

EXPORT CONTROL ORGANISATION SERVICE AND PERFORMANCE CODE

1. Introduction

Licences to export arms and other goods whose export is controlled for strategic reasons are issued by the Secretary of State for Trade and Industry acting through the Export Control Organisation (ECO) of the Department of Trade and Industry. All relevant individual licence applications are circulated by the DTI to other Government Departments with an interest as determined by those departments in line with their policy responsibilities. The departments concerned include the Foreign and Commonwealth Office (FCO), the Ministry of Defence (MoD) and the Department for International Development (DFID). The ECO is also the licensing authority for certain acts controlled in accordance with UN sanctions.

In March 1998 the Cabinet Office published the Enforcement Concordat, which sets out the level of service and performance that business and others being regulated can expect from central and local Government.

This Service and Performance Code, which has been drawn up in light of the Concordat, sets out the Government's commitments to exporters with respect to the controls that are administered by the ECO. The Code also explains the basic elements of the export licensing procedure.

If you have any queries or comments on the Code or our service, please contact:

ECO Helpline

Export Control Organisation

Department of Trade and Industry

3rd Floor, Kingsgate House

66-74 Victoria Street

London, SW1E 6SW

Tel: (020) 7215 8070 between 0900-1700 (Mon. - Fri.)

Fax: (020) 7215 0531

e-mail: eco.help@dti.gsi.gov.uk

2. The Export Licensing System

The Legislation

Strategic export controls are set out in the following legislation:

- Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003 and;
 - EC Regulation 1334/2000 (OJ L159,30/06/2000), as amended
- UN sanctions and arms embargoes are implemented by Orders in Council under the United Nations Act 1946.

The legislation setting out strategic export controls and, in particular, the lists of goods subject to control change frequently to reflect new national and international concerns. **You need to comply with the legislation in place at the time you are exporting.**

Copies of all legislation administered by the ECO, including Orders in Council, can be purchased from the Stationery Office, Customer Services Department, PO Box 276, London, SW8 5DT.

Tel: 0870 600 55 22

Fax: 0870 600 5200. Office hours between 0900 -1700 (Mon. - Fri.).

Copies of more recent legislation are available at

<http://www.dti.gov.uk/export.control/legislation.htm>

Types of licences

Currently there are seven types of export control licence issued by ECO;

Standard Individual Export Licences (SIELs) generally allow shipments of specified goods to a specified consignee up to the quantity specified by the licence. Such licences are generally valid for two years where the export will be permanent; where the export is temporary, for example for the purposes of demonstration, trial or evaluation, the licence is generally valid for one year only and the goods must be returned before the licence expires.

A licence is not required for the majority of transshipments through the UK from one country to another. Most other transshipments can be made under one of the Open General Transshipment Licences in force, provided that the relevant conditions are met; where this is not the case, an individual transshipment licence is required.

An Open Individual Export Licence (OIEL) is specific to an individual exporter and covers multiple shipments of specified goods to specified destinations and/or, in some cases, specified consignees. They are valid for between two and five years, but occasionally for longer. There are no Open Individual Transshipment Licences.

A Global Project Licence (GPL) is similar in nature to an OIEL. It simplifies the arrangements for licensing military goods and technologies between Framework Agreement (FA) partners (i.e. France, Italy, Sweden, Spain and Germany) participating in collaborative defence projects. They can be used for exports involving both Government collaborative projects and those where an industrial collaboration has taken place and will generally be valid for the length of the particular project.

Open General Export Licences (OGELs) allow the export of specified controlled goods by any exporter, removing the need for exporters to apply for an individual licence, providing the shipment and destinations are eligible and the conditions are met. Exporters must register with ECO before they make use of most OGELs. 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 although their provisions may be varied at any time.

Where UN trade sanctions or arms embargoes apply, there is no standard application form, given the range of activities that may be controlled. Applicants should first contact the ECO's Licensing Unit 3.

Community General Export Authorisation (CGEA) is the community equivalent of an OGEL. The CGEA can be found in Annex II to Council (EC) Regulation No 1334/2000 (O.J.L 159, 30/06/2000, p1). Further guidance is available on the ECO website and Helpline. CGEA allows the export from the Community of dual-use items specified in Annex I to the Regulation other than those specified in Annex IV or entries 0C001; 0C002; 0D001; 0E001; 1A102; 1C351; 1C352; 1C353; 1C354; 7E104; 9A009a or 9A117. The licence is valid to seven specified destinations and as with OGELs use of the CGEA is subject to the exporter being able to satisfy the conditions contained within the licence or specified in national legislation. Similarly as with OGELs exporters must register with ECO before they use the CGEA.

