



Department for
Business & Trade

Open General Export Licence

Military Goods: For Demonstration

January 2024

Open General Export Licence (Military Goods: For Demonstration)

Dated 19 Jan 2024, granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Article 26 of the Export Control Order 2008¹ (the Order), hereby grants the following Open General Export Licence.

Licence

1. Subject to the following provisions of this licence, goods specified in Schedule 1 hereto, may be exported from the United Kingdom to any destination in a country specified in Schedule 2 hereto providing the goods are for demonstration in the country to which they are exported.

Exclusions

2. This licence does not authorise the export of goods:
 - (1) if the exporter has been informed by the Secretary of State that the goods are or may be intended, in their entirety 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 other nuclear explosive devices or the development, production, maintenance or storage of missiles capable of delivering such weapons;
 - (2) if the exporter knows that the goods are intended, in their entirety or in part, to be used in connection with one of the activities referred to in subparagraph (1); or
 - (3) if the exporter has grounds for suspecting that the goods might be used, in their entirety or in part, in connection with an activity referred to in subparagraph (1), unless they have made all reasonable enquiries as to their proposed use and are satisfied that they will not be so used;
 - (4) to a destination within a Customs Free Zone;
 - (5) if the exporter has been informed by the Secretary of State, or is otherwise aware, that the equipment or information has been classified by the Ministry of Defence as OFFICIAL-SENSITIVE or above (including UK material classified RESTRICTED or above, graded prior to 2 April 2014, and internationally security classified material), **unless:**
 - (a) the proposed export has been approved by the Ministry of Defence under MOD Form 680 and a written letter of clearance has been issued, and
 - (i). the clearance is not time expired at the time the export takes place, and
 - (ii). the goods are identical to those for which the clearance was given, **and**

¹ S.I. 2008/3231, as amended

- (b) for all goods classified CONFIDENTIAL, for material classified by the UK prior to 2 April 2014, or internationally security classified CONFIDENTIAL-equivalent material, or SECRET or above, the exporter has a current written Security Transportation Plan that has been approved in a current written letter of clearance issued by the MOD Defence Equipment and Support (DE&S) Principal Security Advisor.
- (6) in the case of intangible technology transfers it is prohibited to export technology classified OFFICIAL-SENSITIVE or above (including UK material classified RESTRICTED or above, graded prior to 2 April 2014, and internationally security classified material) **unless**:
- (a) the method of transmission is protected by encryption appropriate to the classification of the data, and
 - (b) the exporter holds any necessary clearance from a government accreditation authority which can be produced to the Compliance Officer.
- (7) 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 exporter shall comply with the following conditions and requirements:

- (1) before an exporter first exports goods under this licence, they shall have informed the Secretary of State of their intention to export goods under this licence, specifying the name of the exporter and the address at which copies of records of their export may be inspected under condition 3(3) below;
- (2) the exporter **must** obtain, prior to exporting **any** goods classified OFFICIAL-SENSITIVE or above (including UK material classified RESTRICTED or above, graded prior to 2 April 2014, and internationally security classified material), pursuant to this licence, written approval from MOD (MOD Form 680) to demonstrate the goods to the country of destination for which the export is intended;
- (3) the exporter shall maintain the following records in respect of the export of goods under this Open General Export Licence:
 - (a) the date and destination of each export;
 - (b) the name and address of the consignee to whom the goods are to be exported;
 - (c) description of the goods exported;
 - (d) date of return (where applicable – see 3(10) below);
 - (e) MOD Form 680 clearance letter referred to in 2(5) above; and
 - (f) Security Transportation Plan written letter of clearance from the MOD authority referred to in 2(5) above for the transportation of any goods

classified SECRET or above (including UK material classified CONFIDENTIAL or above, graded prior to 2 April 2014 or its equivalent internationally security classified material).

(g) any necessary clearance from a government accreditation authority referred to in paragraph 2(6) (b) above;

- (4) such records shall be maintained for at least four years after the date of the relevant export and the exporter shall permit the records to be inspected and copied by any person authorised by the Secretary of State;
- (5) except in the case of an export of technology by telephone, fax or other electronic media, any commercial export documentation accompanying the goods shall include a note stating either:
 - (a) "the goods are being exported under the OGEL (Military Goods: For Demonstration)"; or
 - (b) the SPIRE reference (in the form 'SPIRE reference GBOGE 20??/????') of the exporters registration in respect of this licence

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

- (6) Prior to audit, the Department for Business and Trade (DBT) will issue a pre-visit questionnaire (PVQ). This must be completed, in full, and returned by the date given.
- (7) the exporter shall notify the Secretary of State of any change in the address referred to in paragraph 3(1) above within 30 days of that change.
- (8) quantities should be reasonable and consistent with the requirement of the proposed export and in line with that agreed under MOD Form 680 agreement;
- (9) the goods must remain under the control of the exporter or its agent or under prior agreed criteria as defined under MOD Form 680 approval; and
- (10) the goods shall be returned to the United Kingdom within 12 months of the date of exportation from the United Kingdom. In the case of software the exporter can choose to limit the validity of the software to 12 months, by:
 - (a) technically adapting the computer programme so that it expires at a pre-determined time (time bombing); or
 - (b) issuing a time-limited demonstration contract to the end-user.

Where the MOD Form 680 approval has stipulated one of the above three methods, the exporter must adhere to this. In all circumstances, the exporter must retain adequate records to demonstrate subsequently, on inspection, that the chosen method as above was put into operation.

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 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.

(11) 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.

(12) 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.

