



Department for International Trade

UK Export Control Legislation

Presented by Adrian Bond Business Awareness Training Manager













Strategic Export Control Learning Path



Start Welcome to Strategic Export Controls!

Visit GOV.UK and review our online beginners guide to Export Controls. Review our elearning videos and webinars (on the 'Open to Export' platform) and/or undertake in-house peer-to-peer training

Visit the ECO website to review our courses and Training Bulletin: www.gov.uk/guidance/strategic-export-control-training-for-exporters www.gov.uk/government/publications/export-control-training-bulletin

Beginners course For those with little to no knowledge of Strategic Export Controls

Intermediate course

For those who've undertaken Basic Training, used SPIRE, worked with the Consolidated Control Lists and want to put everything in context, we suggest that you attend the Intermediate Course.

Advanced and Targeted courses

How to Make Better Licence Applications This course is for those whose role includes making Export Licence Applications. Control List Classification course This course is for those whose role includes deciding the Control List Classification (CLC) of goods to be exported.

Sector Specific courses These courses are run annually or every few years and cover various business sectors and licencing processes.

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To explain the UK's current strategic export controls

- Why have controls?
- Who is this ECO, ECJU and DIT?
- History of the controls
- What's controlled?
- Guidance













But who is this ECO?





CC - Wing1990hk













But who is this ECO?



















- UK's Licensing Authority for Strategic Export Controls
- 87 staff Policy/Licencing/Compliance/Technical/Awareness
- Process all military, nuclear and dual-use Export and 'Trade' Licence applications (17,000+ p/a, Open Lics, HMRC referrals)
- £27+ million
- 600K
- Collate advice from Other Government Departments















Export Control Joint Unit









Whilst DIT brought together organisations that existed before, it is also a new organisation in its own right.

DIT was created by the Prime Minister for our specific context and time: following the EU referendum in which Britain voted to leave the EU; and its creation brought together the existing parts of Government that helped the UK trade, and attract investment.

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On behalf of the DIT Secretary of State





 Left to right: Baroness Fairhead, Greg Hands, Dr Fox, Graham Stuart and Antonia Romeo on the steps of 3 Whitehall Place.













Conventional Arms since 1945



Export Group for Aerospace, Defence & Dual-Use

Territory size shows the proportion of deaths worldwide directly attributed to war or conflict that occurred there between 1945 and 2002.

© Copyright Sasi Group (University of Sheffield) and Mark Newman (University of Michigan).











(C) www.worldmapper.org



Revealed: UK Government let British company export nerve gas chemicals to Syria

UK accused of 'breath-taking laxity' over export licence for potassium fluoride and sodium fluoride





Protective Marking - Unclassified

IN SELLS NERVE

GAS CHEMICALS TO SYRIA 10 MONTHS

AFTER WAR BEGINS





 "The modern use of chemical weapons began with World War I where nearly 100,000 deaths resulted.

Since World War I, chemical weapons have caused more than 1,000,000 casualties globally."

• "On the morning of 6 August 1945 an American B-29 bomber, the 'Enola Gay', dropped the first atomic bomb used in warfare on the Japanese city of Hiroshima. The final death toll was calculated at

135,000."

epresenting the future











Ye Olde Weapons of Mass Destruction

















Military Snowballs

















So why allow any exports?



 All nations have the right to defend themselves according to Chapter VII of the UN Charter.

















Our Mission:

"To promote global security through strategic export controls, facilitating responsible exports"

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NGOs







(FOR OFFICIAL USE)

Customs Regulations and Procedure

in Great Britain and Northern Ireland

[Compiled and published by direction of the Commissioners of Customs and Excise, in accordance with a Resolution of the International Conference on Customs and other similar formalities, held under the auspices of the League of Nations, October to November, 1923].



