

**EXPORT CONTROL
ORGANISATION**

Guidance on Open General
Licences and the
Community General Export
Authorisation

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1. Background information on Open General Licensing

- **Open General Licences (OGLs)**

Open General Export and Trade Control Licences are licences available for all exporters or traders to use and allow the export of specified controlled items by any exporter or licence the involvement of a trader in arranging the movement of goods between certain countries outside the UK. They remove the need for exporters or traders to apply for an individual licence, either Standard or Open, provided the goods, software or technology and destinations are eligible and all the conditions of the licence are met.

Exporters must register with the Export Control Organisation on SPIRE before they make use of most OGLs.

There are also a small number of Open General Transshipment Licences (OGTLs), for which registration is not required. All Open General Licences remain in force until they are revoked.

- **Community General Export Authorisation (CGEA)**

The Community General Export Authorisation is the EU equivalent of an OGEL. The CGEA allows the export of most dual-use items to seven specific destinations by any exporter providing the conditions of the Authorisation are met. However, unlike OGELs the CGEA is not issued by national authorities but is published as Annex II of the Council Regulation (EC) No. 428/2009 (which is linked from the export control pages on the Businesslink website)..

Exporters established in the UK must register with the Export Control Organisation to use the CGEA in the same way as they would register for an OGEL. For further guidance on the CGEA see the [Annex B](#) below.

2. Registering to use a particular OGL or the CGEA

As noted above, exporters must register with the Export Control Organisation before they make use of most OGLs or the CGEA. This is a condition of the licence and exporters and traders are reminded that they should read the licence before they register to use it. You must register via the ECO's licensing system, SPIRE – <https://www.spire.bis.gov.uk>

Registration requires the following information in addition to general SPIRE information:

- The OGL (or OGLs) that you wish to register to use from a drop-down menu.
- Address at which copies of the records of shipments made under the OGL or CGEA may be inspected and a named contact point, with telephone number and e-mail address.

3. How to determine if you able to make use of an OGL

Before using any Open General Licence you need to be sure that you can adhere to all its terms and conditions.

You might find using the ECO's Checker website helpful. The OGEL Checker tool guides you through questions about your intended destination and nature of your goods and helps to identified if you might be able to use a particular OGL.

To access the OGEL Checker site go to:
<http://www.ecochecker.co.uk/OGELchecker>

4. Restrictions and conditions which apply to OGLs and the CGEA

The restrictions and conditions that exporters must comply with vary from licence to licence. However, they are likely to include at least the following:

1. End-use - The licence does not authorise the export of items in respect of which the exporter has been informed, knows or suspects that they are 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 (weapons of mass destruction) or development, production, maintenance or storage of missiles capable of delivering such weapons.
2. Customs Free Zones - The licence does not authorise exports to any destination within a customs free area.
3. Documentation - The licence requires (except in the case of an export of dual-use technology or software in intangible form) the official and commercial export documentation accompanying items to include a note stating that "the goods are being exported under Open General Export Licence.... or giving the reference number of the licence from SPIRE", and shall be presented to an Officer of HM Revenue and Customs if requested.

4. For exports of dual-use items the licences will not authorise the export where the items in question are intended for a military end-use as defined under Article 4(2)&(3) of the EC Regulation.
5. Registration and reporting requirements and any additional information which Member States might require in respect of the CGEA are defined by each Member State from which the export takes place. See [Annex B](#) below for details of additional requirements with regard to certain cryptographic items when using the CGEA.

Note: There may be exceptions to this list. You must read the licence carefully before you use it.

5. Use of OGLs and the CGEA to export goods from other EU Member States

Licences which are considered to be Community Licences (ie valid throughout the European Union) include:

- Any OGL covering Dual-Use items listed in Annex I of the Council Regulation (EC) No 428/2009.
- The Community General Export Authorisation (CGEA)

Licences which are NOT considered to be Community Licences (ie are only valid for exports from or trading or transshipment activity within the UK)

- OGLs covering military goods listed in Part I of Schedule 1 to the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order are only valid for exports from the UK.
- OGLs which control the activities covered by UK trade controls
- OGLS which control the transshipment of goods through the UK.

6. Customs Procedures

For export entry processing purposes Box 44 of the Single Administrative Document (SAD) (C88)¹ should be completed with the relevant details including:

- document code
- status code
- reference of the relevant licence

¹ Further information about the Economic Operator Registration and Identification (EORI) is available on the Business Link website at:

<http://www.businesslink.gov.uk/bdotg/action/layer?r.s=sl&r.lc=en&topicId=1082014938>

7. Length of validity of OGLs and the CGEA

All OGLs remain in force until they are revoked or in the case of the CGEA until amended.

