



Department for
Business & Trade

Open General Export Licence

Export After Exhibition: Dual-Use Items

July 2023

Open General Export Licence

(Export After Exhibition: Dual-Use Items) dated 31 July 2023,
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 –

- (a) in relation to England and Wales and Scotland, Article 9(2) and (4) of 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, Article 12(1) and (6) of Regulation (EU) 2021/821 of 20 May 2021 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (OJ L 206, 11.6.2021, p. 1–461) as it has effect by virtue of the Windsor Framework.

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 Part A of Schedule 1 hereto, other than any specified in Part B of that Schedule, which have been temporarily imported into the United Kingdom for the purpose of exhibition may be subsequently exported from the United Kingdom to any destination except a destination in a country specified in Schedule 2 provided the item is being exported:
 - (1) for delivery to the person who sent them to the United Kingdom and to the country from which they were imported; or
 - (2) to the country from where they were originally exported for the purpose exhibition or demonstration, if they have arrived in the United Kingdom from an exhibition or demonstration in a third country; or
 - (3) For subsequent exhibition or demonstration in a third country, except a destination in a country specified in Schedule 2.

Exclusions

2. This licence does not authorise the export of items:
 - (1) if the exporter has been informed by a competent authority of the Member State where they are established that they 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,
 - (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', or
 - (c) 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;
 - (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)(a), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be so used;
 - (4) to a destination within a Customs Free Zone.
 - (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1.

Conditions and Requirements

3. The authorisation in paragraph 1 is subject to the following conditions:
 - (1) any items imported into the United Kingdom pursuant to

this Licence shall have been;

- (a) imported under an appropriate Customs temporary Procedure; or
 - (b) imported under an ATA CARNET.
- (2) items exported pursuant to this licence shall have been imported into the United Kingdom no earlier than two years prior to the date of exportation;
- (3) on exportation of any items pursuant to this licence, the exporter shall produce to an officer of HM Border Force, if so requested, documentary evidence of the date of their importation into the United Kingdom, and that the items
- (a) are being returned to the person and country from which they were imported into the United Kingdom; or
 - (b) are being returned to the country from where they were originally exported for the purpose exhibition or demonstration; or
 - (c) are being exported to a third country for further demonstration or exhibition.
- (4) except in the case of an export of technology by telephone, fax or other electronic media, official and commercial export documentation accompanying the items shall include a note stating that "These items are being exported under the Open General Export Licence (Export After Exhibition: Dual-Use Items)" and shall be presented to an officer of HM Border Force if so requested;
- (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. However, you can register for this licence again if you want to use it after your registration has ended.
- (6) Movement of any goods or technology having a security classification of CONFIDENTIAL for material classified by the UK prior to 2 April 2014 or internationally security classified CONFIDENTIAL-equivalent material or SECRET or above must be undertaken in accordance with the national security requirements of the originating country.

Registration

The requirements of Article 28 of the Order shall not apply to this Licence

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 the 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;
 - (3) "exhibition" includes demonstration and/or evaluation; and
 - (4) 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 31 July 2023.
7. The Open General Export Licence (Export After Exhibition: Dual-Use Items) dated 09 March 2022 is hereby revoked.

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

SCHEDULE 1

ITEMS CONCERNED

PART A

Items specified in any entry in Annex I to the Regulation.

PART B

Items specified in any of the following entries in Annex I to the Regulation:

All entries in Category o

1A004.d

1A006

1A007

1A008

1A102

1B226

1B231

1B233

1B234

1B235

1C001

1C012

1C101

1C233

1C234

1C235

1C239

1C350.66 to 1C350.89

1C351

1C352

1C353

1C354

1D003

1D103

1E001

1E002.g

1E101

1E102

1E201

2B352.h

2B352.i.

2D003

2D352

3A001.a.13

3A001.b.3.f

3A001.b.10
3A001.b.12

3A001.h
3A001.i.
3A002.d.5
3A002.g.1
3A201
3A228

3A229
3A231
3A232
3A234
3B001.j.
3C001.e
3C001.f
3C005.a
3C005.b.
3C006
3D005
3D006
3D225
3E003h
3E004
3E201
3E225

4A005
4D004
4E001c

5A001.h
5A001.j
5D001.e
5E001.a only technology for the development, production, or use of goods
specified in 5D001.e.

5E001.c.6
5E001.d
5E001.e
5A004
5D002.c.3
5E002 only technology for the development, production, or use of goods
specified in 5A004 or 5D002.c.3

6A001.a.1.a
6A001.a.1.b
6A001.a.2.a.1
6A001.a.2.a.2
6A001.a.2.a.3.
6A001.a.2.a.5
6A001.a.2.a.6.

