



Department for
Business & Trade

Open General Licence

Global Combat Air Programme.

August 2024

Open General Licence (Global Combat Air Programme)

The Secretary of State hereby grants the following Open General Licence under article 26 of the Export Control Order 2008 (S.I. 2008/3231, as amended) and, for dual-use items, —

(a) in relation to England and Wales and Scotland, Article 9(2) and (4) of assimilated 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 Agreement.

In this licence where there is reference to “the Dual-Use 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.

Purpose.

1. To permit the export of dual-use items or military goods software or technology and trade of military goods for the design, development, production, maintenance, trials and testing or use of the Global Combat Air Programme (GCAP). This includes re-exporting dual-use items or military goods, software or technology to and from permitted destinations, even if they have been incorporated into other products.

Goods, technology and software that can be exported or transferred under this licence.

2. Subject to the following provisions of this licence, any items specified in Schedule 1 hereto, may be exported from England, Wales or Scotland to any destination specified in Schedule 3.
3. Subject to the following provisions of this licence, any items specified in Schedule 1 hereto, may be exported from Northern Ireland to any destination specified in Schedule 3.
4. Subject to the following provisions of this licence, any goods, software or technology specified in Schedule 2 hereto, may be exported from the UK to any destination specified in Schedule 3.

Trade control measures.

5. This OGL also permits supply or delivery, or any act calculated to promote the supply or delivery, of goods specified in Schedule 2 between destinations (other than the UK) specified in Schedule 3 providing the goods are not located in the UK or Isle of Man.

Who can use this licence.

6. This OGL can only be used by the following, provided they hold a valid eligibility letter, obtainable from MOD at the following email address: ECJU-MODTeam@mod.gov.uk,
 - a) ‘GCAP Authorised Contractors’, which include GCAP Lead System Integrators (LSIs) and Lead Sub-System Integrators (LSSIs).
7. Italian and Japanese ‘GCAP Authorised Contractors’, including GCAP LSIs and

LSSIs, operating in the UK on the GCAP programme but who are ordinarily domiciled outside the UK are permitted to register for and use this licence, but for intangible technology transfers only.

To whom can you export or transfer goods, technology and software.

8. This licence is only applicable for export or transfer to the following recipients or, in relation to trade control activities, between the following recipients:
 - a) To any person or entity in a GCAP Partner Nation if the recipient is a 'GCAP Authorised Contractor' or 'GCAP Operator', for the purposes of design, development, production, maintenance, trials and testing or use of GCAP.
 - b) To any person or entity in a GCAP Supply Chain Nation if the recipient is a 'GCAP Authorised Contractor' and the items are for processing or incorporating and then re-exporting to another destination in this licence for the purposes of design, development, production, maintenance, trials and testing or use of GCAP.

Restrictions.

9. Security classified dual-use items and goods, software and technology
 - a) For exports of dual-use items or goods, software and technology in tangible form, classified GCAP SECRET, UK SECRET or International equivalents, or above, you will need a current written approval for a Security Transportation Plan. A Security Transportation Plan approval can be obtained from MOD Defence Equipment and Support (DE&S) Principal Security Advisor. More information is available from the Principal Security Advisor (please see below for their contact details).

Note: To apply for Security Transportation Plan approval, please contact:

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: ISAC-Group@mod.gov.uk

- b) You must not transfer software or technology electronically that has been classified GCAP RESTRICTED, UK OFFICIAL-SENSITIVE or International equivalents, or above, unless:
 - i. the method of transmission is protected by encryption appropriate to the classification of the data; and
 - ii. you hold any necessary clearance from a government accreditation authority and you can make the clearance document available for inspection by any person authorised by the Secretary of State.

10. Weapons of mass destruction (WMD)

You must not export or transfer all or part of military goods, software or technology or dual use items or agree to supply or deliver, or do any act calculated to promote

the supply or delivery, of goods specified in Schedules 1 or 2 if you are aware or suspect they may be used, in whole or in part, for a WMD purpose. You may become aware of, or suspect, this in the following ways:

- a) The Secretary of State tells you.
- b) You are already aware of this intended use.
- c) You have grounds for suspecting that the goods, software or technology may be used for this purpose unless you have made all reasonable enquiries about what the goods or software will be used for and are satisfied that they will not be used for a WMD purpose.

Actions you must take before exporting or transferring dual-use items or goods, software and technology under this licence.

