

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
4th Floor
3-4 Abbey Orchard Street
London, SW1P 2JJ
Tel: (020) 7215 8070 between 0900-1700 (Mon. - Fri.)
Fax: (020) 7215 0558
e-mail: eco.help@xnpd.dti.gov.uk

A copy of this Code plus up-to-date information on export licensing is available on the Export Control Organisation's Internet website.. The address of the site is <http://www.dti.gov.uk/export.control>

2. The Export Licensing System

The Legislation

Strategic export controls are set out in the following legislation:

- Import, Export and Customs Powers (Defence) Act 1939;
- Export of Goods (Control) Order 1994 (SI 1994/1191), as amended, commonly known as the EG(C)O;
- EC Regulation 3381/94 (OJ L367,31/12/94) and Council Decision 94/942/CFSP, as amended; and
- Dual-Use and Related Goods (Export Control) Regulations 1996 (SI 1996/2721), as amended), commonly known as the DUEC.

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 via the ECO Internet web site.

Types of licences

There are four types of export control licence;

- Standard individual export licences (SIELs) generally allow shipments of specified goods to a specified consignee up to the quantity specified by the licence.
- 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.
- Open General Export Licences (OGELs) allow the export of specified controlled goods by any person, removing the need for exporters to apply for an individual licence, provided the shipment and destinations are eligible and the conditions are met. Exporters must register with the ECO before they make use of most OGELs. There is also a small number of Open General Transshipment Licences, for which registration is not required.

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

Applying for a licence

Completed applications should be sent to:

Department of Trade and Industry
Export Control Organisation
2nd Floor
3-4 Abbey Orchard Street
London
SW1P 2JJ

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 now apply for SIELs using a computer disk. The application form on disk is available from the ECO Helpline (contact details on page 1) and may also be downloaded from the ECO Internet web site together with guidance material.

Open Individual Export Licences (OIELs)

Exporters apply for OIELs on Form D which is available from the ECO Helpline (contact details on page 1) together with guidance material on how to complete the form and the support documentation required.

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.**

For urgent enquiries there is also an informal verbal technical advice service. **The aim is to provide such advice within 24 hours.**

Decisions on export licence applications

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

- **Where, as in most cases, we need to circulate your application to other government departments, principally FCO and MOD, the aim is to provide a substantive response within 20 working days of receipt of the application.**
- **Where we do not have to circulate your application to other government departments, the aim is to provide a substantive response within 10 working days of receipt of the application.**

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. However, there will also be occasions where the consideration of particular cases means the above targets cannot be achieved. Because of this, all exporters are encouraged 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 licences concerning Iran or Iraq, or to applications for licences to export goods which are subject to control solely because of 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 that they may appeal against the decision and that, if they wish to do so, the appeal should be submitted within 28 days, stating the basis of the appeal and identifying any new circumstances to be taken into account. If the appeal is accepted, the application and any additional information provided in the appeal are then sent again to the relevant departments for reconsideration at a more senior level than the person who gave the original advice. Within ECO, all appeals are considered by the Director of Export Control. Where ministers considered the original application, they also consider the appeal. **From 1 January 1999, the aim is to decide on appeals within 30 working days from receipt of all of the relevant information from the appellant.** Where this target is not met, applicants will be given as full an explanation as possible for this.

There is no provision for a formal appeal against a decision to refuse to issue an Open Individual Export Licence, because such decisions do not preclude the possibility of the granting of a standard individual export licence.

Performance against these standards will be published in the Government's Annual Reports 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 introduced a computer disk version of the 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 on the ECO Internet web site. The address is: <http://www.dti.gov.uk/export.control>

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 and company details to Pam Newland (address as Helpline on Page 1) or Pam.Newland@xnpd.dti.gov.uk

We also publish information on changes to legislation and Open General Export Licences in Lloyds List.

A video giving a simple overview of export controls is also available from the Export Control Organisation's Helpline and, when there is sufficient demand, we hold targeted seminars and workshops. These events, which are normally free to attend, enable exporters to discuss different aspects of the licensing system.

We consult business representative organisations and other bodies about export control publicity and following their advice we have produced a set of posters on export controls intended to help exporters raise awareness of the controls and the need to consider whether or not a licence is required for a particular export - copies are available free of charge from the ECO Helpline.

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 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.

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 Neil Harper, Applicant Services and Compliance Unit, ECO, 4th Floor, 3-4 Abbey Orchard Street, London, SW1P 2JJ.

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 Parliamentary Under-Secretary of State for Competition and Consumer 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.