6A001.a.2.b
6A001.a.2.c.
6A001.a.2.e.
6A001.a.2.f
6A001.a.2.g.
6A002.f.
6A005.b.4.a
6A005.b.5.a
6A005.b.6.a
6A005.e.3
6A005.g
6A008.j.3
6A203
6A225
6A226
6B002
6B008
6B108
6C004.b
6C004.c
6D003.a
6D003.c
6D003.d
6D203
6E201
6E203

7E004.b.7
7E004.b.8
7A117

- 7B001 Test, calibration or alignment equipment specially designed for equipment specified in 7A117.
- 7B003 Equipment specially designed for the production of equipment specified in 7A117.
- 7B103 Production facilities specially designed for equipment specified in 7A117.
- 7D005
- 7D101 Software specially designed for use of equipment specified in 7B003 or 7B103.
- 7E001 Technology for the development of equipment or software specified in 7A117, 7B003, 7B103, 7D005 or 7D101.
- 7E001 Technology for the production of software specified in 7D005.
- 7E002 Technology for the production of equipment specified in 7A117, 7B003 and 7B103.

- 7E101 Technology for the use of equipment specified in 7A117, 7B003, 7B103 and 7D101.
- 7E104
- 8A002.0.3
8A002.p
- 8A002.r
8D002
8E002.a
- 9A004
9A005
9A007.a
9A008.d
9A009.a
9A104
- 9A105.a
9A106.c
9A108.c
9A116
9A117
9A119
9A121
9B001.c
- 9B115 Specially designed production equipment and production facilities for the systems, sub-systems and components specified in 9A005, 9A007.a., 9A008.d., 9A105.a, 9A106.c., 9A108.c., 9A116 and 9A119.
- 9B116 Specially designed production facilities for the systems, sub- systems and components specified in 9A004, 9A005, 9A007.a., 9A008.d., 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116 and 9A119.
- 9D004.c Software specially designed to control directional- solidification or single-crystal material growth in equipment specified by 9B001.c
- 9D005
- 9D101 Software specially designed for the use of items specified in 9B116.
- 9E001 Technology for the development of equipment or software specified in 9A004, 9A005, 9A007.a., 9A008.d., 9B001.c., 9B115, 9B116, 9D004.c., 9D005. and 9D101.
- 9E002 Technology for the production of equipment specified in 9A004, 9A005, 9A007.a., 9A008.d., 9B001.c., 9B115 and 9B116.
- 9E003.a.2.e
9E003.j
9E003.k
- 9E101 Technology for the development or production of equipment specified

in 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116, 9A119 and 9A121.

9E102 Technology for the use of items specified in 9A004, 9A005, 9A007.a., 9A008.d., 9A104, 9A105.a., 9A106.c., 9A108.c., 9A116, 9A119, 9A121, 9B001.c, 9B115, 9B116 or 9D101.

SCHEDULE 2 DESTINATIONS CONCERNED

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

All destinations other than in:

- Afghanistan, Angola, Belarus, Egypt, Iran, Iraq, Kuwait, Libya, North Korea, Myanmar (Burma), Pakistan, Russia, Saudi Arabia, Sri Lanka, Sudan, Syria, United Arab Emirates, Venezuela and Yemen.

NOTE 1:

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(10) and 22 (8) of the EU Dual Use Regulation).

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence has been revised to address updates to the lists of controlled items in the regulations.
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 Part A of Schedule 1 to the licence, other than those specified in Part B of that Schedule, which have been temporarily imported into the United Kingdom for exhibition.
3. The Export Control Order 2008 (“the Order”) contains certain registration requirements which do not apply to persons using this licence.
4. It is condition of this licence that items being exported under the terms of this licence shall have been imported into the United Kingdom no earlier than two years before the date of exportation.
5. It is also a requirement of this licence that the exporter shall produce to an officer of HM Border Force, if so requested, documentary evidence of the date of importation of the items into the United Kingdom.
6. This licence does not extend to any prohibition under legislation other than the Regulation or the Order. in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.
7. Under para 4(5) of this licence, exporters exporting goods or technology carrying a security grading of CONFIDENTIAL for material classified by the UK prior to 2 April 2014 or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above must ensure that the national requirements for transportation of goods at that classification are addressed and they are able to provide proof that transportation plans have been approved by the relevant authorities in the originating and receiving country.
8. Further advice can be obtained from:

Defence Equipment & Support (DE&S)
Principal Security Advisor
Security Advice Centre Poplar
MOD Abbey Wood
Bristol,
BS34 8JH
Tel: 030 67934378

Fax: 030 67934925

e-mail: desinfra-securityadvicecentre@mod.uk

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Department for Business and Trade
Export Control Joint Unit
Old Admiralty Building
London
SW1A 2BL
United Kingdom

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