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 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 2002²;
- (2) "cluster munitions" means conventional munitions designed to disperse or release "explosive submunitions";
- (3) "explosive submunitions" means conventional munitions, weighing less than 20 kilograms each, which in order to perform their task are dispersed or released by another conventional munition and are designed to function by detonation of an explosive charge prior to, on or after impact;

² 2002 c.28

- (4) explosive bomblets” means conventional munitions, weighing less than 20 kilograms each, which are not self-propelled and which, in order to perform their task, are specially designed to be dispersed or released by a dispenser affixed to an aircraft, and are designed to function by detonating an explosive charge prior to, on or after impact;
- (5) sub-paragraphs (2) and (3) above do not include the following conventional munitions,
- (a) a munition or submunition designed to disperse flares, smoke, pyrotechnics or chaff; or a munition designed exclusively for an air defence role;
 - (b) a munition or submunition designed to produce electrical or electronic effects;
 - (c) a munition that has all of the following characteristics:
 - (i) each munition contains fewer than ten “explosive submunitions”;
 - (ii) each explosive submunition weighs more than four kilograms;
 - (iii) each explosive submunition is designed to detect and engage a single target object;
 - (iv) each explosive submunition is equipped with an electronic self destruction mechanism;
 - (v) each explosive submunition is equipped with an electronic self deactivating feature.
- (6) a "Customs Free Zone" is 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;
- (7) "entry" includes part of an entry;
- (8) “goods” include software and technology;
- (9) “government” includes any person appointed by a government to act on its behalf;
- (10) MANPADS” – Man-Portable Air Defence Systems – surface-to- air missile systems designed to be man-portable and carried and fired by a single individual; and other surface-to-air missile systems designed to be operated and fired by more than one individual acting as a crew and portable by several individuals;
- (11) “MOD Form 680” is the means by which the Government assesses proposals by companies to release classified information or equipment to foreign entities. An MOD Form 680 approval is not an approval to use an Open General Export Licence; it is a separate security requirement;
- (12) “demonstration” shall **not** include evaluation but **will** include on-route support e.g. refuelling, providing it is not in a country specified in Schedule 2;

(13) unless the context otherwise requires, any other expression used in this licence shall have the meaning it has in the Act or the Order.

Entry into Force

6. This licence shall come into force on 19 January 2024.
7. The Open General Export Licence (Military Goods: For Demonstration) dated 30 September 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 GOODS CONCERNED

Equipment, components, materials, unfinished products, forgings and castings, software or technology specified in the following entries in Part 1 of Schedule 2 to the Order:

1. ML4, **other than**:
 - (1) Anti-personnel landmines and specially designed components therefor;
 - (2) Complete MANPAD systems (with or without missiles, including related launching equipment and rockets) and specially designed components therefor; *
 - (3) Missiles for MANPAD systems (including missiles which can be used without modification in other applications);*
 - (4) Cluster munitions” and specially designed components therefor;
 - (5) “explosive bomblets” and specially designed components therefor;
 - (6) “explosive submunitions” and specially designed components therefor.
2. ML5;
3. ML6;
4. ML9;
5. ML10, **other than**:
 - (1) any goods specially designed or modified for unmanned air vehicles;
6. ML11, **other than**:
 - (1) Test equipment for MANPAD systems; *
 - (2) Goods insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets.
7. ML13.c and d;
8. ML14, **other than**
 - (1) training equipment for MANPAD systems and related software: *
9. ML15;
10. ML17, **other than**:
 - (1) ML17.f – libraries for MANPAD systems; *
 - (2) ML17.g;
 - (3) L17.n insofar as they are for use in connection with cluster munitions, explosive submunitions and explosive bomblets.
11. ML18, (as it relates to above listed entries);
12. ML21, (as it relates to above listed entries);
13. ML22, (as it relates to above listed entries).

***unless for demonstration to the government, and only in cases where the demonstration will be of a basic nature, involve no live firing and no transfer of sensitive data, and not enhance the recipient’s capability to operate MANPADS**

SCHEDULE 2 DESTINATIONS CONCERNED

This export authorisation is valid for demonstration in all destinations except:

Afghanistan, Argentina, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Burundi, Central African Republic, China (including Macau), Democratic Republic of the Congo, Haiti, Hong Kong, Iran, Iraq, Lebanon, Libya, Myanmar, North Korea, Occupied Palestinian Territories, Russia, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Taiwan, Ukraine, Uzbekistan, Venezuela, Yemen and Zimbabwe.

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence has been amended to remove Haiti as a permitted destination.
2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of goods specified in Schedule 1 to the licence, for demonstration in any country other than those listed in the Schedule 2 to the licence.
3. The goods may only be exported under this licence if they satisfy certain conditions. These include;
 - goods must remain under the control of the exporter or its agent at all times or other arrangements agreed in advance via MOD, where an agent is used, the exporter must have documentary evidence to show that prior to export, the agent is acting on their behalf;
 - goods must be returned within 12 months of their exportation or in the case of software made time limited;
 - exporter must have obtained in writing approval from the Ministry of Defence to demonstrate any goods classified OFFICIAL-SENSITIVE or above.

a) MOD form 680

Applications to be submitted electronically via SPIRE.

b) Security Transportation Plan approvals 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

4. An exporter who exports goods under the authority of this licence must before his first exportation under the licence, inform the Secretary of State of their intention to export goods under this licence and of the address where copies of the records may be inspected. This notification must be made via DBT's electronic licensing system, SPIRE, at 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 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 failed to take corrective action within a reasonable period (see condition 3(10)).
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 for a period of time.
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 they have not received a letter suspending or revoking their ability to use that licence.
9. 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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