



Department for
International Trade

Open General Export Licence

Information Security Items – from December 2019

26 May 2021

Open General Export Licence (Information Security Items – from December 2019) dated 26 May 2021, granted by the Secretary of State.

The Secretary of State 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, any items specified in Schedule 1 hereto, may be exported from the United Kingdom, by any person established in the United Kingdom, to any destination except a destination in a country specified in Schedule 2.

Exclusions

- 2. This Licence does not authorise the export of items:
 - (1) to any military¹ or government end user including State Owned Enterprises and other organisations acting on their behalf; or

¹ Military end user: the national armed services (army, navy, marine, air force, or coast guard), as well as the national guard and national police, government intelligence or reconnaissance organizations, or any person or entity whose actions or functions are intended to support military end uses.

- (2) if you have been informed by the Secretary of State that the items in question are or may be intended, in their entirety or in part
- (a) 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
 - (b) for a military end use and the purchasing country or country of destination is subject to an arms embargo imposed through its listing as an embargoed destination in Part 1 or 2 of Schedule 4 to the Export Control Order 2008 as amended from time to time, or by a decision of the OSCE or an arms embargo imposed by a binding resolution of the Security Council of the United Nations, and additionally in the case of goods being exported from NI an arms embargo imposed by a decision or a common position adopted by the Council of the European Union’;
 - (c) for a military end use where the country of destination is China, Hong Kong or Macao; or
 - (d) for use as parts or components of military items listed in Schedule 2 to the Export Control Order 2008 that have been exported from the United Kingdom without authorisation or in violation of an authorisation.
- (3) if you are aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (2); or
- (4) if you have 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 (2)(a), (2)(b), or (2)(c) or (2)(d) unless you have made all reasonable enquiries as to their proposed use and are satisfied that the items will not be so used; or

- (5) to a destination within a Customs Free Zone; or
- (6) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (7) where you have, at the time of export, been served with a notice which suspends or revokes your ability to use this Licence pursuant to article 32(1) of the Order, unless the period of suspension or revocation has expired.
- (8) that have a security grading of OFFICIAL-SENSITIVE or above.

Conditions and Requirements

3. The authorisation in paragraph 1 is subject to the following conditions:

- (1) Before using this licence, you must register through the Department for International Trade's digital licensing system, 'SPIRE' (www.spire.trade.gov.uk), stating where you will keep records of the exports or transfers and where the DIT may inspect them.

- (2) For physical exports of goods, software or "technology", official and commercial export documentation accompanying the items shall include a note stating either:

- (a) "These items are being exported under the OGEL (Information Security Items)"; or
- (b) your SPIRE licence reference (in the form 'GBOGE 20XX/XXXXX'),

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

(3) Where you have 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, you 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 you can show compliance to the satisfaction of the DIT. You 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, you have not shown compliance to the satisfaction of the DIT, the period of suspension or revocation may be extended. You will be notified of such an extension in writing.

(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.

(5) You must comply with the Technical Data and Additional Reporting requirements described in this section.

(1) **Prior to the first export of each item**, you must submit technical data in accordance with the procedure described below. You must also submit technical data prior to the first export of a previously reported item where any of the requested Technical Specifications have changed.

Technical Data

Complete the [downloadable form](#). Save in .csv file format with filename convention <YYYYMMDD_Exporter>. One form is used for all items to be exported. Email to export.returns@ncsc.gov.uk.

For each item, provide the following information: -

- (a) SPIRE licence reference (in the form 'GBOGE 20XX/XXXXX'),
- (b) Contact name and address
- (c) Email address
- (d) Contact number(s)
- (e) Manufacturers
- (f) Product name
- (g) Model/Series/Part number
- (h) Version number, if applicable
- (i) Item description – a brief general description of the item such as might be contained in a product brochure
- (j) Export control classification. Indicate if self-assessed, obtained from a non-UK export control authority or if obtained via a UK licence application or export control list classification enquiry, please provide the SPIRE reference
- (k) Where the items are described in Schedule 1
- (l) Any other relevant information

The competent authority has the right to contact you for further information to provide clarity on the submitted technical data, and you must provide any data properly requested.

(2) Additional Reporting

Regardless of the date you register for this OGEL, the additional reporting is due no later than 30th June, covering the preceding financial year. Enter a quantity of zero where you did not export the listed product during this time period.

Complete the reporting section of the previously submitted form. For each item, provide the following information: -

- (a) Date of export
- (b) Quantity exported – enter 0 if no exports occurred
- (c) Name and address of end user
- (d) Destination country of end user
- (e) Name and address of consignee (if different)
- (f) Destination country of consignee (if different)
- (g) Intended end use

Save in .csv file format with filename convention <YYYYMMDD_Exporter>. Email to export.returns@ncsc.gov.uk.

Prohibitions not affected by this Licence

- 4. Nothing in this Licence affects any prohibition or restriction on the export of any items other than under the Regulation or Order, and this licence does not confer any licence or permission under, or for the purposes of, any enactment other than the Regulation and the Order.

Interpretation

- 5. For the purpose of this Licence:

- (1) "Customs Free Zone" means a part of the territory of a country

where any goods introduced are generally regarded, insofar 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;

- (2) "entry" includes part of an entry; and
- (3) unless the context otherwise requires, any other expression used in this Licence has the same meaning as in the Regulation or the Order as appropriate.