8. How the Government monitors compliance with the conditions of OGLs and the CGEA

Where an exporter has registered to use the CGEA or a particular OGL, the ECO's Compliance Unit will monitor the exporter's compliance with the conditions of the licence by visiting the exporter's premises from time to time to audit their records. The Unit also ensures that exporters are aware of their responsibilities with regard to export control and helps exporters set up and maintain procedures which are necessary to avoid breaches of export control regulations. HM Revenue & Customs is of course the enforcement authority responsible for carrying out documentary and physical controls at UK ports and airports. If it is found at a compliance visit that the conditions of the licence are not being met, ECO can suspend a company's registration until the company can demonstrate compliance. If unlicensed shipments have been made, these will be reported to HM Revenue and Customs. Details can be found on the export control pages of the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol>

9. Amendments to Open General Licences

Any licence issued by the Secretary of State may be amended at any time. Notices to Exporters detailing changes to Open General Licences are published on the Department for Business website (on the export control pages) at <http://www.bis.gov.uk/exportcontrol> and via ECO's Notices to Exporters email.

Any changes made to the CGEA require an amendment of the Council Regulation and will be published in the Official Journal of the European Communities as well as in Notices to Exporters and on the export controls on both the Businesslink and Department for Business websites.

10. How to obtain copies of the current OGLs and the CGEA

All current Open General Licences, including a version of the CGEA, can be downloaded from the export control pages of the Businesslink website at

<http://www.businesslink.gov.uk/exportcontrol> . The CGEA is also published in the Official Journal of the European Communities as Annex II to the Council Regulation No. 428/2009 and in the UK Strategic Export Control List

11. Further information

For further information on the role of ECO's Compliance Unit please see the Compliance Visits Explained document which is available on the export control pages of the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol>

For strategic export controls in general and information on the use of OGLs and the CGEA, please contact:

ECO Helpline
Export Control Organisation
Department of Business, Innovation and Skills
3rd Floor
1 Victoria Street
SW1H 0ET
Tel: 020 7215 4594
Fax: 020 7215 2635
e-mail: eco.help@bis.gsi.gov.uk
website: <http://www.bis.gov.uk/exportcontrol> and
<http://www.businesslink.gov.uk/exportcontrol>

ECO's Notices to Exporters are published on both the Department for Business and Businesslink website pages.

To sign up to receive Notices, please email: webcomments@bis.gsi.gov.uk

This Note is for guidance only. It is NOT a statement of the law. Before exporting, you should refer to the legal provisions in force at the time.

ANNEX A – Frequently Asked Questions

1. Do I have to quote a licence number?

You will need to quote the reference number on the your licence application received via the ECO's SPIRE system for HMRC's EORI procedures. You should also indicate on commercial invoices the name of the OGEL you are intending to use or the number of the licence. This is a condition of each licence.

2. Does a copy of the OGEL need to accompany to the goods?

There is no requirement for a copy of the OGEL to accompany the goods; however, if you are intending to export dual-use goods from another EU Member State their Customs authorities may wish to see a copy of the relevant licence. In addition, if you are exporting Dual Use items to another Member State, you must inform your customer that the item will require a licence if subsequently exported outside the EU. Article 21 (7) of Council Regulation No.428/2009, as amended refers.

3. Why do I have to keep records?

Legislation requires records of exports to be maintained (see Articles 29-32 of the Export Control Order 2008) and exporters using OGELs will be visited by compliance officers to ensure that exporters are compliant with the restriction and conditions of OGELs. This involves checking records of exports made and any related paperwork which confirms that the company has been able to comply with the conditions of the licence. The OGTCL has similar record requirements for "trafficking and brokering activities" (see Articles 29 to 32 as above).

4. How do I find out more about the OGEL covering objects of cultural interest?

This OGEL is issued by the Department of Culture Media and Sport (DCMS). A copy of the OGEL is available on the export control pages of the Businesslink website. Further information can also be obtained from the Museums, Libraries and Archives Council.

5. Why isn't there an OGEL for Exhibition to cover Dual-use items?

There is a wide range of OGELs available covering controlled dual-use goods, which do not specify end-use, as such they can be used to cover exports for exhibition. In addition the Community General Export Authorisation (CGEA) is also available for 7 countries. The wide availability of OGELs reduces the need for a specific OGEL to cover overseas exhibitions.

6. What is covered by Council Directive 91/477/EEC on the control of the acquisition and possession of Weapons?

This refers to a European Directive, which outlines procedures EU Member States should take when transferring firearms to another Member State. In particular it stipulates the types of licences and procedures to follow when transferring firearms, which does not include the use of Open General Export Licence (OGELs) i.e., OGELs which include reference to the fact that 'this licence does not authorise the export of goods...which fall within the scope of Council Directive 91/477/EEC..', cannot be used for the export of firearms and related ammunition within the European Union.

