



Department for
Business & Trade

Open General Export Licence

Dual-Use Items India

July 2023

EXPORT LICENCE

Open General Export Licence (Dual-Use Items India)

dated 31 July 2023, 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—

(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.

Licence

1. Subject to the following provisions of this Licence, any items specified in Schedule 1, Schedule 2 or Schedule 3 hereto, may be exported from the United Kingdom, by any person established in the United Kingdom, to any destination in India.

Exclusions

2. This Licence does not authorise the export of items:
 - (1) if the exporter has been informed by the Secretary of State 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 the national military list that have been exported from the territory of the Member State concerned without authorisation or in violation of an authorisation prescribed by national legislation of that Member State;
- (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; or

- (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (6) 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 is subject to the following conditions:
 - (1) 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 either:
 - (a) "These items are being exported under the Open General Export Licence (Dual-Use Items India)"; or
 - (b) the SPIRE reference (in the form 'GBOGE 20XX/XXXXX') of the exporter's registration in respect of this licence, which shall be presented to an officer of HM Revenue and Customs if so requested;
 - (2) 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 the Department for Business and Trade (DBT). 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 DBT's satisfaction, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

- (3) 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.
- (4) 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 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.

Registration

4. An exporter who exports items under the authority of this Licence must, before the first occasion he/she makes use of the licence, provide details to the Secretary of State of his/her name and the address where copies of the records referred to in article 29 of the Order may be inspected.

Prohibitions not affected by this Licence

5. 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

6. 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

7. This Licence comes into force on 31 July 2023.
8. The Open General Export Licence (Dual-Use Items India) dated 28 June 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

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

Entry	Limitation
1A003	
1C003	
1C004	
1C005	
1C006	
1C008	
1C009	
2A001	
1D001	Other than software specially designed or modified for the development, production or use of items specified in the following entries: Entry 1B001.a, 1B001.b, 1B001.c, 1B001.d.1, 1B001.d.2, 1B001.d.3 or 1B001.e; Entry 1B002 if the items are for the production of atomized or spherical metallic powder in a controlled environment;
1D002	
2A001.a	
2B003	
3B001.a.1	
5A001.b.1.a	
5A001.b.1.b	
5A001.b.1.c	
5A001.b.2.b	
5A001.c	
5A001.d	
5B001.a	Only as applicable to test, inspection and production equipment for the development or production of items specified in the 5A001 entries listed above
5D001.a	Only as applicable to software for the development, production or use of items specified in the 5A001 entries listed above
6A002.a.2.a	Other than image intensifiers which: are specially designed for cameras specified in entry 6A003; incorporate gallium arsenide (or similar semiconductor) photocathodes; are radiation hardened; or are ruggedised; or specified in 6A002.a.2.a.2.b;
6A004.a.1	
6A004.a.2	
6A004.a.4	
6A004.b	
6A004.d.2	

6A004.f	
6A005.b.6.c.1	Only as applicable to neodymium-doped, pulse-excited Q- switched lasers having a single-transverse mode output and an average output power equal to or less than 40W
6A005.c	Other than tunable lasers having a wavelength of 150nm or more but not exceeding 800nm
6A005.d.2	Other than CO lasers having a CW maximum rated output power, single or multimode, exceeding 10kW
6A005.f	
6A008.b	Other than radar systems, equipment and assemblies (1) designed or modified for use in rocket systems (including launch support equipment or facilities) capable of delivering a payload to a range of 300 km or more; or (2) which are range instrumentation radar systems, equipment and assemblies having all of the following: (a) an angular resolution better (less) than 3 milli-radians (0.5 mils); (b) a range 30 km or more and a RMS range resolution better (less) than 10 m; and (c) velocity resolution of better (less) than 3 m/s
6A008.c	Other than radar systems, equipment and assemblies (1) designed or modified for use in rocket systems (including launch support equipment or facilities) capable of delivering a payload to a range of 300 km or more; or (2) which are range instrumentation radar systems, equipment and assemblies having all of the following: (a) an angular resolution better (less) than 3 milli-radians (0.5 mils); (b) a range 30 km or more and a RMS range resolution better (less) than 10 m; and (c) velocity resolution of better (less) than 3 m/s
6A008.l.1	Other than radar systems, equipment and assemblies (1) designed or modified for use in rocket systems (including launch support equipment or facilities) capable of delivering a payload to a range of 300 km or more; or (2) which are range instrumentation radar systems, equipment and assemblies having all of the following: (a) an angular resolution better (less) than 3 milli-radians (0.5 mils); (b) a range 30 km or more and a RMS range resolution better (less) than 10 m; and (c) velocity resolution of better (less) than 3 m/s
6B004.b	

