

Policy on Export of Goods

Introduction

Before any goods (finished products, parts and components etc.) can be exported it is necessary for the business or function to determine whether there are any restrictions on their export. This process begins with the collection of information on the items concerned, as follows:-

- a full description of the items including technical details because many authorisations require the determination of the export control rating or classification, this must be determined for all relevant jurisdictions;
- the country of origin and any other countries that may exercise export control jurisdiction over the items in question;
- whether the items have any US content or origin within the design or source, including any use of sub-components, and if so the value of the US content;
- the country and site from where it is intended to export, permit access or provide items (including current location if different);
- the export control classification of the items in each applicable jurisdiction;
- the purpose of the export (e.g. incorporation into product, ultimate end use, spares, disposal or scrapping, service support);
- details of the destination and recipient of the items (name of individual or company [or both]), address, country) including any countries used for transit or transshipment where known;
- whether the items are being moved, accessed or provided between to 3rd countries or from a 2nd to 3rd country (depending on the circumstances this may trigger brokering (trade) or re-export controls);
- the volume and value of the items to be moved, accessed or provided;
- the period of time (days, months, years) over which the items are to be shipped, accessed or provided (and whether this is on a temporary or permanent basis, for exhibition, repair etc.)
- the involvement of any third party in the provision of services (e.g. sub-contractor)
- any other details that would assist in determining whether an export license or authorisation was required.

Before items can be considered for export, all parties involved in the transaction and the destination must be screened to ensure that they can lawfully receive or access the items (see Destination Specific Policies and Policy on Screening of Parties).

Policy

1. If the destination of a proposed export is not acceptable under the terms of the corporate destination specific policy, or the screening of parties involved in the transaction highlights an entity that should not receive it, access to or provision of the item is denied.
2. Where the destination and recipients have been approved, details of the item must be assessed to determine if an export license or authorisation is required against the requirements of the country or countries with jurisdiction over the item. This assessment will include the export control classification, recipient and destination.

3. Where the movement of, access to or provision of an item is subject to an export license or authorisation that has already been granted, all terms and conditions of that permission must be complied with.

4. If an export license or authorisation is not available, or the terms of that permission cannot be complied with, an export control manager or Export Point of Contact (EPOC) must be consulted. Only export control managers and specially empowered EPOC's are permitted to apply for export licences and authorisations or to communicate with the appropriate regulatory authority.

5. If the Items are additionally subject to US export controls and are proposed to be re-exported / re-transferred from outside the US to a recipient, a US export authorisation must be identified for the Items.

6. Where dual-use items have US origin or content, the extent and value of US content must be determined to identify whether the item is subject to US Department of Commerce Export Administration Regulations ("EAR") "*de minimis*" rules.

7. Similarly, if a military item is controlled by the 600 series or has 600 series content the "*de minimis*" rule calculation must be undertaken. The *de-minimis* principle does not apply to any military item subject to State Departments International Traffic in Arms Regulations (ITAR).

8. Any required supporting documentation (e.g. End User / Consignee Undertakings) must be obtained in support of the license application and the validity of such documentation maintained.

9. In some cases, when multiple jurisdictions are involved, an export license or authorisation may be granted by one jurisdiction but refused by another. In such cases the proposed movement of, access to or provision of the item must not take place, and the advice of an export control manager or EPOC sought.

10. Where an export license or authorisation grants approval to move, access or provide an item, arrangements must be made in accordance with the provisions of the license or authorisation and all persons involved (including the recipients) must be familiar with those provisions.

11. Where a license or authorisation places restrictions on access to controlled items, access restrictions must be in place to ensure that only the persons or entities authorised are provided with access.

12. Where stipulated, all supporting documentation (end-user undertakings / non-disclosure agreements / letters of assurance / etc.) must be executed by all relevant persons or entities before the export or access is allowed. Such documentation must be reviewed on a regular basis and where necessary must be re-validated and resubmitted to the appropriate regulatory authority by the export control manager or specially empowered EPOC.

13. Exports of goods must be made by an accredited shipping agent, freight forwarder or carrier that is able to discharge the license or export authorisation on our behalf with the customs / border agencies of all the governments concerned. Goods must not be exported by regular post or courier (unless the courier is able to discharge the export license or authorisation on behalf of the company with the customs / border agencies on all countries through which the item passes).

14. Export controlled goods must not be hand-carried through customs without the prior authorisation of an export control manager or specially empowered EPOC.

15. Where required by the regulatory authority, the export classification must be stated on any shipping or transmittal documents used in making the export.

16. Where the export license or authorisation requires, the value and / or quantity of goods exported must be subtracted from the value or quantity approved for export under the license or authorisation once the shipment of goods has been made.

17. Adequate records must be maintained (see Policy on Record Keeping).

18. When a license or authorisation is suspended or revoked by the regulatory authority, no further exports are permitted irrespective of order status.

19. When a license or authorisation is exhausted because the quantity or value limits have been reached or when the validity period has expired, no further exports are permitted irrespective of order status.

20. Where there are any areas of doubt over requirements or outcomes, the relevant EPOC or export control manager must be consulted.