



Department for
International Trade

Open General Export Licence

**Oil and Gas Exploration: Dual-Use Items – from
December 2019**

December 2020

Open General Export Licence (Oil and Gas Exploration: Dual-Use Items – from December 2019)

dated 31 December 2020, granted by the Secretary of State.

The Secretary of State hereby grants the following Open General Export Licence under article 26(4) of the Export Control Order 2008 (S.I. 2008/3231, as amended) and Article 9(2) and (4) of,—

- (a) in relation to England and Wales and Scotland, Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (EUR 2009/428, as amended).
- (b) in relation to Northern Ireland, Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ No. L 134, 29.5.2009, p. 1, as amended) as it has effect by virtue of the Protocol on Ireland/Northern Ireland in the EU withdrawal agreement.

In this licence where there is reference to “the Regulation”, in respect of items located in England, Wales or Scotland it means (a) above and in respect of items located in Northern Ireland it means (b) above.

Licence

1. (1) Subject to the terms and conditions of this licence, any items specified in Schedule 1 may be exported from the United Kingdom by any person established in the United Kingdom, to any destination in a country specified in Schedule 2 (a “Permitted Destination”) provided the item is being exported for:
 - (a) the item(s) is/are being exported for the purposes of construction tasks or hydrographic surveys, in either case, in support of a contract, or contracts, within the oil, gas or renewable energy industry;
 - (b) the items will remain under the direct control of the exporter or its appointed personnel;
 - (c) no equipment exported may be sold, gifted or left behind; and
 - (d) in the event of any loss of direct control including total loss of equipment or components this must be reported immediately to DIT along with technical details of the goods;
- (2) The following transfers of items exported from the United Kingdom under this licence will not constitute a breach of the licence subject

- to the conditions in sub-paragraphs (3) and (4)¹
- (a) transfers between Permitted Destinations;
 - (b) transfers from a Permitted Destination to a destination specified in General Export Authorisation 001 (“GEA 001 Destination”);
 - (c) transfers to a Permitted Destination from a GEA 001 destination;
 - (d) transfers between GEA 001 destinations
- (3) the transfers are carried out for the purposes and subject to the terms and conditions of this licence or
- (4) where the transfer is to or between GEA001 destinations, the transfer is carried out for the purposes and subject to conditions and requirements specified in that General Authorisation.

Exclusions

2. This licence does not authorise the export of items:

- (1) if the exporter has been informed by a competent authority of the Member State where it is established that the items, or any replica of them may be intended, in their entirety or in part be used:
 - (a) 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,
 - (b) for a military end use and the purchasing country or country of destination is subject to an arms embargo imposed through its listing as an embargoed destination in Part 1 or 2 of Schedule 4 to the Export Control Order 2008 as amended from time to time, or by a decision of the OSCE or an arms embargo imposed by a binding resolution of the Security Council of the United Nations, and additionally in the case of goods being exported from NI an arms embargo imposed by a decision or a common position adopted by the Council of the European Union’, or
 - (c) for any military end-use;

¹ This is without prejudice to companies having to comply with any necessary export requirements in the country from which the items will be exported back to the United Kingdom, or to another Permitted Destination, or to a destination listed in Part 3 of Annex II to the Dual Use Regulation.

- (d) (d) for use as parts or components of military items listed in Schedule 2 to the Export Control Order 2008 that have been exported from the United Kingdom without authorisation or in violation of an authorisation.
- (2) if the exporter is aware that the items in question are intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1);
 - if the exporter has grounds for suspecting that the items in question are or may be intended, in their entirety or in part, for any of the uses referred to in sub-paragraph (1)(a), unless the exporter has made all reasonable enquiries as to their proposed use and is satisfied that the items will not be so used;
- (3) to a destination within a Customs Free Zone; or
- (4) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (5) where the exporter has, at the time of export, been served with a notice which suspends or revokes their ability to use this licence pursuant to article 32(1) of the Order, unless the period of suspension or revocation has expired.