11. You must be satisfied that you can meet all the requirements set out in this licence before exporting or transferring dual use items or military goods, software or technology.
12. Before using this licence, you must register with DBT stating where you will keep records of the exports or transfers and where DBT may inspect them. You must respond to request for records without delay otherwise you risk being de-registered and unable to use this licence.
13. You must:
 - a) have documentary evidence (for example a purchase order, excerpt of contract) confirming the export is for the purposes of design, development, production, maintenance, trials and testing or use of GCAP.
 - b) This should include the contract number and the name of the goods, software or technology, that can be checked against the control list classification of the goods, software or technology being exported.

Actions you must take when exporting or transferring dual-use items or goods, software or technology under this licence.

14. For all physical exports of goods, software or technology, you must make sure that the commercial documents that go with the goods, software or technology include a declaration stating either:
 - a) 'the goods (software or technology) are being exported under the OGL (Global Combat Air Programme)'; or
 - b) your licence reference (in the form GBOGE 20??/????).
15. You should present these documents to officials of HMRC and Border Force when asked, together with the information and documents listed in paragraph 6 and 13.
16. Your licence reference should be entered onto the UK's export system.

Records that you must keep.

17. You must keep records of exports, transfers or acts under trade control measures, made under this licence as set out in article 29 of the Export Control Order 2008. You must keep these records for four years.

18. You must also keep the following:

- a) The documents described in paragraphs 6 and 13 above.
- b) The export control classification
 - (i) As set out in Annex 1 of the Regulation for dual-use items
 - (ii) As set out in Schedule 2 of the Export Control Order for military goods software and technology.
- c) The written approval from the Ministry of Defence, if this is needed to meet the requirements for security classified dual use items or goods, software and technology in paragraphs 9a and 9b.

Other requirements.

19. You must complete, in full, the pre-visit questionnaire (PVQ) which you receive before an audit visit by DBT and return it by the date given in the letter that came with it. You risk being de-registered and unable to use this licence if you fail to respond.
20. You must not export or transfer goods, software or technology if their use would be inconsistent with the terms of a United Nations (UN), Organisation for Security and Co-operation in Europe (OSCE) or any UK national arms embargo.
21. As well as keeping to the requirements of this licence, you must also keep to any other relevant laws and acts which are in force. There may be restrictions or limits under other laws which apply when exporting these goods, software or technology.
22. You must update the 'Open licensing returns' 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.
23. Nothing in this licence affects any prohibition or restriction on the export, transfer or trade 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.

If you fail to meet the terms and conditions of this licence.

24. If, following an audit visit, DBT sends you a 'failure to comply' warning letter, you must take the steps set out in that letter and within the timescale given. If you do not do this, DBT may suspend or withdraw your authorisation to use this licence until you can satisfy DBT that you are able to meet the terms and conditions of this licence.
25. DBT may suspend or withdraw this licence if you do not satisfy the requirements of all the terms and conditions of this licence. If this is the case, you may (along with anyone who has exported or transferred goods, software or technology for you) be prosecuted.
26. You must not export or transfer goods, software or technology under this licence at any time once DBT has suspended or withdrawn your authorisation to use this licence by serving a notice on you under article 32(1) of the Export Control Order 2008.

Entry into Force.

27. This licence shall come into force on 14 August 2024.

28. The Secretary of State has the power to vary or withdraw export licences at any time.

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

SCHEDULE 1 ITEMS CONCERNED.

- a) In relation to England and Wales and Scotland, all entries specified by Annex I of the Regulation, other than those specified by [Annex IIg](#), or entry 0C003 of the Dual-Use Regulation.
- b) In relation to Northern Ireland, all entries specified by Annex I of the Regulation, other than those specified by [Section I of Annex II](#), or entry 0C003 of the Dual-Use Regulation.

SCHEDULE 2 ITEMS CONCERNED.

You may export goods, software or technology specified in Schedule 2 of the Export Control Order 2008 as set out in the first and second column other than those specified in the third column.