6C004.a	
6C004.e	
8A002.i.2	Other than manipulators with more than five degrees of freedom;
9B005	
9B006	

SCHEDULE 2 ITEMS CONCERNED

Unpopulated (i.e. bare) printed circuit boards, connectors, wiring looms and harnesses, fasteners (e.g. screws, bolts, nuts, nut plates, studs, inserts, clips, rivets, pins), washers, spacers, insulators, grommets, bushing, springs, cable, and wire, specified by the following entries in Annex I to the Regulation:

Entry	Limitation
1A004.a	
1A004.c	
1A005.a	
1A006	
2B003	
2B004	
3A001.c	
3A003	
3B001	
3B002	
4A001	
4A003	
5A001.b	
5A001.e	
5A001.f	
5A001.j	
5B001.a	
5B001.b	
6A001.a	except 6A001.a.1.b; 6A001.a.2
6A003.a	
6A006	
6A008	
6A203.c	
7A008	
9A350	
9B003	

SCHEDULE 3 ITEMS CONCERNED

This export authorisation covers the following items;

- (1) Technology specified in any entry in Annex I to the Regulation which is necessary for the development or production, or use of items specified in any of the following entries in that Annex:

Entry	Limitation
1A003	
1C003	
1C004	
1C005	
1C006	
1C008	
1C009	
2A001	
2B003	
2B005	
3A001. a.3. to 3A001.a.12	
3A001.a.14	
3A001.b.	Other than entries 3A001.b.3.a., 3A001.b.3.b., 3A001.b.3.f, 3A001.b.4.a., 3A001.b.4.b., 3A001.b.9., 3A001.b.10 and 3A001.b.12.
3A001.c.	
3A001.d.	Other than entry 3A001.d.1.
3A001.e.1.	
3A001.f.	
3A002.c. to 3A002.f.	Other than entry 3A002.d.5.
3B001.a.1.	
3B001.a.3.	
3B001.b. to 3B001.h.	Other than entries 3B001.b.5. and 3B001.f.2.
3B002	
3C001	Other than 3C001e and 3C001f
3C002	Other than entry 3C002.e. 3C003
3C004	
3D002	Other than in relation to entries 3B001.f.2.
4A004	
4D001	
5A001	Other than entries 5A001.b.1.d., 5A001.b.4., 5A001.e., 5A001.f., 5A001.g., 5A001.h. and 5A001.j
5B001	Other than entry 5B001.b. and entry 5B001.a. in relation to entries 5A001.b.1.d., 5A001.b.4., 5A001.e., 5A001.f., 5A001.g., 5A001.h and 5A001.j.
5D001.a. to 5D001.c.	Other than in relation to entries 5A001.b.1.d., 5A001.b.4., 5A001.e., 5A001.f., 5A001.g., 5A001.h. and 5A001.j.
6A004	Other than entry 6A004.e.
6A006.a.	Other than entry 6A006.a.3.
6A006.c.	Other than in relation to 6A006.a.3.
6B004	
6C004	Other than entries 6C004.b. and 6C004.c.

8A001	
8A002	Other than entry 8A002.a.4. and 8A002.r
8B001	
8D001	Other than in relation to entries 8A002.a.4. and 8A002.r
9A002	
9B001	
9B002	Other than in relation to entry 9E003.a.3.c. 9B003
9B004	Other than in relation to entry 9E003.a.3.c.
9B005	
9B008	
9B009	
9D002	Other than in relation to entries 9B002. and 9B004., when applicable to entry 9E003.a.3.c.
9D003	
9D004.a. to 9D004.c.	

(2) Technology specified in the following entries in Annex I to the Regulation:

1E002	Other than entry 1E002.g
2E003	
3E003.a. to 3E003.d.	
5E001.b.	
7E004.a.2.	
7E004.a.3.	
7E004.b.	Other than entry 7E004.b.5.
7E004.c.	
8E002	

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 where the exporter is established in the United Kingdom, to India of items specified in Schedule 1, 2 and 3 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. Under Article 29 of the Order, any person established in the United Kingdom who exports items from the United Kingdom or another Member State 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. 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 DBT’s digital licensing system, SPIRE, at <https://www.spire.trade.gov.uk/>
5. 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.
6. 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, 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 failed to take corrective action within a reasonable period (see condition 2(2)).

7. Where DBT identifies failures in compliance with licence conditions or the legislation during a compliance visit, DBT 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.
8. 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.

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