

Guidance about OGEL Checker

The OGEL Checker is a web-based search tool help exporters find out whether they can use an Open General Export Licence when exporting their goods, software or technology.

This guidance covers an overview about how best to use the tool and brief background about the Control Lists and strategic export control legislation.

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1. BACKGROUND ABOUT OGELS

1.1 What are OGELs?

If items are controlled (either because they are listed on a UK Strategic Export Control List or due to End-Use Controls) then a licence is required for their export from the UK .

The ECO issues various types of licences.

The most flexible licence potentially available is an Open General Export Licence (OGEL) which are designed for the export of controlled goods that are going to low risk destinations or goods that are less sensitive in nature eg goods after repair, low value shipments etc. All OGELs are pre-published and their terms cannot be amended by the exporter.

An OGEL **can only be used** if:

- An exporter can meet all the stated terms and conditions eg record keeping requirements
- The destination is permitted on the licence
- The goods are permitted for export under the licence (which are identifiable by a 'Control List entry' or 'rating' in the licence schedules.

If you cannot meet any of these basic criteria and the goods are still controlled, exporters will need to apply via SPIRE for a Standard Individual Export Licence (SIEL) to obtain an authorisation to ship specific quantities of items to a specific end user.

Alternatively, if you have a track record in export licensing or have a robust business case, you can apply for an Open Individual Export Licence (OIEL). Exporters can apply for an OIEL, when for example they wish to ship larger quantities of items to more than one customer. OIELs are a concessionary licence type.

If OGEL Checker advises that a SIEL is required users should always check to see if their company already holds an OIEL that can be used for their proposed transfer.

1.2 Why do I need to use OGEL Checker?

Each OGEL has a number of conditions that must be satisfied if the eligible item is to be exported to the eligible destination.

OGEL Checker can help an exporter by:

- Enabling searches to be made on all published OGELs to see if any are available for the rating/country combination you have selected.

- Presenting list of possible OGELs which can be printed for your records.
- Guiding you through each possible OGEL's terms and conditions by asking questions that require a YES or NO answer.

NOTE: If after answering all the questions in such a manner that all the conditions can be met, the tool advises users that it appears that the OGEL can be used. Users are advised to double check by reading and becoming familiar with the official version of the OGEL, which can be found on the ECO website by using the link provided.

2. USING OGEL CHECKER

2.1 Basics of using OGEL Checker

- **Before** using OGEL Checker you must know the Control List entry reference (or 'rating') that apply to your specific goods, software or technology.

NOTE: You can self-rate your goods by using Goods Checker (available via this site) and also the Control List Classification Search Tool (available via SPIRE). Alternatively you can request advice from the ECO's Technical Assessment Unit via the Control List Classification Advice Service.

- You must know the specific sub-entry reference ie you cannot simply enter 6A005 for a laser, you will need to enter the relevant sub-entry e.g. 6A005d3a for a carbon dioxide laser having a CW output power exceeding 15 kW.
- You need to know the end-user destination country and also whether any consignee(s) are in an intermediate country.
- You will need to check to see if your company has been informed that an end use control applies. You will also need to have made reasonable enquires as to the proposed end use of the items, particularly making enquires if items could be used for WMD purposes or you suspect WMD use.

2.2 Which OGELs are searchable via OGEL Checker

OGEL Checker searches on the majority of published OGELs issued by the ECO. This also includes the CGEA which is a dual-use licence for intra-community transfer between European Union countries (ie those items listed on Annex I of the EU Dual-Use Regulation).

You should note that OGEL Checker cannot be used to establish whether an Open Transshipment Licence or an Open Trade Licence can be used.

2.3 How to use the OGEL Checker?

Having logged in you are presented with the "Start Search" screen.

There is pick list for the "Control List Entry", which initially contains the words "Enter Rating". Move the cursor to the box and scroll through all the available ratings, or to speed things up type in the leading characters of your rating or use the scroll bar on the side.

Below this there is a pick list for "End User Destination", which initially says contains the words "Enter Country". Move the cursor to the box and scroll through all the available countries or to speed things up type in the leading letters of the country or use the scroll bar on the side.

Sometime the items will be going to a consignee in a country that is not the same as the end user destination. If this is the case you need to pick the consignee country in the box "Consignee Destination (if different from above)".

Having selected a rating and a country(ies) click on **Next** and a list of any possibly available OGELs will be displayed. This list can be printed.

If you wish to go through the conditions using OGEL Checker click on "Check Conditions". Read through each condition and answer YES or NO as appropriate. If you cannot satisfy a condition you are given the option to check for other possible OGELs, check to see if your company has an OIEL or failing either apply for a Standard Individual Export Licence (SIEL).

A print out saying that it appears you can use the licence, together with your answers can be made for the record.

To check out any other rating and / or country combination click on "Start Search" in the left hand panel to take you back to the beginning of the process.

3. LEGAL DISCLAIMER

Responsibility for compliance with export control legislation rests with the exporter. The Checker Tools are for information only and have no force in law. Please note that where legal advice is required, exporters should make their own arrangements.

4. FURTHER INFORMATION

For further details about export controls, you should visit <http://www.businesslink.gov.uk/exportcontrol> or <http://www.bis.gov.uk/exportcontrol>

The SPIRE export licensing database is <https://www.spire.bis.gov.uk>

You can also contact the ECO helpline by email at eco.help@bis.gsi.gov.uk or by telephone at 020 7215 4594.