Control Entry	Permitted Export Scope	Restrictions
ML2	Aircraft cannon only.	None Apply.
ML3	Ammunition for aircraft cannon specified in ML2.	None Apply.
ML4	All items in this category, except for those detailed in the "Restrictions" column.	<ol style="list-style-type: none"> 1. Complete Complex Weapons. 2. Complete Expendable Active Decoys. 3. Complete expendable countermeasures (chaff or flares). 4. Anti-personnel landmines, and specially designed components of these goods; 5. Anti-vehicle mines, and specially designed components of these goods; 6. Complete Man Portable Air Defence Systems (MANPADS) (with or without missiles, including related launching equipment and rockets) and specially designed components of these goods; 7. Missiles for MANPADS (including missiles which can be used without modification in other applications); 8. Cluster munitions, explosive bomblets, explosive sub-munitions, and specially designed components of these goods; or 9. Rockets, missiles capable of a range of at least 300 km, and the following components which can be used in these goods. <ol style="list-style-type: none"> a. Individual rocket stages b. Rocket engines c. Thrust vector control systems d. Weapon or warhead safing, arming, fuzing and firing components e. Re-entry vehicles, and the following components of these goods. <ol style="list-style-type: none"> i. Heat shields and components of

		<ul style="list-style-type: none"> ii. these goods Heat sinks and components of these goods iii. Electronic equipment for re-entry vehicles
ML5	All items in this category.	None apply.
ML7	ML7f; ML7g	All other categories of ML7 other than ML7f or ML7g.
ML8c	Aircraft fuels	None apply.
ML10	All items in this category, except for those detailed in the "Restrictions" column.	<ul style="list-style-type: none"> 1. Complete aircraft; or 2. Complete unmanned aerial vehicles (UAVs) and 3. Any components specially designed or modified for UAVs.
ML11	ML11a, ML11b.	<ul style="list-style-type: none"> 1. Any items relating to goods whose export is not allowed in this table; 2. Guidance sets capable of achieving a system accuracy of 3.33% or less of the range, that can be used in rockets or missiles capable of a range of at least 300 km; or 3. test equipment for MANPAD systems.
ML13	All items in this category.	None apply.
ML14	All items in this category, except for those detailed in the "Restrictions" column.	Training equipment for MANPADS.
ML15	All items in this category.	None apply.
ML16	All items in this category, except for those detailed in the "Restrictions" column.	Any items relating to goods whose export is not allowed in this table.
ML17	ML17c, ML17f, ML17h, ML17j, ML17l, ML17n, ML17o, ML17p.	<ul style="list-style-type: none"> 1. ML17 g, and specially designed components of these goods; or 2. ML17.n and specially designed components of these goods, where they are for use in connection with cluster munitions, explosive sub- munitions and explosive bomblets.
ML18	All items in this category, except for those detailed in the "Restrictions" column.	<p>Production equipment for:</p> <ul style="list-style-type: none"> 1. MANPAD systems; 2. anti-personnel landmines; or cluster munitions, explosive sub-munitions and explosive bomblets.
ML19	All items in this category, except for those detailed in the "Restrictions" column.	Any items relating to goods whose export is not allowed in this table.
ML21	All items in this category, except for those detailed in the	<ul style="list-style-type: none"> 1. ML21b.3. <p>Software for:</p> <ul style="list-style-type: none"> 2. any items relating to goods whose export is not

	“Restrictions” column	allowed in this table; or 3. developing or updating software embedded in military weapon systems.
ML22	All items in this category, except for those detailed in the “Restrictions” column	ML22b.4. and Technology for: 1. any items relating to goods whose export is not allowed in this table; or 2. source code, if the source code relates to software whose export is not allowed in this table.

SCHEDULE 3 PERMITTED DESTINATIONS.

Part A GCAP Partner Nations.

Italy, Japan, UK.

Note: The UK is included as a destination for goods, software or technology which have been initially exported from the UK to one of the destinations listed above and are then re-exported to the United Kingdom including after being incorporated into other products.

Part B GCAP Supply Chain Nations.

Italy, Japan, UK.

Note: The UK is included as a destination for goods, software or technology which have been initially exported from the UK to one of the destinations listed above and are then re-exported to the United Kingdom including after being incorporated into other products.

EXPLANATORY NOTE.

(This note is not part of the licence)

1. This Open General Licence permits, without further authority but subject to certain conditions, the export or transfer of dual-use items or military goods software or technology and trade of military goods for the for design, development, production, maintenance, trials and testing or 'use' of the Global Combat Air Programme (GCAP) from the United Kingdom to any destination listed in Schedule 3 of items specified in Schedule 1 or Schedule 2.

2. 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 the first occasion they make 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 the Department for Business and Trade (DBT). Guidance for registering to use an Open General Licence can be found on gov.uk.

<https://www.gov.uk/government/collections/open-general-export-licences-ogels>.

