



Department for
International Trade

Open General Transshipment Licence

Postal Packets

December 2020

TRANSHIPMENT LICENCE (POSTAL PACKETS)

Open General Transhipment Licence (Postal Packets)

dated 31 December 2020 granted by the Secretary of State.

The Secretary of State, hereby grants the following Open General Transhipment Licence in exercise of powers conferred by Articles 2 and 5(1) of the Import of Goods (Control) Order 1954¹ (“the Imports Order”), and now vested in him² and of his powers 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 good located in England, Wales or Scotland it means (a) above and in respect of goods located in Northern Ireland it means (b) above.

Interpretation

1. In this Licence, unless the context otherwise requires:
 - (1) “importation” and “exportation” mean respectively importation into and exportation from the United Kingdom;
 - (2) “transhipment” means the transit through the United Kingdom or transhipment of imported goods with a view to their re-exportation, whether or not they remain on board an aircraft or ship for the period that they remain in the United Kingdom or are goods on a through air waybill, through bill of lading or appropriate postal transit documentation;
 - (3) any other expression used in this Licence shall have the meaning it bears

¹ S.I. 1954/23; as amended

² See S.I. 1970/1537

in the Export Control Act 2002³ or the Exports Order.

Importation of goods for transshipment and subsequent exportation

2. Subject to the following provisions of this Licence, this Licence authorises the importation for transshipment and the subsequent exportation of any goods contained in a postal packet.

Limitations of Licence.

3. This Licence does not authorise the exportation of -

(1) any dual-use goods which are not goods in transit within the meaning of Article 2(7) of the Regulation ; or

(2) any goods in respect of which -

(a) any person who has custody of the goods for the time being has been informed by the Secretary or State that the goods are or may be intended, wholly or in part, to be used in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons, or the development, production, maintenance or storage of missiles capable of delivering such weapons; or

(b) any person who has custody of the goods while they are in the United Kingdom knows that they are intended, wholly or in part, to be used in connection with one of the activities referred to in sub-paragraph (a) above; or

(c) any such person has grounds for suspecting that the goods might be used, wholly or in part, in connection with an activity referred to in sub-paragraph (a) above, unless he has made all reasonable enquiries as to their proposed use and satisfied himself that the goods will not be so used.

4. This Licence does not authorise the importation of any goods not specified in Part I of Schedule 2 or Schedule 3 to the Exports Order or Annex I to the Regulation.

Conditions

5. The authority in paragraph 2 above for the exportation of any goods is subject to the following conditions:

- (1) that the goods were previously imported into the United Kingdom as post;
- (2) that at all times while they were in the United Kingdom they were either -
 - (a) in the custody of a single carrier (including its servants or agents) but of no other person, or
 - (b) in the custody of the Post Office or being handled in accordance with arrangements agreed by the Post Office or the originating overseas postal administration;
- (3) that the packet in which they are contained either was not opened while in the United Kingdom or, having been or become opened, was subsequently resealed with the authority or under a requirement of the proper officer of HM Revenue and Customs but not otherwise;
- (4) that if, when the goods were imported, the packet in which they are contained was itself in a sealed container, one of the requirements set out in subparagraph (6) below is satisfied; and
- (5) that the Secretary of State has not given notice to any person who has custody of the goods for the time being that the goods may not be exported under this Licence.
- (6) The requirements referred to in subparagraph (4) above are -
 - (a) the container was not opened while the goods were in the United Kingdom;
 - (b) while in the continuous custody of the Post Office -

- (i) the container or a container in which the goods were placed in accordance with subparagraph (c) below was opened,
- (ii) the goods were placed in a container, and
- (iii) the latter container was sealed,

and the latter container was not opened (except in accordance with the foregoing) while the goods remained in the United Kingdom;

(c) if the container in which the goods were imported or a subsequent container in which they were placed in accordance with subparagraph (b) above or this subparagraph was or became opened other than in accordance with subparagraph (b) above, either -

- (i) the container was subsequently resealed, or
- (ii) the goods were placed in another container and that container was sealed,

with the authority or under a requirement of the proper officer of HM Revenue and Customs but not otherwise

6. The requirements of Article 28 of the Exports Order shall not apply to an export under this Licence.

Prohibitions not affected by this Licence

7. Nothing in this Licence shall affect any prohibition or restriction on the importation or exportation or the carrying out of any act with respect of the importation and 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 is issued, as set out in the licence itself.

Entry into force

8. This Licence shall come into force at 23:00 on 31 December 2020.

Revocation

9. The Open General Transshipment Licence (Postal Packets) dated 18 March 2009 is hereby revoked.

**An Official of the Department for International
Trade, authorised to act on behalf of the
Secretary of State**

EXPLANATORY NOTE

(This Note is not part of the Licence)

This Open General Transshipment Licence has been revised to take into account changes in legislation following the end of the transition period.

2. This Licence permits the importation for transshipment and subsequent exportation of postal packets. The Licence does not cover exports discovered to be for purposes connected with nuclear, chemical or biological weapons or missiles for such weapons.
3. This authorisation is subject to certain conditions.
4. This Licence does not extend to any prohibition under legislation other than the Import of Goods (Control) Order 1954 or the Export Control Order 2008; in particular it does not extend to other legislation implementing United Nations sanctions or controlling the export of dual-use goods. It does, however, cover dual-use goods in transit.

Any enquiries regarding this publication should be sent to:

Department for International Trade
Export Control Joint Unit
2nd floor
3 Whitehall Place
London
SW1A 2AW
United Kingdom

If you require this publication in an alternative format, email exportcontrol.help@trade.gov.uk, or call 020 7215 4594