7. How much will an OGEL cost?

There is no charge for using an OGEL.

8. What other documentation should accompany the goods?

Normal commercial documentation and/or Customs forms will be required. For details check with your local Revenue & Customs Office. Some OGELs e.g., OGEL (Export for Exhibition: Military Goods), require extra documentation; refer to conditions of licence concerned.

9. Can I send out replacement parts under the repair OGELs without having to return the faulty goods?

No. The repair OGELs require the importation of goods for repair and only when a repair is not possible for the supply of a replacement under warranty.

10. Can I use an OGEL to export goods to a destination not covered via a destination that is covered by the OGEL?

No. The authority to use an OGEL is subject to the conditions and restrictions of each OGEL these will include such conditions as "...may be exported from the United Kingdom to any destination in a country specified in the Schedule...". If the items are intended for re-export to a destination in a country not on the Schedule you must apply for an individual export licence.

11. Can the OGEL (Military Components) be used to send out replacement components which were previously supplied under a licence?

No. The OGEL is to allow exports of components intended for use as an integral part of main equipment previously supplied under a licence.

12. Can we use the OGEL (Military Components) if we were not the original supplier of the main equipment?

Yes providing you are able to satisfy the restriction and conditions of the licence, which includes providing details and preferably a copy of the original licence, issued in the UK for the main equipment on request.

13. What is meant by "unwanted goods"?

As the term is not defined within the body of the licence the term may be given the broadest definition. For example the term is capable of covering goods being returned after demonstration, trial, evaluation or exhibition; goods received in error or to the wrong specification or to goods damaged on receipt. However, in order to use the licence exporters must be able to meet the conditions and restrictions which are within the body of the licence including consignee and country limitations.

14. Do I have to comply with all the provisions of paragraph 1 (i) to (iii) of the OGEL (Export After Repair/replacement under warranty: Military Goods)?

No, you need only comply with one of these provisions.

15. Can I use the OGEL (Military Goods: Government and NATO End-Use) to supply components to Germany for incorporation into military equipment via a contractor for ultimate use by the Italian Government and then supply spares via the same route?

Yes, providing the goods are covered under Schedule 1 to the licence and the goods go via a contractor company engaged in a government project or government procurement in a country specified in Schedule 2 for the use of the Government of a country specified in Schedule 2. You will need proof that the goods are for a Government or NATO end-user that you can show to an ECO Compliance Officer at a visit.

16. Can I use the OGEL (Military Goods: Government and NATO End-Use) to send components to the USA for incorporation into military equipment for return to the UK for the MOD?

Yes since the UK is specified in Schedule 2.

17. Can I use the OGEL (Military Goods: Government and NATO End-Use) to demonstrate to a Government listed under Schedule 2?

No. The OGEL covers exports for the use of the government of the country to which they are exported and does not therefore cover temporary exports such as demonstrations.

18. If I am exporting an aircraft to a country covered by an OGEL can I stop over in a country which is excluded e.g., for refuelling?

No, unless specifically allowed – e.g. OGEL (Export for Exhibition: Military Goods). If a country is excluded from the OGEL this would also apply to journeys through the country. Therefore, if you wish to route your journey through countries not covered by the OGEL an individual licence would need to be obtained for those destinations.

19. Can I ask you to inspect the records at somewhere else other than at the site we have we have registered to use the OGEL from?

If the alternative address is another registered address for the company on SPIRE, then that is possible, but it is not possible for ECO Compliance Officers to inspect records at private addresses (unless that is also the place of business) or (for example) in rooms in conference centres or hotels.

ANNEX B – The Community General Export Authorisation

- **Background**

The Community General Export Authorisation (CGEA) was created by Council Regulation (EC) No 428/2009 (otherwise known as the EU Dual-Use Regulation). This imposes an European Union (EU) wide regime for the control of exports of dual-use items and technology.

Article 6(1) of the EU Dual-Use Regulation established the CGEA whilst the details relating to its scope and associated conditions are set out in Annex II of the Regulation.

- **How to access the current version of the CGEA**

The CGEA forms Annex II of the EU Dual-Use Regulation.

A link to the regulation currently in force is available either from [the](#) export control pages on the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol> or from the Council of the European Union website at: <https://www.consilium.europa.eu/showPage.aspx?id=408&lang=en>

The CGEA (Annex II) and Annex IV of the EU Dual-Use Regulation are also incorporated into the ‘**UK Strategic Export Control Lists: The Consolidated List of Strategic Military and Dual-use items**’ which is available on [the](#) export control pages on the Businesslink website at <http://www.businesslink.gov.uk/exportcontrol>

- **Community Licence**

The CGEA is what is known as a Community Licence which is valid in all Member States of the European Union.