Conditions and Requirements

- 3. The authorisation in paragraph 1 is subject to the following conditions:
 - (1) except in the case of an export of technology by telephone, fax or other electronic media, official and commercial export documentation accompanying the items shall include a note stating either:
 - (a) "These items are being exported under the OGEL (Oil and Gas Exploration: Dual-Use Items -from December 2019)"; or
 - (b) the SPIRE reference (in the form 'GBOGE 20XX/xxxxx') of the exporter's registration in respect of this licence,
 which shall be presented to an officer of HM Border Force if so requested;
 - (2) Where the exporter has received a warning letter sent on behalf of the Secretary of State which identifies failure to comply with this

licence or a provision of applicable export control legislation, the exporter shall take such steps as are identified in that warning letter (within the timescale stated) in order to restore compliance with the licence. Without prejudice to article 34 of the Order, failure to comply with this condition may result in this licence being revoked or suspended until the exporter can show compliance to the satisfaction of the Department for International Trade (DIT). The exporter will be notified in writing of any such suspension or revocation and the initial period of such suspension or revocation. Where at the end of this initial period, the exporter has not shown compliance to DIT's satisfaction, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

- (3) The Secretary of State has the power to vary or withdraw export licences at any time. If you do not use this licence within any 24-month period for an export allowed by this licence, your entitlement to use it will **automatically run out** at the end of that 24-month period and your registration details will be removed from SPIRE. However, you can register for this licence again if you want to use it after your registration has ended.
- (4) You **must** update the 'Open licensing returns' within SPIRE, for **all** exports or trade carried out within each calendar year. You **must** update the returns by the last day of the following January at the latest (for example, you would need to update the January to December returns by the end of the following January) and include **all** the information required. You do **not** have to report on technology transfers.

Registration

4. An exporter who exports items under the authority of this Licence must, before the first occasion he/she makes use of the licence, provide details to the Secretary of State of his/her name and the address where copies of the records referred to in article 29 of the Order may be inspected.

Prohibitions not affected by this Licence

5. Nothing in this licence affect any prohibition or restriction on the export of any items other than under the Regulation or the Order, and this licence does not confer any licence or permission under, or for the purposes of, any enactment other than the Regulation and the Order.

Interpretation

6. For the purpose of this licence:

- (1) "Customs Free Zone" means a part of the territory of a country where any goods introduced are generally regarded, insofar as import duties and taxes are concerned, as being outside the customs territory of that country, and are not subject to the customs controls that would otherwise apply;
- (2) "entry" includes part of an entry;
- (3) unless the context otherwise requires, any other expression used in this licence has the same meaning as in the Regulation or the Order as appropriate.

Entry into Force

7. This licence comes into force at 23:00 on 31 December 2020.
8. The Open General Export Licence (Oil and Gas Exploration: Dual-Use Items – from December 2019) dated 17 January 2020 is hereby revoked

***An Official of the Department for International Trade authorised
to act on behalf of the Secretary of State***

SCHEDULE 1 ITEMS CONCERNED

Items specified in any of the following entries in Annex I to the Regulation.

- 5A001.b.1 other than entry 5A001.b.1.d.
- 5D001.a (Software for the use of the above listed items)
- 5E001.a (Technology for the use (excluding operation) of the above listed items)

- 5A002.a
- 5D002.a.1 (Software for the use of the above listed items)
- 5E002.a (Technology for the use of the above listed items)

- 6A001.a.1 other than headings 6A001.a.1.a.2.b, 6A001.a.1.b.1 and 6A001.a.1.b.6.
- 6A001.a.2.d
- 6A001b.
- 6A006.a

- 7A002.a
- 7A003
- 7A103.a
- 7D101 (Software for the use of the above listed items)
- 7E101 (Technology for the use of the above listed items)

- 8A001.c
- 8A002.a.3
- 8A002.c
- 8A002.i
- 8C001
- 8D001 other than in relation to 8A002.a.4.

