

BAUER draws attention to the fact that the shipment/export of goods and/or services (goods, software, technology, construction- and/or planning- and/or comparable work/services, hereinafter together 'Commodities') for the fulfilment of a contract is subject to European and German foreign trade legislation and the delivery may be subject to legal restrictions and prohibitions pertaining to export control. In addition, certain Commodities may also be subject to US-American re-export law, which is likewise complied with by BAUER.

1) All of the statutory provisions subsequently referred to are subject to continual amendments and modifications and are always to be applied to contracts in the lastly amended version. The contracting party shall independently gather information on the applicable provisions and regulations and shall also be responsible for compliance thereof. More detailed information on the relevant statutory regulations, lists and embargoes can likewise be accessed at the Federal Office of Economics and Export Control under <http://www.bafa.de/ausfuhrkontrolle/de/arbeitshilfen/merkblaetter/kurzdarstellung.pdf> . The site also contains further advice on the handling of export control provisions.

The relevant German/European laws and regulations pertaining specifically to export control law are:

- EC Regulation no. 428/2009 (Dual Use regulation) from 5 May 2009 with the relevant amendments and their annexes, additions and supplements;
- German Foreign Trade and Payments Law (AWG) and the German Foreign Trade Regulations (AWV) and their annexes, additions and supplements.

Moreover, there are European and national laws pertaining to embargo resolutions against specific countries and persons that prohibit a delivery or require its prior authorisation. Attention is likewise drawn to the fact that any US-American manufactured Commodities (country and/ or technology), any Commodities with a share of 10 to 25 per cent US Commodities or any Commodities from US-controlled companies may be subject to US-American re-export law in addition to the above-mentioned laws and regulations.

Furthermore, the EU has adopted regulations on the basis of United Nations resolutions that serve to combat terrorism. These regulations are directly applicable law and are to be observed by all companies without the requirement of national legislation for imposing implementation. The sanctions against the natural and legal persons (individuals, groups, undertakings or entities) specified in the list of names are valid irrespective of whether the named persons are located in

Germany or in any other country. As the sanctions are not linked to a country, but are valid independent of the place of residence, the sanctions also apply to domestic business.

The measures against terrorism are included in two different lists in the EU:

- EC Regulation no. 881/2002 from 27 May 2002 with the relevant amendments and
- EC Regulation 2580/2001 from 27 December 2001 with the relevant amendments.

Included in the measures within the scope of the sanctions lists is a so-called prohibition to make something accessible or available. This prohibits, amongst other things, trade goods or other economic resources/services from being made accessible or available either directly or indirectly to any of the listed persons.

2) The contracting party shall ensure that all of the above-mentioned regulations, laws and directives are complied with. This includes in particular:

The contracting partner shall not allow the Commodities to be used either directly or indirectly in any way that is connected with the design, development, production, handling, operation, maintenance, storage, detection, identification or dissemination of chemical, biological or nuclear weapons and their carrier systems, unless the contracting partner has been granted the necessary authorisations.

Moreover, the contracting partner shall not allow the Commodities either directly or indirectly to be made available to a country that is subject to an arms embargo for a military end-use as defined by Article 4 Paragraph 2 of the EC Regulation No. 428/2009 or to the People's Republic of China, unless the contracting partner has been issued with the necessary authorisations.

Additionally, the contracting partner may not use the goods for civil nuclear reasons either directly or indirectly in the countries mentioned in § 9 AWV (German Foreign Trade Regulations). He can only do so if he has the necessary approvals.

The contracting partner shall not either directly or indirectly sell, export, re-export, deliver, pass on or in any other way make accessible or available the delivered Commodities to individuals, groups, undertakings or entities or in or to countries in the case that this represents a violation against European, German and/or US legally-binding (re-) export provisions or it concerns persons named on the list of sanctions.

In the event of the delivered Commodities being resold or transferred, the contracting partner undertakes to inform the recipient of the legally-binding export control provisions and to transfer the resulting obligations to the recipient.