(b) Persons who register to use this licence do not need to re-register for future versions. Registrations are carried over to the current in force version of this licence.

(c) Under Article 29 of the Order, any person who carries out an act under the authority of this licence must maintain and retain certain records relating to the act. It is a condition of this licence that these records are kept for at least four years from the end of the calendar year in which the act takes place and must permit such records to be inspected and copied by any person authorised by the Secretary of State.

(d) This licence permits registration by Italian and Japanese 'GCAP LSIs', 'GCAP LSSIs' and 'GCAP Authorised Contractors' for intangible transfers. Where these entities do not have an EORI number, which is required to register on [SPIRE, the online export licensing system](#) for this licence, they should enter 000000000000 as an EORI number to progress the registration process.

3. 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.

4. 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.

5. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent them from using another OGL 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.

6. To apply for an eligibility letter, write to ECJU-MODTeam@mod.gov.uk. Do not send a request to any other address.

You will need to provide the following information:

- (a) Your full contact details including your registered business address, email address and a contact telephone number.
- (b) The SPIRE reference number you will have been issued with when you registered to use the OGL.
- (c) Proof that you and the recipient are contracted to work on GCAP. That might be a contract or a Purchase Order number, or a letter or email from a LSI, LSSI or a GCAP Operator supporting your request.
- (d) A brief reason why you need to use the GCAP OGL.

Eligibility letters are valid for multiple exports within a 5-year period from date of issue. For renewal requests you should apply at least one month in advance of your existing authorisation letter expiry date.

If you no longer need to use the OGL, you should surrender it on SPIRE.

When your request is received, a named contact in ECJU-MOD will acknowledge receipt and process the request. We aim to process most requests within 10 working days. Please allow for this time to elapse before you send a follow up request regarding your application.

For further information and assistance contact ECJU-MODTeam@mod.gov.uk

ECJU MOD Team
Old Admiralty Building
Admiralty Place
Whitehall, London
SW1A 2DY

Email: ECJU-MODTeam@mod.gov.uk

7. The following terms and acronyms used in this licence have the following meanings.

- a. Paragraph 1, The Global Combat Air Programme (GCAP) is a trilateral acquisition programme launched with Japan and Italy to develop the core aircraft (often referred to as Platform) which will be at the heart of the UK's and our partners' future Combat Air systems. This joint international programme is a jointly funded and delivered international programme to develop and deliver new fighter aircraft.
- b. Paragraph 6,7 and 8 entities:
 1. 'GCAP Authorised Contractors' means any industrial commercial or other entity that has been granted approval by the GCAP Partner Nations to provide goods or services for the purposes of GCAP.

2. 'GCAP Partner Nations' means Italy, Japan and the UK.
3. 'GCAP Operator' means the air force, armed forces or government organisation, as appropriate, that operates, or is the customer for, the GCAP Platform.
4. GCAP Supply Chain Nations means a permitted destination in Schedule 3 Part B.

8. Note: Definitions of the goods, software and technology shown below have the same meaning as that given in the Export Control Order 2008 (as amended).

- a. "Cluster munitions" means conventional munitions designed to disperse or release "explosive sub-munitions" (see note below).
- b. "Explosive bomblets" means conventional munitions, weighing less than 20 kilograms each, which are not self-propelled, and which are specially designed to be dispersed or released by a dispenser fixed to an aircraft, and are designed to work by detonating an explosive charge before, on or after impact.
- c. 'Explosive sub-munitions' means conventional munitions, weighing less than 20 kilograms each, which are dispersed or released by another conventional munition and are designed to work by detonating an explosive charge before, on or after impact (see note below).
- d. 'MANPADS' (Man Portable Air Defence Systems) are surface-to-air missile systems designed to be carried and fired by a single person, and other surface-to-air missile systems designed to be operated and fired by more than one person acting as a crew.

Note: a and c above do not include the following conventional munitions:

- a munition or sub-munition designed to disperse flares, smoke, pyrotechnics or chaff, or a munition designed for an air-defence role only.
- a munition or sub-munition designed to produce electrical or electronic effects.
- a munition that has all of the following characteristics:
 - a. Each munition contains fewer than 10 explosive sub-munitions.
 - b. Each explosive sub-munition weighs more than 4 kilograms.
 - c. Each explosive sub-munition is designed to detect and engage a target object.
 - d. Each explosive sub-munition has an electronic self-destruction mechanism.
 - e. Each explosive sub-munition has an electronic self-deactivating feature.

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