SCHEDULE 2 DESTINATIONS CONCERNED

This export authorisation is valid for exports to the following destinations:

Albania, Algeria, Angola, Argentina, Australia, Australian Antarctic Territory, Austria, Azerbaijan

Bahamas, Bangladesh, Belgium, Bermuda, Bolivia, Botswana, Brazil, British Antarctic Territory, British Virgin Islands, Brunei

Cameroon, Canada, Chile, China (PRC) (Excluding Special Administrative Regions (SAR)), Colombia, Congo (Republic of), Continental Shelf (Belgian, Danish, French, German, Irish, Netherlands, Norwegian and United Kingdom sectors), Croatia, Cuba, Czech Republic

Denmark

Ecuador, Equatorial Guinea, Estonia

Falkland Islands, Faroe Islands, Finland, France

Gabon, Gambia, Georgia, Germany, Ghana, Gibraltar, Greece, Greenland, Guinea, Guinea Bissau, Guyana

Hong Kong SAR, Hungary

Iceland, India, Indonesia, Ireland, Israel, Italy

Jamaica, Japan

Kazakhstan, Kenya, Korea (South), Kyrgyzstan

Latvia, Lebanon, Libya, Lithuania, Luxembourg

Macau SAR, Malaysia, Malta, Mauritania, Mexico, Morocco, Mozambique

Namibia, Netherlands, New Zealand, Nigeria, Norway

Oman

Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal

Qatar

Romania, Russia

Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland

Tajikistan, Tanzania, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan

Uganda, Ukraine, USA, Uzbekistan

Vietnam, Virgin Islands of USA

Yemen

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence has been revised to take into account changes in legislation following the end of the transition period.
2. This Open General Export Licence permits without further authority the export from the United Kingdom where the exporter is established in the United Kingdom, to any destination in a country listed in Schedule 2 to the licence of items specified in Schedule 1 to the licence. The export is subject to certain conditions including,
 - (a) the goods are being exported from the United Kingdom for the purposes of construction tasks or hydrographic surveys in support of oil, and gas or renewable energy contracts only.
 - (b) the goods must be under the direct control of the exporter or their appointed personnel;
 - (c) any loss of equipment must be notified to the DIT;
 - (d) no equipment must be sold, gifted or left behind.

Paragraph 2(2) clarifies that following the export from the UK to a destination listed in Schedule 2 of the licence, any subsequent transfer to another destination listed in that Schedule or to/between destinations listed in General Export Authorisation 001 will not constitute a breach of this OGEL, provided that the transfer are carried out for the purposes and subject to the terms and conditions of this OGEL or – where the transfer is to a country (or between countries) listed in GEA001– for the purposes and subject to conditions and requirements specified in that GEA001.

3. The Export Control Order 2008 (“the Order”) contain certain registration and record keeping requirements which apply to persons using this licence.
 - (a) Under Article 28 of the Order, an exporter who exports items under the authority of this licence must, before or within 30 days after the first occasion he makes use of the licence, provide details to the Secretary of State of his name and the address where copies of the records referred to above may be inspected. This notification must be made via DIT’s electronic licensing system, SPIRE, at www.spire.trade.gov.uk
 - (b) Under Article 29 of the Order, any person established in the United

Kingdom who exports items from the United Kingdom or another Member State under the authority of this licence must maintain and retain certain records relating to each such export for at least three years from the end of the calendar year in which the export takes place, and must permit such records to be inspected and copied by any person authorised by the Secretary of State.

4. Persons who registered to use previous versions of this licence do not need to re-register. Registrations are carried over to the current in force version of this licence.
5. The Secretary of State has the power to suspend or revoke licences at any time and in such circumstances and on such terms as he/she thinks fit. If an exporter receives written notice to this effect, he will be prevented from relying on this licence. The power to suspend may be used in addition to criminal prosecution or as an alternative. Suspension may occur for example where an exporter is being investigated or prosecuted in relation to a possible criminal offence or has been found guilty of a criminal offence under the export control legislation. It may also be used in situations where an exporter has breached the conditions of the licence and failed to take corrective action within a reasonable period (see condition 4(2)).
6. Where DIT identifies failures in compliance with licence conditions or the legislation during a compliance visit, DIT may send a warning letter to the exporter listing the improvements that need to be made to ensure compliance. The letter will set out the timeframe within which these improvements must be completed. Failure to complete these improvements may lead to the exporter's ability to use the licence being suspended.
7. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent them from using another OGEL so long as they meet all its terms and conditions and that they have not received a letter suspending or revoking their ability to use that licence.
8. This licence does not extend to any prohibition under legislation other than the Regulation or the Order: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.

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Any enquiries regarding this publication should be sent to:

Department for International Trade
Export Control Joint Unit
2nd floor
3 Whitehall Place
London
SW1A 2AW
United Kingdom

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