A Standard Individual Trade Control Export Licence (SITCL) is specific to a named trader and covers involvement in the trading (commonly referred to as 'trafficking and brokering') of a set quantity of specific goods between a specified overseas source and overseas destination country with a specified consignor, consignee and end-user. SITCLs will normally be valid for two years. Upon expiry, either by time or because the activity has taken place, the licence ceases to be valid and must be returned to the Export Control Organisation. Should further similar activity need to take place, a further licence must be applied for. Trade Controls only apply to goods on the "UK Military List" (Schedule 1, Part 1 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003) and do not apply to software and technology.

An Open Individual Trade Control Export Licence (OITCL) is specific to a named trader and covers involvement in the trading (commonly referred to as 'trafficking and brokering') of specific goods between specified overseas sources and overseas destination countries and/or specified consignor(s), consignee(s) and end-user(s). OITCLs are generally valid for two years. Trade Controls only apply to goods on the "UK Military List" (Schedule 1, Part 1 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003) and do not apply to software and technology.

Open General Trade Control Licence (OGTCL) allows most trading activities in respect of military and paramilitary goods on the "UK Military List" (Schedule 1, Part 1 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003) moved to or from specified countries. Similarly as with OGELs exporters must register with ECO before they use the OGTCL

Applying for a licence

Completed applications should be sent to:

Department of Trade and Industry

Licence Reception

Export Control Organisation

3rd Floor, Kingsgate House

66-74 Victoria Street

London

SW1E 6SW

All applications are assessed by technical advisers to determine whether or not the goods are controlled. As noted above, most applications are circulated to relevant Other Government Departments for advice and, where this is the case, the decision will be taken in the light of the advice received.

Standard Individual Export Licences (SIELs)

Exporters can apply for SIELs over the Internet, on disk or CD. The application form may be downloaded at <http://www.dti.gov.uk/export.control/applying/elvisapplicationform.htm> together with guidance material and is also available on CD-ROM from the ECO Helpline (contact details above).

Open Individual Export Licences (OIELs)

Exporters can apply for OIELs either using a CD-ROM based application form or using a paper form, both of which are available from the ECO Helpline (contact details on page 1) together with guidance material on how to complete the form and the supporting documentation required.

Global Project Licence (GPLs)

Exporters can apply for GPLs using a paper form available from Gordon Williams, Licensing Unit 2, 3rd Floor, Kingsgate House. 66-74 Victoria Street, London SW1P 2HT, tel 020 7215 8083.

Standard Individual Trade Control Licence (SITC)

Exporters can apply for SITCLs using a paper form available either on the ECO website at <http://www.dti.gov.uk/export.control/applying/standardtradecontrollicence.doc> or from the ECO helpline.

Open Individual Trade Control Licence (OITCL)

Exporters can apply for OITCLs using a paper form available either on the ECO website at <http://www.dti.gov.uk/export.control/applying/opentradecontrollicence.doc> or from the ECO helpline

3. Performance targets

The Government's commitments to exporters are as follows:

STANDARDS

Objective: To publish clear statements of standards, setting out the level of service that business can expect to receive.

Our Commitments:

Advice on whether or not goods are controlled

So that we can give comprehensive advice on whether or not goods are subject to export control, we need you to supply us with the full specifications for the goods:

- **Where we do not need to consult other Government departments, the aim is to give you a full response within 10 working days of receipt of the request for advice.**
- **Where we do need to consult other Government departments, the aim is to give you a full response within 20 working days of receipt of the request.**

Decisions on export licence applications

So that we can begin consideration of your application, we need you to supply us with full supporting documentation.

Standard Individual Export Licence applications (SIELAs) are circulated to other government departments, principally FCO and MOD. The Government's aim is to provide a substantive response within 20 working days of receipt of the application. However, some cases will take longer to process than others; there will be occasions when these targets cannot be achieved, and the ECO's target is therefore to process 70% of cases within this period. We will also aim to process 95% of all applications within 60 working days.

These targets apply as soon as full documentation in support of the application has been provided by the applicant. All

applications are processed expeditiously and with care. Because of this, in all cases, we advise applicants for export licences not to enter into a binding contract or to start special production until an export licence has been issued. We also encourage all exporters to apply for licences at the earliest opportunity.

These standards do not apply to applications for Open Individual Export Licences, because of the very wide variation in the goods and country coverage of such licences, nor do they apply to applications for licences to export goods which are subject to UN sanctions.

Appealing against decisions to refuse an application for a SIEL

Where an application for a standard individual export licence is refused, the applicant is informed in writing of the reasons for the refusal and is informed that they may appeal against the decision. The appeal must be submitted within 28 calendar days of the date of the refusal letter and should, where possible, include any additional information or arguments which may not have been available at the time of the original application and which could materially affect the refusal decision.