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History of controls













History of controls

















Legislation as it affects the UK



- Export Control Act 2002
 - Export Control Order 2008 (as amended)
 - Export of Radioactive Sources (Control) Order 2006
- Council Regulation (EC) No. 428/2009 (the Dual Use Reg)
- Council Regulation (EC) No. 1236/2005 (the "torture Reg")
- Sanctions Orders
- Any updates to legislation and sanctions orders are made as changes to the Export Control Order – to keep up to date with those changes you should register for Notices to Exporters











ECO Website and Notices to Exporters



GOV.UK Departments Worldwide How government works Get involved Q Search Policies Publications Consultations Statistics Announcements Apply for an export licence on SPIRE Export Control Organisation Check if you need an export licence Get updates to this list Check if you can use an Open Gener Part of Department for International Trade 🗠 email S feed Find an Open General Export Licence See all Find training for exporters Export military or dual use goods Latest Revoked licences (for militar Follow us updated 5 April Revoked (ECO notices to exporters licences (collaborat 18 January 2016 - Guidance 17 January 2017 - Collection ECO mailing list $\mathbf{\nabla}$ updated 5 Apr Embargoes and sanctions on Strategic export controls:

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22

Iran has received extensive economic and financial sanctions relief as a result of meeting

Iran

Reports and data on export control licensing compiled by the export control organisation. IIIuusuics

licensing data

updated 5 April 2017 Guidance

Revoked licences

LEADING THE INDUSTRY

Activities covered



- Export The movement of a listed item out of a Customs Territory – Export Licence
- Intracommunity Transfer the movement of EU 'Dual-Use' items within the Customs Territory of the EC – EC Reg 428/2009 Article 22(10)
- 'Trade' or 'Trafficking and Brokering' The movement of controlled goods between countries outside of the Customs Territories
- Technical Assistance WMD and Sanctioned
- Transhipment goods being transferred via UK

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SIEL Application Process



Export Group for Aerospace, Defence & Dual-Use





The Consolidated EU and National Arms Export Licensing Criteria



- 1. UK's International Commitments
- 2. Internal Repression
- 3. Internal Situation of recipient country
- 4. Regional Stability
- 5. National Security of UK and allies
- 6. Behaviour of recipient country
- 7. Diversion
- 8. Economic Sustainability

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Criterion 1 International Commitments

Will <u>not</u> issue an export licence if approval would be inconsistent with: UN, OSCE, EU and national arms embargoes and non-proliferation agreements.

















Criterion 2 Internal Repression

Will not issue an export licence if there is a *clear risk* that the export *might* be used for internal repression

28



Will not issue licences for exports which would provoke or prolong armed conflicts or aggravate existing tensions or conflicts in the country of final destination.

29

JNCLASSIFIED

Criterion 4 Regional Conflict

Will not issue an export licence if there is a clear risk that the recipient would use the proposed export aggressively against another country or to assert by force a territorial claim.

30



Will take into account:

(i) the risk of the goods concerned being used against UK forces;

(ii) the risk of reverse engineering;

(iii) the need to protect UK military classified information and capabilities.

Criterion 6 International Community

Will take into account the behaviour of the buyer country with regard to the international community, as regards in particular to its attitude to terrorism, the nature of its alliances and respect for international law.

UNCLASSIFIED

32

Criterion 7

Diversion

Will assess the existence of a <u>risk</u> that the equipment will be diverted within the buyer country or re-exported under undesirable conditions.

Criterion 8

34

Economic Sustainability



Will take into account whether the proposed export would seriously undermine the economy or seriously hamper the sustainable development of the recipient country.





Department for International Trade

Control List Classifications

(aka - are my goods listed?)




























The UK Strategic Export Control List Is Made Up of Goods of Interest to Several International Regimes





UK Control List has 5 Sections



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UK Military List





- Goods determined to have a clear military functionality, often "Specially designed or modified for military use"
- Goods categorised as ML1-22
- Goods are subject to Trade Control licenses



Also includes UK-specific controls typically annotated with PL. e.g PL5001 for paramilitary goods

EU Dual Use List

- Goods with civil and military applications.
- Typically controls require the goods to meet very specific technical parameters or performance levels.
- Ratings based on categories of goods, and regime origin.
- NLR to EU (except for Annex IV)







UK Dual-Use List : Includes explosives related goods, materials, chemicals, microorganisms and toxins; [telecommunications, vessels & aircraft (destination specific)]

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Capital Punishment and Torture Goods List

Goods designed for restraint, torture or capital punishment

Radioactive Sources List

Radioactive materials above specified activity levels and not controlled in EU Dual use list e.g Cobalt 60, Iridium192













- Military List (Export Control Order 2008 Schedule 2)
- Dual-Use List (EC Regulation 428/2009)
- EU Human Rights List at EC Regulation 1236/2005
- UK dual-use List (Export Control Order Schedule 3)
- Trade Control Lists
- Annex IV lists

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What does it take to be Military?



