

F.No.1(10)/2018-D(EPC)
Government of India
Ministry of Defence
Department of Defence Production
D (Export Promotion Cell)

Dated 21st October 2019

NOTICE

The Department of Defence Production, Ministry of Defence, pursuant to the authority granted to it by the Directorate General of Foreign Trade, vide Public Notice No. 4/2015-20, dated 24th April 2017, hereby **notifies issuance of Open General Export License ("OGEL") for export of parts and components.**

Section 1. Purpose

(1) Allow the export or transfer of Munitions List Items specified in Section 2 below from India to any of the countries listed in Section 3 of this license subject to the terms & conditions mentioned in the succeeding Sections.

(2) Application for grant of OGEL, shall be considered by DDP on case to case basis, subject to the following:

- i. The applicant exporter should have a valid IE Certificate.
- ii. **The applicant Exporter should have established an appropriate/certified approved Internal Compliance Programme (ICP) or Export Compliance Programme of its own, or should be compliant with an ICP of its subsidiary/principal abroad to which the items will be exported.**
- iii. The exporter agrees to receive an on-site inspection by DDP or its authorized representative, whenever desired for the auditing/verification of ICP;
- iv. The exporter must comply with post shipment reporting documents, which must include submission of annual report to Export Promotion Cell of DDP, latest by 15th April of every year, in respect of the exports made against a specific OGEL, in the prescribed format, providing details of the SCOMET items (category/sub-category number) exported along with complete details of all consignees, end users, technical specification of the items and destination countries, in respect of each export consignment;
- v. The quarterly & end of the year reports on all the transaction done under this OGEL, shall be submitted to DDP for examination and post-export verification;

- vi. The exporter shall submit a declaration to the effect that they have internal controls in place to prevent transfer of goods to countries/ entities facing UNSC sanctions or arms embargo;
- vii. The exporter shall submit a declaration that the end user will allow for further checks, if necessary, by the authorized representatives of Government of India.
- viii. Once an application is made, DDP would examine the same and provide authorization under this OGEL.

(3) The Competent Authority reserves the right to audit and to ensure correct usage of the OGEL.

(4) Failure to use the OGEL correctly may lead to suspension or withdrawal of authorization by DDP.

Section 2. Items that can be exported or transferred under this license

(1) The description of the Items listed in the table below has the same meaning as those described in Appendix 3 of ITC (HS) Schedule 2, Export Licensing Schedule, Table A (i.e., list of SCOMET items), Category 6.

Control list classification	
6A003 a 6A003 c	Components of ammunition & fuze setting device without energetic and explosive material
6A005	All goods under this category. (<i>Firing Control & related alerting and warning equipment and related system</i>)
6A010	All goods under this category, except: <ul style="list-style-type: none"> • complete aircraft; or • complete unmanned aerial vehicles (UAVs) and any components specially designed or modified for UAVs.
6A013	All goods under these categories. (<i>Body protective items</i>)

Section 3. Countries or destinations allowed under this license

- (1) Belgium, France, Germany, Japan, South Africa, Spain, Sweden, UK, USA, Canada, Italy, Poland and Mexico.
- (2) Export or transfer of the above Items to a 'Special Economic Zone' is not permitted. (A 'Special Economic Zone' is a part of the territory of a country where

any goods introduced are generally regarded, as far as import duties and taxes are concerned, as being outside the customs territory of that country, and so the usual customs controls do not apply.)

Section 4. Other restrictions that apply

(1) With regard to the export of any Items that are deemed "restricted", "confidential", "secret" or "top secret", any entity that is engaged in the production of Defence products and that have been issued a license by the Department of Industrial Policy and Promotion must abide by the requirements delineated in the Security Manual for Licensed Defence Industries: <http://ddpmod.gov.in/sites/default/files/1403158012.pdf>.

(2) Weapons of Mass Destruction (WMD)

It may be ensured that no export or transfer of the items specified in Section 2 is done if the company is aware or suspects that these items may be used, in whole or in part, for WMD or their means of delivery.

(3) A comprehensive set of internal controls should be in place to ensure that the company does not export, transfer or share any items without the necessary authorizations, including procedures requiring: (i) that the items are properly classified and marked prior to export, (ii) that the items are not transferred to or shared with a denied party in contravention of any embargo, sanction, debarment or denied party designation maintained by any government or union of states (e.g. European Union); and (iii) that robust access controls are in place to protect the items from unauthorized access.

(4) The DDP has the power to vary or withdraw authorization at any time.

(5) The authorization under this OGEL will be valid for a period of 2 years from the date of issue.