A company established in one Member State may export from that or any other Member State (including the UK) under the authority of the CGEA providing they comply with the conditions of the CGEA and any additional requirements as specified by the competent authorities in the Member State where the exporter is established and, where appropriate, any additional requirements of the Member State from whose territory the export takes place, e.g. if exporting from the UK the additional cryptographic reporting requirements referred to above will apply.

- **Scope**

Subject to the conditions and requirements outlined below, the CGEA authorises the export of all dual-use items specified in any entry in Annex I of the EU Dual-Use Regulation *except* for those specified in any entry in Annex IV and in the following entries:

0C001	"natural uranium" or "depleted uranium" or thorium in the form of metal, alloy, chemical compound or concentrate and any other material containing one or more of the foregoing;
0C002	"special fissile materials" other than those specified in Annex IV.
0D001	(software) insofar as these relate to 0C001 or to those items of
0C002	that are excluded from Annex IV.
0E001	(technology) insofar as these relate to 0C001 or to those items of
0C002	that are excluded from Annex IV.
1A102	Resaturated pyrolyzed carbon-carbon components designed for space launch vehicles specified in 9A004 or sounding rockets specified in 9A104.
1C351	Human pathogens, zoonoses and "toxins"
1C352	Animal pathogens
1C353	Genetic elements and genetically modified organisms
1C354	Plant pathogens
7E104	"technology" for the integration of the flight control, guidance, and propulsion data into a flight management system for optimization of rocket system trajectory.
9A009a	Hybrid rocket propulsion systems with total impulse capacity exceeding 1.1 MNs.
9A117	Staging mechanisms, separation mechanisms, and interstages, usable in missiles.

The CGEA is valid throughout the EU for exports to the following destinations:

- Australia
- New Zealand
- Canada
- Norway
- Switzerland
- Japan
- United States of America

- **Conditions and requirements for use of the CGEA**

1. The CGEA may not be used if the exporter has been informed by the competent authorities of the Member State in which he

is established that the items in question are or may be intended, in their entirety or in part, 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 if the exporter is aware that the items in question are intended for such use.

2. The CGEA may not be used if the exporter has been informed by the competent authorities of the Member State in which he is established that the items in question are or may be intended for a military end-use as defined in Article 4(2) of the Regulation in a country subject to an EU, OSCE or UN arms embargo, or if the exporter is aware that the items in question are intended for such use.
3. The CGEA may not be used when the relevant items are to be exported to a destination within a customs free zone or free warehouse.
4. UK record keeping and registration requirements for the CGEA are contained in Articles 28 – 31 of the Export Control Order 2008 (SI 2008/3231). A summary of the requirements for exporting under the CGEA from the United Kingdom is given below:
 - Any person established in the United Kingdom who exports any item under the authority of the CGEA shall keep records relating to each export which shall be maintained for at least 3 years from the end of the calendar year in which the export takes place.
 - Any person authorised by the Secretary of State shall be permitted to inspect and copy such records.
 - Any person (including a person established in another Member State) who exports cryptographic items from the United Kingdom under the authority of the CGEA, shall, in addition to normal record keeping requirements, provide details (see next section) in writing to the Secretary of State not later than 30 days after first export, to the extent that the information is available or can reasonably be expected to be obtained within that time.
 - Before or within 30 days after the first occasion of use, any person established in the United Kingdom shall register to use the CGEA on SPIRE giving of the name of the exporter and the address at

which copies of records may be inspected and notice of any change to these details must be provided via SPIRE not later than 30 days after any such change.

- **Additional information that is required with respect to exports of Cryptography items under the CGEA**

Details of the information to be kept in relation to certain cryptographic items when exported from the UK under the CGEA, which is in the person's possession or other information as that person can reasonable be expected to obtain, can be found in Schedule 5 of the Export Control Order 2008 (SI 2008/3231) and are re printed below:

“The information specified in this Schedule is—

- (a) a general description of the goods, software or technology, such as might be contained in a product brochure;
- (b) descriptions of all relevant encryption algorithms and key management schemes, and descriptions of how they are used by the goods, software or technology (eg, which algorithm is used for authentication, which for confidentiality and which for key exchange); and details (eg, source code) of how they are implemented (eg, how keys are generated and distributed, how key length is governed and how the algorithm and keys are called by the software);
- (c) details of any measures taken to preclude user modification of the encryption algorithm, key management scheme or key length;
- (d) details of pre- or post-processing of data, such as compression of plain text or packetisation of encrypted data;
- (e) details of programming interfaces that can be used to gain access to the cryptographic functionality of the goods, software or technology; and
- (f) a list of any protocols to which the goods, software or technology adhere.”

NOTE: THIS INFORMATION SHOULD BE SUBMITTED TO ECO VIA EMAIL (eco.help@bis.gsi.gov.uk) WITHIN 30 DAYS OF FIRST EXPORT.