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- Items "specially designed or modified for military use" (SDOMFMU), very few exceptions; and
- Items controlled because of what they are e.g. firearms, explosives, chemicals, police & security equip.
- Sch. 2 of the Export Control Order 2008
- Nomenclature MLxx or PL50xx
- Most control entries include <u>components</u> (SDOMFMU)
- All military Software and Technology
- Licence required for exports to <u>all</u> destinations (including EU, Channel Islands, Overseas Territories)















Often difficult to tell what is Military

















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- ML1 and ML2 All rifled and smooth bore 'weapons'
- ML3 Ammunition and components for ML1, ML2 and ML12
- ML4 Bombs, grenades, rockets, missiles
- ML5 Devices for fire control and countermeasure equipment
- ML6 Ground vehicles
- ML7 and ML8 Explosives and chemicals
- ML9 Military and militarised Vessels,
- ML10 Aircraft, unmanned airborne vehicles, aero-engines
- ML11 Guidance/navigation equipment, electronic equipment
- ML12 High velocity kinetic energy weapon systems
- ML13 Armour plate, body armour, military helmets
- ML14 Simulators and training equipment
- ML15 Imaging equipment
- ML16 Forging, castings and unfinished products
- ML17 Miscellaneous goods including diving equipment, ferries, containers
- ML18 Production equipment
- ML19 Directed weapon systems
- ML21 & 22 Software and Technology
- PL5017 Equipment and test models
- PL5001 Paramilitary goods















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'Duel Use' goods?

















Controlled 'Dual-Use' goods



- 10,000's of items controlled, but not designed for 'Dual Use'
- Controlled 'Dual Use' goods so called as they have benign civil applications, but significant potential Military/WMD/HR
- Technical parameters must be met
 - Strong enough, Accurate enough, Pure enough, etc.
- Annex I to the EC Reg 428/2009 (as amended)
- 10 Categories with Unique 5+ digit codes (e.g. 5A002a1a)
- No licence required for intra-EC movement, except...
- Annex IV licence required for intra-EC transfers
- Only specific software and technology
- Additional UK national dual-use controls (PL8001 or PL900x)
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Dual Use?















Dual Use?





- Sport Cars
- Sunglasses
- Uranium Enrichment Centrifuge
- 1A002/1C010/1C210



















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7 – Navigation & Avionics 8 – Marine

9 – Aerospace & Propulsion

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- Controls headed with an '**as follows**' means that there are a series of parameters to be considered.
- Controls linked with an 'all' or 'both' mean there will be more than one parameter that needs to be met, usually linked with an 'and'.
- Controls linked with an 'or' mean there are options, usually meaning at least parameter need to be met.













How to interpret control text

Valves and components, as follows:

• 2B350g

50

- 1. Valves, having **both** of the following:
 - a. A 'nominal size' greater than 10 mm (3/8"); and
 - b. All surfaces that come in direct contact with the chemical(s) being produced, processed, or contained are made from 'corrosion resistant materials';
- 2....

Technical Notes:

- 1. For the purposes of 2B350.g., 'corrosion resistant materials' means any of the following materials:
 - Nickel/alloys, nickel chromium alloys, glass, tantalum, titanium;
 - c. Fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);

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Dual-Use? Can depend on what you are made of:



NLR

EC Dual Use 2B350g1













Is Technology and Software controlled?



















"Technology" means specific 'information' necessary for the "development", "production" or "use" of goods or software.

- Technology includes:
 - specifications,
 - engineering drawings,
 - manufacturing instructions,
 - user manuals,
 - user instructions,
 - etc
- Some exemptions. e.g. "in the public domain"













WMD and End-Use Controls



- The end-use control can be applied to ANYTHING (e.g. main equipment or components) or ANY activities (e.g. training or helplines), if potentially connected to a WMD programme.
- Exporters may know, have been informed, or suspect.
- "items 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"

"...in connection with..."



