

Leaflet on Export Control

BAUER draws attention to the fact that the import/export of goods and/or services (goods, software, technology, construction and/or planning and/or similar performance, summarised as "goods" below) for the implementation of the contract is subject to European and German foreign trade and payments law and delivery may be subject to restrictions and prohibitions under export control laws. In addition, certain goods might also be subject to US re-export law, which is also observed by BAUER.

1) All the legal provisions named below are subject to constant amendment and adjustment and are to be applied as amended to contracts as a basic principle. The contractual partner is responsible for obtaining information on the relevant provisions and is also directly responsible for compliance with these. More detailed information concerning the relevant regulations, lists and embargo measures can also be found on the website of the Federal Office of Economics and Export Control (BAFA) under <http://www.bafa.de/ausfuhrkontrolle/de/arbeitshilfen/merkblaetter/kurzdarstellung.pdf> with further information on handling export control.

The relevant German/European laws and regulations relating to export control law are namely

- The Council Regulation (EC) No. 428/2009 (Dual Use Regulation) of 5 May 2009 with the respective amendments and its annexes.
- The Council Regulation (EC) No. 1334/2000 of 22 June 2000 with the respective amendments.
- The German Foreign Trade and Payments Law (AWG) and the German Foreign Trade and Payments Ordinance (AWV) as well as the
- German export list.

Besides these, there are European and national embargo regulations against certain countries and persons which prohibit deliveries or make them subject to approval.

It must also be pointed out that goods from US production, goods with a 10 or 25% share in US goods and goods of US-controlled companies may be subject to the US re-export law in addition to the laws and regulations named above.

Furthermore, the EU has issued regulations on the basis of United Nations resolutions which serve to combat terrorism. These regulations apply directly and must be observed by every company without national implementing measures being necessary. The sanctions against the natural and juristic persons shown in the list of names (persons, associations, organisations or companies) apply regardless of whether the persons named are located in Germany or in any other country. Due to the fact that the sanctions are not linked to a country but apply regardless of the place of abode, they also apply to domestic transactions.

Measures against terrorism are included in two different lists in the EU:

- The Council Regulation (EC) No. 881/2002 of 27 May 2002 with the respective amendments and
- The Council Regulation (EC) No. 2580/2001 of 27 December 2001 with the respective amendments

A part of the measures in the field of the sanction lists is what is referred to as a prohibition of provision. Among other things, this prohibits commodities or other economic resources/services being provided to one of the listed persons either directly or indirectly.

2) The contractual partner should ensure that all of the regulations, laws and directives named above are observed. Above all, this includes:

The contractual partner may not provide the goods either directly or indirectly for use in any manner in connection with the development, production, handling, operation, maintenance, storage, detection, identification or the dissemination of chemical, biological or nuclear weapons and their carrier systems, unless it has the required permits to do so.

In addition, the goods may not be provided directly or indirectly for any military end-use in a country subject to an arms embargo as defined by Art. 4 (2) of the Council Regulation (EC) No. 1334/2000, a country shown on the list of countries K or to the People's Republic of China, unless it has the required permits to do so.

Nor may the goods be provided directly or indirectly by the contractual partner for civil nuclear use in the countries named in Section 5 d (1) of the German Foreign Trade and Payments Ordinance (AWV), unless it has the required permits to do so.

The contractual partner may not directly or indirectly sell, export, re-export, deliver, pass on or otherwise make accessible the delivered goods to persons, companies, institutions, organisations and to countries if this violates European, German and US (re-)export regulations or it involves persons shown on sanction lists.

If the delivered goods are resold or passed on, the contractual partner undertakes to draw its buyer's attention to the provisions of export control laws and to pass on the obligations arising from these.