The appeal and any new information provided are circulated to advisory departments to be considered independently at a more senior level than the original application. Within the Export Control Organisation, the appeal is dealt with by the Director of Export Control, unless the original application was considered at his/her or a higher level, in which case appropriate alternative arrangements would be made to ensure independent consideration of the appeal.

Our aim is to process 60% of appeals within 20 days and 95% within 60 days from the date of receipt of all the relevant information. The target does not apply to appeals concerning goods which are subject to UN Sanctions. Performance against this target will be published in the Government's Annual Report on Strategic Export Controls.

INFORMATION AND OPENNESS

Objective: To provide information and advice in plain language on the rules that we apply.

Our Commitment:

We will continue to provide guidance to help exporters deal with the export licensing procedure and paperwork.

To help cut down on paperwork and improve efficiency we have a computer disk version of the standard individual export licence application form.

Up-to-date information including the full texts of all Open General Licences and the latest list of goods that are subject to export control are also available at <http://www.dti.gov.uk/export.control/ogelicences.htm> and <http://www.dti.gov.uk/export.control/pdfs/controllist20040930.pdf> respectively. A version of the full text of the EC Regulation which includes Annex II the Community General Export Authorisation (CGEA) is also available at <http://www.dti.gov.uk/export.control/legislation.htm>

In order to receive electronically all future Notices to Exporters; announcements regarding export control; new guidance material, new and revised Open General Licences and copies of revised or new ECO promotional material please send your e-mail, contact name, telephone and company details to web.comments@dti.gsi.gov.uk or at <http://www.dti.gov.uk/export.control/help/signup.htm>
We also publish information on changes to legislation and Open General Export Licences in Lloyds Register – Fairplay.
When there is sufficient demand, we hold targeted seminars and workshops. These events enable exporters to discuss different aspects of the licensing system.

We consult business representative organisations and other bodies about export control publicity

COURTESY AND HELPFULNESS

Objective: To provide a courteous and efficient service.

Our Commitment:

We will identify ourselves by name in discussion and correspondence and we will answer telephones promptly and deal with business courteously and efficiently. Where appropriate, answering machines or call queuing systems are used.

CONSULTATION AND COMMUNICATION

Objective: To consult with business on Export Control matters.

Our Commitment:

We will help business understand the law on export controls and, in particular, promote best practice to maximise compliance with current legislation. If appropriate, advice is confirmed in writing.

We will continue to hold meetings with the CBI and relevant Trade Associations and will also consult as appropriate with commercial and industrial sectors that may be affected by proposed changes to export control legislation.

Our compliance team will continue to visit exporters using open licences to examine records and check that the systems and procedures for meeting the requirements of the licence are working properly. Compliance visits are arranged in advance and the company to be visited is sent a note explaining the format that the visit will take and the compliance officer's requirements. Compliance officers also aim to promote wider understanding of the UK export control regime and to obtain feedback from exporters on all aspects of the regime.

In close consultation with companies, ECO has developed a Code of Practice to help companies to establish an efficient compliance procedure or improve existing ones. ECO also offers information and guidance on best practice and setting standards for compliance procedures. Copies of "Export Control Compliance - Code of Practice" are available from the ECO Helpline or at <http://www.dti.gov.uk/export.control/pdfs/codeofpractice.pdf>

COMPLAINTS

Objective: To establish a well publicised, effective and timely complaints procedure which is easily accessible to business.

Our Commitment:

If you are dissatisfied with the service we provide, please let us know. You may wish to speak to your usual contact in the ECO to try to resolve the problem.

If you are still not satisfied you should write to Susan Marks, Customer Service and Compliance Unit, ECO, 3rd Floor, Kingsgate House, 66-74 Victoria Street, London, SW1E 6SW.

We will then investigate the complaint and give you a full response.

The aim is to provide a substantive response to written complaints within 15 days of receipt. If the complaint concerns an application for a licence required under UN Sanctions we may have to consult the UN Sanctions Committee and it can take longer to respond; if this is the case, we will let you know as soon as possible. Alternatively, you may write to the Minister for Consumers and Corporate Affairs, the Minister with responsibility for strategic export controls, or your Member of Parliament.

VALUE FOR MONEY

Objective: To minimise the costs of compliance with export controls.

Our Commitment:

We will continue to help exporters to find the most efficient procedures for complying with export controls. Promoting best practice, publishing information on export control through the ECO Internet website, and providing seminars and free publications helps to reduce the costs of compliance for exporters.

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