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Sources: Bobby Yip/Reuters and public commercial brochure

- WS51200 8 Axle Lumber transporter.
- Commercially available industrial engine, etc.
- No-dong-C ICBM launcher.
- So if there is any WMD connection, talk to us!













 Control List Status (rating) of an item is decided by:

What it is to be used for?

Original design intent?

□Colour?

□Temperature specification?

Material composition?



















 What are the two main 'lists' of items subject to control?

















Resources

















- 'Consolidated Control List'
- 'Export Control Organisation'
 - OGEL, EUU, Technology
- 'Guidance on the transfer abroad of controlled technology.'
- 'Export Control Training Bulletin'













"How do I know if I need a Licence?"



G	uic	lar	nce

Search

Consolidated list of strategic military and dual-use items that require export authorisation

a

From:	Department for Business, Innovation & Skills and Export Control
	Organisation
First published:	10 April 2013
Last updated:	17 April 2015, see all updates
Part of:	Weapons proliferation and Export controls

List of 'controlled' military and dual-use items that require an export licence issued by the Export Control Organisation.

Document



Consolidated list of strategic military and dual-use items that require export authorisation Ref. BIS/15/281

PDF, 3.24MB, 290 pages

This file may not be suitable for users of assistive technology. Request a different format.



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Policies Publications Consultations Statistics Announcements





























Export Group for Aerospace, Defence & Dual-Use

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Search	CITIC	Pria
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Enter your search criteria below and press Search.		
ak47		
	Sear	rch Clear

Search Results for ak47

The suggested 'ratings' below should now be used to find the full control entry text in the legislation. This text can then be studied in a

The full text can be found by searching for the 'rating' in the UK Strategic Export Control Lists or Goods Checker Tool.

Please also re-read the Important Section above if the suggested 'ratings' are not relevant to your items as this does not necessarily

Control Entry	Match Rating	Description
ML1	****	Small calibre weapons and accessories
PL5017	*	Military equipment and test models
ML3	*	Ammunition
ML14	*	Military and firearms training equipment
ML13	*	Armoured and protective goods
PL5001	*	Security and para-military goods
ML2	*	Large calibre weapons and accessories
ML4	*	Explosive devices (e.g. bombs, missiles, etc) and related
ML6	*	Military and ballistically protected ground vehicles













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Department for Business Innovation & Skills

Welcome to SPIRE The Export Control Organisation's online export licensing system

Using SPIRE, you can apply for an export or trade licence for your activities and items if you require a licence for the wide range of "strategic" goods (such as security items, military goods, civilian products designed with a military use or purpose, firearms, police and paramilitary goods, radioactive sources and much more). You can also use SPIRE to make a Ministry of Defence Form 680 application, Private Venture security grading or Exhibition Clearance applications.



Ultimate End Users

You may have submitted previous applications listing ultimate end users under "Additional third parties". Please note that these details should now be entered under "Ultimate End Users"

Can you also ensure that these details are correct in your application templates, and that they are amended as necessary if you use the "Copy Application" feature.

New Users

Create a new account to use SPIRE

Company Registration

We advise that you register your company on SPIRE, benefits include:

More Control Time Saving Additional Company Security

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Login to SPIRE and go to 'Manage My Registration' on the left hand side and click on 'New Registration'

See guidance on Jack creating a new SPIRE account and registering your company.

You are kindly reminded to keep your details on SPIRE up so that you may be contacted by ECO regarding your app or Licence

ECO Reports & Statistics ECO Checker Tools (Goods) and OGEL Checker)