Entry into Force

- 6. This licence comes into force on 26 May 2021.
- 7. The Open General Export Licence Information Security Items dated 31 December 2020 is hereby revoked.

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

SCHEDULE 1

ITEMS CONCERNED

All items specified in this Schedule must only use : -

- Standard encryption algorithms that have been approved or adopted by recognised international standards bodies (e.g. 3GPP, ETSI, GSMA, IEEE, IETF, ISO, ITU, TIA); and
- Cryptographic functionality that cannot be easily changed by the user. Selection by the user from a fixed set of cryptographic algorithms does not change the cryptographic functionality.

All items specified in this Schedule must not have an 'open cryptographic interface'.

Note: An 'open cryptographic interface' is a mechanism which is designed to allow a customer or other party to insert cryptographic functionality without the intervention, help or assistance of the manufacturer or its agents, e.g., manufacturer's signing of cryptographic code or proprietary interfaces. If the cryptographic interface implements a fixed set of cryptographic algorithms, key lengths or key exchange management systems, that cannot be changed, it will not be considered an 'open cryptographic interface'. All general application programming interfaces (e.g., those that accept either a cryptographic or non-cryptographic interface but do not themselves maintain any cryptographic functionality) will not be considered 'open cryptographic interfaces'.

1. Items specified in entry 5A002 of Annex I to the Regulation, as follows:
 - a. General purpose computing equipment or servers, where the "information security" functionality is limited to the following:
 1. encrypted storage of data on the equipment;
 2. MACsec;
 3. Wi-Fi;
 4. integral to a Central Processing Unit (CPU) that meets the provisions of Note 3 in Category 5 – Part 2;
 5. integral to an operating system that is not specified by 5D002.; and

6. "Operations, Administration or Maintenance" (OAM)" of the equipment;
Note: This does not include supporting tasks of "OAM" of other equipment.
Note: This OGEL does not permit export controlled software or hardware to be exported with, or pre-installed on, the specified general purpose computing equipment or servers, other than for the functions described above.
- b. Routers, switches, gateways or relays, excluding those designed for Public Safety Radio, meeting all of the following:
1. operating at or below the transport layer (e.g., Layer 4 of Open Systems Interconnection (OSI) model (ISO/IEC 7498-1));
 2. the "information security" functionality is limited to the following:
 - a. supporting networking functionality of the equipment; and
 - b. supporting tasks of "OAM" of the equipment;
Note 1: This does not include supporting tasks of "OAM" of other equipment.
Note 2: "OAM" does not include provisioning of cryptographic functionality or key material for use on the data plane.
 3. having OSI Layer 2 protocols for data transfer limited to any combination of the following:
 - a. WiFi;
 - b. ethernet; or
 - c. fibre channel; and
 4. meeting any of the following:
 - a. 10G or above networking interface; or
 - b. encrypted data rate on the data plane above 128 Mbps.
2. "Software" specified in 5D002.a.1. that is specially designed or modified for the "use" of equipment specified in 1.b. above.
3. "Software" specified in 5D002.c.1. having the characteristics of, or performing or simulating the functions of equipment specified in 1.b. above.
4. "Technology" specified in 5E002.a. that is for the "use" of items specified in this Schedule.

SCHEDULE 2

DESTINATIONS CONCERNED

This export authorisation is valid for exports to all destinations other than in:

- Afghanistan, Argentina, Armenia, Azerbaijan, Bahrain, Belarus, Central African Republic, Democratic Republic of Congo, Egypt, Eritrea, Iran, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Myanmar (Burma), North Korea, Pakistan, Russian Federation, Saudi Arabia, Somalia, South Sudan, Sudan, Syria, UAE, Venezuela, Yemen and Zimbabwe.
- European Union Member States as follows: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden.

NOTE 1:

For exports from England, Wales or Scotland the Open General Export Licence (export of dual-use items to EU member states) permits exports of the items on this licence to EU member States and The Channel Islands.

For exports from Northern Ireland an export licence is NOT required for dual-use goods being exported to EU destinations BUT you must state on export documents that your items require a licence if exported outside the EU and you must keep records (as specified in Articles 22(8) and 22 (10) of the EU Dual Use Regulation).

NOTE 2:

Exports of items from England, Wales or Scotland covered by this licence may be made under the authority of the General Export Authorisation (GEA 001), subject to certain conditions and restrictions, to the following destinations:

Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein), USA.

Exports of items from Northern Ireland covered by this licence may be made under the authority of the European Union General Export Authorisation (EU GEA 001), subject to certain conditions and restrictions, to the following destinations:

Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein), USA, United Kingdom.

REVOKED 30 DECEMBER 2022

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence has been revised by allowing a narrower scope of items listed in Schedule 1 in order to reduce the list of non-permitted destinations in Schedule 2. Additionally, the pre-export and post-export reporting requirements have been simplified.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export from the United Kingdom to any destination other than one listed in Schedule 2 to the licence of items specified in Schedule 1 to the licence.
3. 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 who exports items under the authority of this licence must, before or within 30 days after the first occasion he makes use of the licence, provide details to the Secretary of State of his name and the address where copies of the records referred to above may be inspected. This notification must be made via DIT’s digital licensing system, SPIRE, at www.spire.trade.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.
4. 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.
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/she 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(3)).

6. 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.
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.

REVOKED 30 DECEMBER 2022

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