

New Open General Import Licence and Implementing UN Sanctions against Iran

From time to time new Open General Import Licences are made. The last, made on 4 December 1987, has been extensively amended and has been revoked and replaced by a new OGIL. The new OGIL consolidates all the amendments made to the previous one and came into effect on 1 May 2009. The only change in its coverage is to implement the already announced embargo on arms and related material against Iran. It also makes several 'housekeeping' changes such as removing a number of defunct geographical areas and references to European legislation. A copy of the new OGIL can be found at: <http://www.berr.gov.uk/whatwedo/europeandtrade/importing-into-uk/import-licensing/opengeneralimportlicense/page51355.html>

2. Under the Import of Goods Order 1954 (S.I. 1954, No. 23) the importation of all goods into the United Kingdom is generally prohibited except under a licence issued by the Department for Business, Enterprise and Regulatory Reform (BERR). BERR restricts only a small number of goods and the OGIL is in place to allow the others to be freely imported without the need to apply to BERR for an individual import licence. However, importers must be aware that other Government Departments impose restrictions on the import of certain goods and if so importers must additionally comply with their requirements. See paragraph 5.

3. Goods requiring an individual import licence, that is which cannot be imported under the OGIL, are described in the OGIL and its Schedule. The goods for which importers need to apply to BERR for an individual import licence are firearms and ammunition, iron and steel, certain textiles, torture equipment, military equipment from North Korea, anti personnel mines. Traders need to apply to the Chemical Weapons Convention National authority within the Department of Energy and Climate Change (DECC) for chemicals falling to the Chemical Weapons Convention (CWC) Schedule 1 <http://www.berr.gov.uk/energy/non-proliferation/cbw/index.html>. The issue of import licences for nuclear materials is administered by the Office of Civil Nuclear Security <http://www.hse.gov.uk/nuclear/ocns/>

4. Goods listed in the OGIL's Schedule are classified by reference to the Combined Nomenclature of the European Community and are identified by the appropriate heading of the Nomenclature. In cases of difficulty over classification the advice of the Classification Advisory Service of HM Revenue and Customs should be sought on 01702 366077.

5. As mentioned above BERR is not the only Government Department or agency to control the import of goods. Neither the OGIL nor any individual import licence issued under the Import of Goods (Control) Order 1954 exempts importers from compliance with requirements under other legislation. For example the import controls administered by others include agricultural products under the Common Agricultural policy; endangered species under the International Convention on International Trade in Endangered Species (CITES) the responsibility of DEFRA; Home Office controls on drugs, indecent or obscene material and offence weapons and realistic imitation firearms (RIFs); the Health and Safety Executive's import controls on dangerous materials such as asbestos; the Government Diamond Office's control on rough diamonds. Part 3, volume 1 of HM Revenue and Customs Integrated Tariff has full details. BERR cannot give advice on the import restrictions administered by others; you must contact the Department or agency concerned.

6. Changes to the OGIL are made from time to time and are published as notices to importers at: <http://www.berr.gov.uk/whatwedo/europeandtrade/importing-into-uk/import-licensing/notices-to-importers/page22864.html> and will be incorporated into the OGIL.

Summary

7. BERR restricts a small number of goods at import and these are listed in the OGIL. To allow the import of goods it does not want to restrict a new Open General Import Licence has been issued. However, importers must be aware of import restrictions administered by others as importers will need to additionally comply with their requirements.

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Website:

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This notice is for information purposes only and has no force in law. Please note that where legal advice is required, importers should make their own arrangements.