

## **EXPORT LICENCE**

**Open General Export Licence (Low Value Shipments)** dated 8<sup>th</sup> January 2010 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 9(2) and (4) of Council Regulation (EC) No. 428/2009 ("the Regulation")<sup>(a)</sup> and Article 26 of the Export Control Order 2008 ("the Order")<sup>(b)</sup>, hereby grants the following Open General Export Licence:

### *Community Licence*

1. This is general export authorisation under the terms of Article 9(2) of Council Regulation (EC) No. 428/2009. This authorisation, in accordance with Article 9(2) of that Regulation, is valid in all Member States of the European Community and is a Community Licence for the purposes of the Order.
2. Subject to the following provisions of this Licence, any items specified in Schedule 1 hereto, may be exported from the United Kingdom, or from any other Member State by any person established in the United Kingdom, to any destination except a destination in a country specified in Schedule 2.

### *Exclusions*

3. 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 he is 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,

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(a) O.J. No. L134 29.5.09. p.1

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 decided by a Common Position or Joint Action adopted by the Council of the European Union or a decision of the OSCE or imposed by a binding resolution of the Security Council of the United Nations, 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

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(b) S.I. 2008/3231

- (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (6) if the export is for any military purpose;
- (7) unless the items exported constitute a low value shipment.
- (8) where the exporter has, at the time of export, been served with a notice which suspends or revokes his 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*

4. 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 OGEL (Low Value Shipments)"; 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 Border Agency 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 Export Control Organisation. 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 the satisfaction of the Export Control Organisation, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

### *Registration*

5. The requirements of Article 28 of the Order **shall** apply to this licence.

### *Prohibitions not affected by this Licence*

6. Nothing in this Licence affect any prohibition or restriction on the export 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.

### *Interpretation*

7. 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) "a low value shipment" means items which are comprised in a single export order and are dispatched by an exporter to a named

consignee in one or more consignments the aggregate value of which does not exceed £6,000; and for this purpose "value" shall mean the value required to be declared to Customs on the export of the items concerned except that items not specified in Schedule 1 hereto shall be taken to have no value; 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*

8. This Licence comes into force on 15<sup>th</sup> January 2010.
9. The Open General Export Licence (Low Value Shipments) dated 12 August 2009 is revoked.

***An Official of the Department for Business,  
Innovation and Skills 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 Council Regulation (EC) No. 428/2009.

1C005

1C009

3A001.a.3. to 3A001.a.11

3A001.b Other than entries 3A001.b.3.a, 3A001.b.3.b, 3A001.b.4.a, 3A001.b.4.b, 3A001.b.9 and 3A001.b.10

3A001.c

3A002.a to 3A002.f Other than entry 3A002.a.6

3B001 Other than entries 3B001.f.2 and 3B001.i

3B002 Other than entry 3B002.d

3C001

3C002 Other than entry 3C002.e

3C003

3C004

5A001.b.1.a

5A001.b.1.b

5A001.b.1.c

5A001.c

6A002.a.3 Other than entries 6A002.a.3.a.2.b, 6A002.a.3.b.2.b, 6A002.a.3.d, 6A002.a.3.f and 6A002.a.3.g

6A003.b.1 to 6A003.b.3 Other than entries 6A003.b.1.b and 6A003.b.3 when containing image intensifier tube components specified in 6A002.a.2.b

6A003.b.4.a Other than cameras incorporating focal plane arrays specified in 6A002.a.3.a.2.b, 6A002.a.3.b.2.b and 6A002.a.3.d

8A002.b to 8A002.j Other than 8A002.d.1.c.

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

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

***All destinations other than in:***

- Afghanistan, Albania, Angola, Armenia, Australia, Austria, Azerbaijan, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Georgia, Hungary, Iran, Iraq, Ireland, Italy, Japan, Kazakhstan, Kyrgyzstan, Latvia, Libya, Lithuania, Luxembourg, the Former Yugoslav Republic of Macedonia, Malta, Moldova, Mongolian People's Republic, Netherlands, New Zealand, North Korea, Norway, People's Republic of China (including Special Administrative Regions), Poland, Portugal, Romania, Russian Federation, Serbia and Montenegro, Slovakia, Slovenia, Spain, Sri Lanka, Sweden, Switzerland, Socialist Republic of Vietnam, Syria, Taiwan, Tajikistan, Turkmenistan, Ukraine, USA and Uzbekistan

**NOTE:**

**Exports of items covered by this licence may be made under the authority of the Community General Export Authorisation, subject to certain conditions and restrictions, to the following destinations:**

**Australia, Canada, Japan, New Zealand, Norway, Switzerland, USA.**

## **EXPLANATORY NOTE**

(This note is not part of the licence)

This Open General Export Licence has been amended by adding Sri Lanka to the list of excluded destinations. This follows a review of the scope of the licence in view of the ongoing concerns with the situation in country.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export from the United Kingdom, or from any other Member State of the European Community (EC) where the exporter is established in the United Kingdom, to any destination other than one listed in Schedule 2 to the Licence of items specified in Schedule 1 to the Licence, providing that they constitute a low value shipment.

3. A "low value shipment" for this purpose means items which are comprised in a single export order and are dispatched by an exporter to a named consignee in one or more consignments, the aggregate value of which does not exceed £6,000. For this purpose the value of the items is the value as required to be declared for Customs purposes (i.e. their value Free on Board (FoB)) except that items not specified in Schedule 1 to the Licence are to be taken to have no value. A single export order broken down into a number of shipments constitutes one low value shipment.

4. The Export Control Order 2008 ("the Order") contain 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 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 the Export Control Organisation's electronic licensing system, SPIRE, at [www.spire.bis.gov.uk](http://www.spire.bis.gov.uk)

(b) 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.

5. 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 thinks fit. If an exporter receives written notice to this effect, he 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 4(2)).

6. Where, the ECO identifies failures in compliance with licence conditions or the legislation during a compliance visit, the ECO 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.

7. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent him from using another OGEL so long as he meets all its terms and conditions and that he has not received a letter suspending or revoking his ability to use that licence.