Bepartment for Internation	Date Goods Checker was last updated		u use abbreviated
Goods Checker Browse Guidance D Quick Help (RDF) C Example Searches (PDF)	 OGEL and Goods Checker Tools Search the control list for key terms below Click the ion to view an entry's details Once inside an entry, you can navigate to its children by clicking the icon 	or singular keywol neptunium, progr programme or pro laser rather than l	am for grammable and
	Key Term vehicle	0	
Browse mode	Advanced Search Search		Click on an icon to expand an entry.
allows you to look at the whole list	ⓒ SCHEDULE 2 MILITARY GOODS, SOFTWARE AND TECHNOLOGY		
	O Definitions	on hot air or on lighter-than-air gasse	es such as helium or hydrogen for their lift; 🛛 🗷
	"Unmanned Aerial Vehicle " means any "aircraft" capable of initiati on board; "use" means operation, installation (e.g. on-site installati	ion), maintenance, checking, repair, o	overhaul and refurbishing;
	 Military, Security and Para-military Goods, Software and Technolog ML6 Ground "vehicles" and components as follows: 	gy and Arms, Ammunition and Rel	ated Material 🛛
	a. Ground " <mark>vehicles</mark> " and components therefor, specially des		Search results, with your keyword highlighted in
	NORTON ROSE FUL		yellow, show up here
	Text Society of		













Clicking on the icon next to ML6 brings up the entry in full detail. Click on the arrow at 'a' or 'b' to expand further.

•		¥ *	
ods Checker Browse	UK Strategic Export Control Lis	sts > <u>UK Military List > MILITARY</u> > ML6	
Jidance Search th			
Quick Help (PDF) Click the	SCHEDULE 2MILITAR	Y GOODS, SOFTWARE AND TECHNOLOGY	
Example Searches (PDF)	Military, Security Related Material	and Para-military Goods, Software and Technology and Arms, Ammunition an	d
ontact D/DIT		hicles" and components as follows:	
Adv	N.B.: Electronic gui	idance and navigation equipment is controlled in ML11.a.	
	🖌 🖌 a. Groun	d "vehicles" and components therefor, specially designed or modified for military use;	
	😽 b. Other	ground "vehicles" and components, as follows:	
⊗ sch			
ତ	Definition of Term	S	erial 🗵
	Term	Definition	
	vehicle	"vehicle" includes a railway carriage;	
	UK Strategic Export Control Li	sts > <u>UK Military List</u> > <u>MILITARY</u> > ML6	
		Close	
		nanufactured or fitted with materials or components to provide ballistic protection to leve nearable national standard) or better:	l III (NIJ 0108.01, September 1985, or

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Department for International Trade

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Goods Checker Search Last Upda

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Goods Checker Browse	
Guidance	
🕑 Quick Help (PDF)	
🕒 Example Searches (PDF)	
Contact	

Where possible, the **Goods Checker will** give a description of the reasons why the goods are controlled

6A102	
UK Strategic Export Control Lists > EU Dual-Use List > ANNEX CATEGORY 6 > ANNEX.CATEGORY.6A > 6A102	
ANNEX ILIST OF DUAL-USE ITEMS	
CATEGORY 6 - SENSORS AND LASERS	
6A Systems, Equipment and Components	
<mark>6A102</mark> Radiation hardened 'detectors', other than those specified in 6A002, specially designed or modified for protecting against nuclear effects (e.g. electromagnetic pulse (EMP), X-rays, combined blast and thermal effects) and usable for "missiles", designed or rated to withstand radiation levels which meet or exceed a total irradiation dose of 5 x 10 ⁵ rads (silicon).	
Technical Note:	
In 6A102 , a 'detector' is defined as a mechanical, electrical, optical or chemical device that automatically identifies and records, or registers a stimulus such as an environmental change in pressure or temperature, an electrical or electromagnetic signal or radiation from a radioactive material. This includes devices that sense by one time operation or failure.	
Reasons For Control	
Radiation hardened detectors are sensing devices for temperature, pressure, electrical fields, magnetic fields or radiation. Those hardened against radiation (nuclear pulse level) are designed to continue operation in a hostile environment, and are consequently necessary for military weapons systems as well as space qualified systems.	for protecting against nuclear effects (e.g. d or rated to withstand radiation levels
Definition of Torms	pecified in 6A002, 6A007.b. and c., 6A008,
NORTON ROSE FULBRIGHT	
Society of BRITISH	











ki Department for Internation

Goods Checker Searc

Goods Checker Browse Guidance

Many entries will also have pictures and descriptions showing typical items controlled under an entry. Example shown is for ML1.



