be made via the Export Control Organisation's electronic licensing system, SPIRE, at

<https://www.spire.trade.gov.uk/>

6. 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.
7. The exporter shall produce to an officer of HM Border Force, if so requested, documentary evidence in the form of the original of the Purchase Order issued by the Mission which should identify both the goods and consignee.
8. The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as they think fit. If an exporter receives written notice to this effect, they 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 has failed to take corrective action within a reasonable period (see condition 3(8)).
9. 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 for a period of time.
10. 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.

11. The provisions of this licence only apply for the purposes of the Export Control Order 2008, in particular, this licence does not extend to prohibitions in other legislation implementing United Nations sanctions.

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