

# EXPORT LICENCE

**Open General Export Licence (Computers)** dated

27

January 2003 granted by the Secretary of State.

The Secretary of State, in exercise of powers conferred by Articles 6(2) and (4) of Council Regulation (EC) No. 1334/2000 ("the Regulation")<sup>(a)</sup> and Regulation 3 of the Dual-Use Items (Export Control) Regulations 2000<sup>(b)</sup> ("the UK Regulations"), hereby grants the following Open General Export Licence:

## *Community Licence*

1. This is a general export authorisation under the terms of Article 6(2) of Council Regulation (EC) No.1334/2000. This authorisation, in accordance with Article 6(2) of that Regulation, is valid in all Member States of the European Community and is a Community Licence for the purposes of the UK Regulations.
2. Subject to the provisions of this Licence, items specified in Schedule 1 hereto, 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 any country specified in Schedule 2 hereto.

## *Exclusions*

3. 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 he is established that they are or may be intended, in their entirety or in part-

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<sup>(a)</sup> O.J.L159,30.6.00,p1, as last amended by Council Regulation (EC) No. 880/2002 (O.J.L139, 29.5.02.p7)

<sup>(b)</sup> S.I.2000/2620, as last amended by S.I.2002/2033

- (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; or
  - (b) for a military end use and the purchasing country or country of destination is subject to an arms embargo decided by a Common Position or Joint Action 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 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 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;
  - (5) if their export is controlled by virtue of any entry in Annex I to the Regulation not specified in Schedule 1; or

- (6) if the items in question fall within Group 2 of Part 1 of Schedule 1 to the Export of Goods (Control) Order 1992<sup>(a)</sup> (antiques);

#### *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 goods shall include a note stating that "These items are being exported under the Open General Export Licence (Computers)" and shall be presented to a Customs officer if so requested;
  - (2) Separate registration is required for use of this licence.

#### *Prohibitions not affected by this Licence*

5. Nothing in this Licence affects any prohibition or restriction on the exportation of any items other than under the Regulation, and this licence does not confer any licence or permission under, or for the purpose of, any other enactment other than the Regulation and the UK Regulations.

#### *Interpretation*

6. For the purpose of this Licence:
  - (a) a "Customs Free Zone" is 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;

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(a) S.I. 1992/3092

- (b) "entry" includes part of an entry; and
- (c) unless the context otherwise requires, any other expression used in this Licence has the meaning as in the Regulation or the UK Regulations as appropriate.

*Entry into Force*

- 7. This Licence comes into force on 28 January 2003.
- 8. The Open General Export Licence (Computers) dated 28 September 2000 is hereby revoked.

***An Official of the Department of  
Trade and Industry authorised to act  
on behalf of the Secretary of State***

# SCHEDULE 1

## DESCRIPTION OF GOODS AUTHORISED TO BE EXPORTED

A. Digital computers described in entry 4A003.b of Annex I to Council Regulation (EC) 1334/2000<sup>(a)</sup> and assemblies specially designed, therefor, and graphics accelerators or graphics coprocessors providing they are;

1. Generally available to the public by being sold from stock at retail selling points without restriction, by means of:
  - a. Over-the-counter transactions;
  - b. Mail order transactions;
  - c. Electronic transactions; or
  - d. Telephone call transactions.
2. Designed to run standard commercial software applications; and
3. In multi-processor cases, configured only for capacity handling (e.g., serving numerous requests for retrieval of information) and do not have
  - a. a parallel processing capability employing clustering techniques or specialised communications networks to link computing elements together, e.g. cross-bar; or
  - b. a pre-processing facility to maximise the use of parallel computing resources.
4. Graphics accelerators or graphics coprocessors described in entry 4A003.d of Annex I to the Regulation that also meet paragraphs A.1 and A.2 above.

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(a) O.J. L159, 30.6.00,p1

B. Digital computers with characteristics described in entry 4A003.b of Annex I to the Regulation, having a maximum possible Composite Theoretical Performance (CTP) of less than 190,000 million theoretical operations per second (Mtops).

C. Other accessories and components:-

- i) Assemblies specially designed for the digital computers specified in subparagraph B above;
- ii) Assemblies described in entry 4A003.c of Annex I to the Regulation, provided they are not used to enhance a digital computer which then exceeds a Composite Theoretical Performance (CTP) as specified in sub paragraph B above.
- iii) Graphics accelerators or graphics coprocessors described in entry 4A003.d of Annex I to the Regulation.
- iv) Equipment specially designed to provide external interconnection of digital computers described in entry 4A003.g of Annex I to the Regulation, provided it is not used to enhance a digital computer which then exceeds a Composite Theoretical Performance (CTP) as specified in sub paragraph B above.

## **SCHEDULE 2**

### **DESTINATIONS CONCERNED**

### **EXPORT LICENCE**

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

*All destinations other than in:*

Afghanistan, Argentina, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Burma (Myanmar), Burundi, Canada, Cyprus, Czech Republic, Democratic Republic of Congo, Hungary, Iran, Iraq, Japan, Liberia, Libya, New Zealand, North Korea, Norway, People's Republic of China (including Macau SAR but excluding Hong Kong SAR), Poland, Rwanda, Sierra Leone, Somalia, Sudan, Switzerland, Taiwan, USA and Zimbabwe.

#### **NOTE:**

**Exports of items covered by this licence may be made under the authority of the Community General Export Authorisation, subject to certain conditions and restrictions, to the following destinations:**

**Australia, Canada, Czech Republic, Hungary, Japan, New Zealand, Norway, Poland, Switzerland, USA.**

## **EXPLANATORY NOTE**

(This Note is not part of the Licence)

This Open General Export Licence has been amended by introducing a single CTP limit of less than 190000Mtops, amalgamating country lists into a single list and adding new equipment under Schedule 1, C (iv). This follows a re-assessment of the goods and country cover in line with recent and proposed changes made to the export control lists.

2. This Open General Export Licence permits, without further authority but subject to certain conditions, the export of the items specified in Schedule 1 to the Licence from the United Kingdom, or from any other Member State where the exporter is established in the United Kingdom, to destinations listed in Schedule 2 to the Licence.

3. The Dual-Use Items (Export Control) Regulations 2000 ("the UK Regulations"), contain certain registration and record keeping requirements which apply to persons using this Licence. By virtue of Regulation 10 of those Regulations any person established in the United Kingdom who exports goods from the United Kingdom or another Member State under this Licence must maintain and retain certain records relating to each export under the Licence for at least three years from the end of the calendar year in which the export takes place and permit such records to be inspected and copied by any person authorised by the Secretary of State. Under regulation 9(1) of the UK Regulations an exporter who exports goods under the authority of the 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. These details should be sent to the Export Control Organisation, Compliance Unit, DTI, 4th Floor, 4 Abbey Orchard Street, London SW1P 2HT.

4. The exporter must give separate written notice to the Secretary of State in accordance with regulation 9(3) of the UK Regulations in respect of this Licence:

5. This Licence does not extend to any prohibition under legislation other than Council Regulation (EC) No. 1334/2000: in particular it does not extend to other legislation implementing United Nations sanctions.