(6) Where the exporter senses that items could be covered under catch-all, then they should follow regular procedure of SCOMET to get export authorization

Section 5. Actions to be taken before exporting or transferring Items under this licence

- (1) Register with the Department of Defence Production on www.defenceexim.gov.in and take authorization from DDP for using this OGEL.
- (2) The company must be satisfied that the Items proposed to be exported or transferred can meet all the requirements set out in this license.
- (3) The Company has in place a system for keeping records of the exports or transfers for inspection by the Government of India or any authorized person.
- (4) The Company must ensure that:

- a. it has an original End User Certificate in the prescribed format.
- b. it has an original purchase order, excerpt of contract from the person or entity (consignee) receiving the Items which states the export is for a permitted use.
- c. the documents include the name & contact number and email id of the authority signing the EUC.
- d. the destination of the goods, software or technology is not a UN embargoed destination.

Section 6. Actions to be taken when exporting or transferring Items under this licence

(1) For all physical exports of Items mentioned in Section 2 of this OGEL, the Company must make sure that the commercial documents that go with the Items include a declaration stating that 'the Items are being exported under the OGEL No. ----- dt. --- -- (Military Goods and items intended for a military use)'

(2) The Company should present the documents to Indian Customs or other competent Indian authority when asked, together with the information and documents listed in Section 7(1) below.

(3) The Company must submit a quarterly & end of the year usage report as per **Appendix 1**, for all exports or transfers carried out under this OGEL within a Financial Year. The report must be submitted within 15 days of the deadline as expressed above.

Section 7. Records to keep

(1) Pursuant to sub para 2.73(c) of the Handbook of Procedures, 2015-20 (re: Maintenance of Records), the following records must be kept, manually or electronically, relating to export under this license for five (5) years and make them available for any person authorized by the Government of India to inspect.

1. The date and destination of export or transfer.
2. The name and address of the person or entity (the consignee) you are exporting or transferring the goods to.
3. A description of the goods.
4. The original undertaking from the person or entity (consignee) receiving the goods or documents described in 5 (4) above.
5. The classification in Appendix 3 of ITC (HS) Schedule 2, Export Licensing Schedule, Table A (i.e., list of SCOMET items), Category 6.
6. Documents referred to in section 6 above.
7. All other records as required by sub para 2.73(c) of the Handbook of Procedures, 2015-20 (re: Maintenance of Records).
8. Quantity and value of export.
9. Bill of entry of each consignment.

Section 8. Other legal requirements

- (1) The Company must comply with all requests for information received before an audit visit by the Government of India and return it by the stipulated date.
- (2) The Company must not export or transfer goods, if their use would be inconsistent with the terms of a United Nations (UN) arms embargo or any other arms embargo.
- (3) In addition to the requirements of this licence, the Company must adhere to any other relevant laws and acts in force at the time of export.

Section 9. Responsibilities of OGEL holder

As OGEL holder, an exporter should comply with the following:

- a. Notify DDP of any changes in the ICP, company structure, internal process or trade compliance team, within 15 days of the change;
- b. Ensure that all transactions made under the OGEL are within the scope of approval;
- c. Make reasonable enquiries to ensure that the goods to be exported, re-exported, transhipped or transmitted under the OGEL are not intended or likely to be used, wholly or in part, for or in connection with a WMD and their delivery system;
- d. Ensure that any goods transferred under the OGEL is not transferred to UNSC-sanctioned countries or other disapproved entities/countries;
- e. Maintain records as specified in Section 7.

Section 10. Recall/Revocation

1. The authorization under this OGEL shall be liable for recall/termination by the DDP on receipt of an adverse report in respect of any of the export consignments or for non-submission of mandatory annual reports or for non-compliance with the conditions for grant off global authorization or assessment of proliferation concerns;
2. Failure to comply with the terms and conditions of OGEL may lead to cancellation of IEC, imposition of financial penalties and initiation of criminal prosecution as per the extant provisions of FTDR Act 1962 as amended, Customs Act 1962 and any other act that may be applicable.

Glossary

Expressions used in this license have the same meaning here as they do under Indian laws. The legislation referred to in this license is updated from time to time and you will need to check that you have the most up-to-date version when using this license.

For the legislation that applies to Indian exports, please visit: <http://dgft.gov.in/>

The following terms and acronyms used in this license have the following meanings.

1. 'Competent authority' means DDP, or other stakeholder(s) as delineated in Paragraph 6 of the DDP's Standard Operating Procedures or any other body acting under the authority of one of these bodies / agencies.
2. A 'consignee' may be a company or a government.
3. 'Declaration' means a commercial document completed for an official of the Government of India which meets the conditions set out in section 6(1).
4. 'Government' as it relates to a contract includes direct contracts with governments, armed forces of a government, government agencies and companies working on behalf of government (and there is evidence of them doing so).
5. An 'original EUC' means one that has a person's original signature and has not been copied, faxed or converted into an electronic format. An undertaking template is available on ddpmod.gov.in.
6. 'Permitted use' means use of the items specified in section 2 of this license, by a company in a destination specified in section 3 and which meets the conditions set out in this license.

APPENDIX 1

OGEL Registration Number	Destination	End User Type	Importer	Items	Value	Purpose of export	Remarks

Note: Purpose of export should be declared as (i) actual export or (ii) For exhibition or (iii) For testing and evaluation or (iv) For tender participation, whichever applicable.