

EXPORT LICENCE

Open General Export Licence (Oil and Gas Exploration: Dual-Use Items) dated 13 June 2012 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 9(2) and (4) of Council Regulation (EC) No. 428/2009 ("the Regulation")^(a) and Article 26 of the Export Control Order 2008 ("the Order")^(b), hereby grants the following Open General Export Licence:

Union Licence

1. This is general export authorisation under the terms of Article 9(2) of Council Regulation (EC) No. 428/2009 (the "Dual-Use Regulation"). This authorisation, in accordance with Article 9(2) of that Regulation, is valid in all Member States of the European Union and is a Union Licence for the purposes of the Order.
2. (1) Subject to the terms and conditions of this Licence, any items specified in Schedule 1 may be exported from the United Kingdom, or from any other Member State 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 and gas 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

a) O.J. No. L134 29.5.09 p.1.,

(b) S.I. 2008/3231

- (d) in the event of any loss of direct control including total loss of equipment or components this must be reported immediately to BIS 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 Part 2 of Annex IIa to the Dual-Use Regulation (European Union General Export Authorisation No EU001) (“EU GEA EU001 Destination”);
 - (c) transfers to a Permitted Destination from an EU GEA EU001 destination;
 - (d) transfers between EU GEA EU001 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 EU GEA EU001 destinations, the transfer is carried out for the purposes and subject to conditions and requirements specified in that General Authorisation.

Exclusions

- 3. This Licence does not authorise the export of items:

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.

- (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 by a Decision or a Common Position adopted by the Council of the European Union or a decision of the OSCE or imposed by a binding resolution of the Security Council of the United Nations, or
 - (c) for any military end-use;
 - (d) for use as parts or components of military items listed in the national military list that have been exported from the territory of the Member State concerned without authorisation or in violation of an authorisation prescribed by national legislation of that Member State;
- (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);
- (3) 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;

- (4) to a destination within a Customs Free Zone; or
- (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or
- (6) where the exporter has, at the time of export, been served with a notice which suspends or revokes his 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

- 4. 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)"; 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 Agency 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 Export Control Organisation. 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 the satisfaction of the Export Control Organisation, the period of suspension or revocation may be extended. The exporter will be notified of such an extension in writing.

Registration

5. The requirements of Article 28 of the Order **shall** apply to this licence.

Prohibitions not affected by this Licence

6. 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

7. 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

8. This Licence comes into force on 15 June 2012.
9. The Open General Export Licence (Oil and Gas Exploration: Dual-Use Items) dated 8 December 2011 is hereby revoked.

***An Official of the Department for Business,
Innovation and Skills 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 Council Regulation (EC) No. 428/2009 .

5A001.b.1 other than entry 5A001.b.1.d.

5A001.c.2

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.1

5D002.a (Software for the use of the above listed items)

5E002 (Technology for the use of the above listed items)

6A001.a.1 other than headings b.1 and b.6.

6A001.a.2.d

6A001.b

6A006.a

7A002.a

7A003.a

7A003.d

7A103.a

7D101 (Software for the use of the above listed items)

7E101 (Technology for the use of the above listed items)

8A001.c

8A001.d

8A002.a.3

8A002.c

8A002.e

8A002.f

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
Australian Antarctic Territory
Azerbaijan

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

Cameroon
Chile
China (PRC) (Excluding Special Administrative Regions (SAR))
Colombia
Congo (Republic of)
Continental Shelf – Danish, Norwegian, Dutch and United Kingdom sectors
Croatia
Cuba

Ecuador
Egypt
Equatorial Guinea

Falkland Islands
Faroe Islands

Gabon
Gambia
Georgia
Ghana
Gibraltar

Greenland
Guinea
Guinea-Bissau
Guyana

Hong Kong SAR

Iceland
India
Indonesia
Israel
Jamaica
Jordan

Kazakhstan
Kenya
Korea (South)
Kuwait
Kyrgyzstan

Lebanon
Libya

Macau SAR
Malaysia
Mauritania
Mexico
Morocco
Mozambique

Namibia
Nigeria

Oman

Pakistan
Panama
Papua New Guinea
Peru
Philippines

Qatar

Russia

Saudi Arabia
Senegal

Singapore
South Africa
Sri Lanka

Tajikistan
Tanzania
Thailand
Trinidad and Tobago
Tunisia
Turkey
Turkmenistan

UAE
Uganda
Ukraine
Uzbekistan

Venezuela
Vietnam
Virgin Islands of USA

Yemen

EXPLANATORY NOTE

(This note is not part of the licence)

1. This Open General Export Licence has been amended to update text references to 'Community' and 'CGEA' to refer to 'Union' and 'EU GEA' as appropriate and to amend text references to an arms embargo which is 'decided by a Common Position or Joint Action' to the text: 'imposed by a Decision or a Common Position'.

2. This Open General Export Licence permits, without further authority the export from the United Kingdom, or from any other Member State of the European Union (EU) 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,

- the goods are being exported from the United Kingdom for the purposes of construction tasks or hydrographic surveys in support of oil and gas contracts only.
- the goods must be under the direct control of the exporter or their appointed personnel;
- any loss of equipment must be notified to the BIS;
- no equipment must be sold, gifted or left behind.

3. 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 Part 3 of Annex II to the Dual-Use Regulation 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 Annex II to the Dual-Use Regulation – for the purposes and subject to conditions and requirements specified in that Annex.

4. 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 the Export Control Organisation’s electronic licensing system, SPIRE, at www.spire.bis.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.

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 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, the ECO identifies failures in compliance with licence conditions or the legislation during a compliance visit, the ECO 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 for a period of time.

7. The exporter may apply for Standard Individual Export Licences during the period of suspension. Suspension will not automatically prevent him from using another OGEL so long as he meets all its terms and conditions and that he has not received a letter suspending or revoking his ability to use that licence.

8. This Licence does not extend to any prohibition under legislation other than Council Regulation (EC) No.428/2009 or the Order: in particular it does not extend to prohibitions in other legislation implementing United Nations sanctions.