Sample Items Controlled Under ML1a



Walther .22 GSP Target Pistol

Source: United Kingdom



Source: United Kingdom



.303 Lee Enfield rifle. Sometimes described as the service rifle of the British Empire, this rifle was the main military service rifle of the British Army for over 60 years.

Steyr AUG assault rifle. Developed in the late 1970's this weapon fires a 5.56 mm NATO cartridge.

Assault rifles are defined as weapons that can either be fired in full automatic mode (the Steyr AUG is capable of a rate of fire of 650 rounds/min) or semi-automatic mode. In semi-auto mode each pull of the trigger fires a single cartridge, ejects the empty case and reloads the chamber.

Intratec TEC-9 9mm assault pistol. The semi-automatic machine pistol has been described a little



use for anything other than drive-by shooting and hold ups. The US Government has been trying to ban this weapon for many years.

Source: United Kingdom



Intratec TEC-9 9mm assault pistol. The semi-automatic machine pistol has been described a little use for anything other than drive-by shooting and hold ups. The US Government has been trying to ban this weapon for many years.















lated Material 🛛 🗵

ons with a calibre of 12.7 mm



Guidance













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You are kindly reminded to keep your details on SPIRE up to date so that you may be contacted by ECO regarding your application or Licence

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<u>SPI</u>RE



Notices to Exporters 🔊 💟 🖂

ECO's Notices to Exporters provide news updates on strategic export control issues including changes to legislation and notification of licence amendments or changes to the UK Strategic Export Control Lists. <u>View all newly published Notices to Exporters</u> including details of how to subscribe.

Notice to Exporters 2015/26: book now for ECO training courses in 2016 • 30 October

Notice to Exporters 2015/25: 23 open licences updated and 1 revoked • 8 October

Notice to Exporters 2015/24: ECO issues guidance on intrusion software controls • 10 August

Contacts

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General enquiries: email <u>eco.help@bis.gsi.gov.uk</u> or telephone 020 7215 4594 Login problems: email <u>eco.spire@bis.gsi.gov.uk</u>

Specific application enquiries: contact your licensing case officer

Training course enquiries and customer feedback: email

web.comments@bis.gsi.gov.uk

MOD Form 680 casework issues: email <u>ACP-ELC@mod.uk</u>

Websites

🔞 GOV.UK

 ECO Reports & Statistics
 ECO Checker Tools (Goods and OGEL Checker)

Help & Guidance

Download Adobe Reader to view PDF files

General Help

- Open General Licences: an overview
- Strategic export control training for exporters
- Export controls: an introductory guide
- Submitting export licence applications correctly

Open Licences

Open Licence Returns Guidance

Technical Help

- Advice on popups & downloads
- Nalidating digital signatures
- 🔎 Security reminders
- Now to clone an application
- Technology test page

MOD Form 680

Uses of the Ministry of Defence Form 680, when you need one and how to get one

Read further guidance about export controls: an introductory guide.

Find out more about the our customer service commitments in our <u>quidance</u> about the ECO.

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Training Bulletin



- 6 months of courses
- Updated every 3 months
- London and regional







Society of

🔀 Maritime

Industries













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Business and enterprise – guidance Sanctions, embargoes and restrictions

From:	Department for Business, Innovation & Skills and Export Control
	Organisation
First published:	3 August 2012
Last updated:	16 November 2015, see all updates
Part of:	Export licensing guidance, Export licensing guidance, Trade
	restrictions on exports, Business and enterprise and Export controls

Why governments put trade controls in place, how they work for exporters, and how traders can apply for a licence.

















- <u>www.gov.uk/beginners-guide-to-export-controls</u>
- Contact: <u>eco.help@trade.gov.uk</u> or 020 7215 4594
- Awareness seminars and workshops
 - <u>http://tinyurl.com/eco-training-courses</u>
 - Adrian.Bond@trade.gov.uk
- "Notices to Exporters"
- End User Advice service
- GoodsChecker and OGELChecker Tools:
 - www.ecochecker.co.uk
- For sanctions, embargoes & other restrictions see FCO website <u>www.fco.gov.uk</u>





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Dealing with export controls is not easy...

... but it's not impossible!

- Hopefully you now know what you don't know
- Review the relevant parts of the legislation and control lists that apply to you
- Apply for licences as early as possible















Any Questions?











