



Export Control in English

A language training course book for both self-study and trainer led courses

Joe Farha & Mike Hicks

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Listening transcripts

1.2

Morning all, I'd like to explain to you today what Export Control is, and why it is important for us as a company.

Let me begin by generally explaining what Export Control is - Certain goods or services which may be militarily or commercially sensitive, or have properties thought to be of concern are often subject to a range of trade controls related to their development, manufacture and transfer. One set of these controls, or regulations, are often given the term "export controls."

Export controls are imposed by states and other bodies such as the European Union and are designed to control the transfer of specific goods from one region, or jurisdiction, to another. These controls often take the form of "lists" of specifically named equipment in which a licence is required from the Government prior to their transfer – or export. Other controls may be more general in nature and apply to a broader category of goods – so called "dual use" items.

The licensing of goods and company activities rests with individual states. The states are also responsible for ensuring that international legally binding control systems (such as those produced by the EU) are incorporated into their own legislation. Individual states are also responsible for the enforcement of and compliance with export controls.

So what does this mean for us as a company? Well, companies that want to send their goods to another jurisdiction or offer their services in another jurisdiction, as we do, need to be aware of the relevant licences required for these transactions.

The need for a licence can also apply to an employee's work or activities in certain cases.

You might ask, is this really necessary? Do we really have to? Well, the penalties for non-compliance can be for example a large fine, prison sentences for those people, including company executives, found to have broken export control laws and possibly the complete suspension of the right to trade in certain goods.

For these reasons, it is extremely important that companies, and you as individuals understand what it is that we produce and what services we provide that may require a licence, and what the correct process is for obtaining such a licence. And that is what I would like to talk you about now...

2.1

Matching Exercise. Talk: Chapter 2: Page 2

"In order to find out whether your equipment requires an export licence, you should consult the control lists that our department has drawn up. We have published them online, but you can also use our licensing application database which will tell you whether you need a licence or not. We have based the list on those restricted goods lists held by the various multi-lateral trade control regimes – Wassenaar for example. But moving on, let me give you some examples of controlled goods and for context, why they are controlled.

So, as example number 1, Small Arms, Light Weapons and components all require a licence as we have classified them as military weapons.

Ammunition also requires a licence, and even sport shooting ammunition may in some cases require a licence. Licences are required for other types of military equipment, such as tanks, armoured vehicles and also so called "soft-skinned" vehicles if used or designed for military applications this also applies to other items such as boots or items of clothing usually listed in specific circumstances. It is worth remembering that for all of the equipment listed, components and accessories for those devices are also licensable.

So, if your company makes goods that are incorporated into military vehicles, then it is most likely that you will need a licence. In fact, there was a case last week of a company being fined because they did not think that their differentials required a licence. But these particular differentials are on the dual-use list because of their use in military as well as commercial vehicles. So, the lesson is check this list as well!

Now, people often think that self defence products, such as stun guns or pepper sprays, because you can buy them in local hunting or other shops you don't need a licence. They are wrong. They may be legal to own here but if you want to ship them out of the country you need a licence. This is because here in Britain, we have classed them as security technologies which all require a licence.

Listening transcripts

Certain chemicals are controlled by a range of laws, so check your lists, in particular your dual-use lists. Also, be aware of other regulations such as the European Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals, shortened to REACH. It is much easier to move chemicals around EU member states than exporting outside of the EU.

Finally please do remember that software may have a military or dual-use application – cryptographic software is a standard example. If the software is either military or dual-use in nature, it will require a licence!

In summary, if you're not sure, ask us and we can help – it is why we are here.

2.5

John - "Hi Dave its John from the compliance team. Do you have a minute?"

Dave - "Hi John, yes sure, how can I help?"

John – "I've got a question from the Sales team about our fume cabinets and I need some more information on the specs and parts."

Dave – "Which cabinets exactly? And why do you need my help? You should have everything in SAP shouldn't you?"

John – "I need some information on the new SE7 "Ultra" Fume Cabinets" - the ones that marketing "accidentally" put in our online catalogue last week."

Dave – "Ahh, that explains your call. Although, if you ask the marketing department, it technically wasn't their mistake but actually the communications department that released the brochure too early"

John – "I think I can guess who said that"

Dave - "I think you can too. Hold on let me open up the folder...[sound of computer keyboard]..Yep, Ok I've got the specs and parts list in front of me, what do you need to know."

John – "Right, I need to check where the components of the cabinets come from and in particular are any of the parts sourced from the USA?"

Dave – "Well the good news is that all of the components for the fume cabinets are made here, we source the materials for the manufacture of the cabinets from China and Scandinavia. That's the good news. However, the bad news is that the software that we use to run the cabinets was written by a partner in the USA, so that might be something to think about."

John – "Does the software come from the USA and get shipped from the factory here with the cabinets or is it shipped to the customers directly from the USA?"

Dave - "What do you mean? We have to install it here and it goes out with the units when they're shipped...otherwise they don't work!"

John – "Yes of course. Sorry, half thinking out loud. That's helpful, thanks Dave, I'll check with the US guys and see whether we need to get the relevant licences organised from their end. Oh, sorry one last question, how much does the software cost?"

Dave – "I would have to get back to you on that. I am not sure of the software licensing arrangement we have off the top of my head".

John – "Ok sure. Well thanks a lot for the info."

Dave – "No problem John. Goodbye"

3.2

The EU export control regime is governed by Regulation (EC) No 428/2009 which provides for common EU control rules: a common EU control list and harmonised policies for implementation. Under the EU regime, the export of dual-use items is subject to control and dual-use items may not leave the EU customs territory without an export authorization.

The Regulation is binding and directly applicable throughout the EU. Member States nevertheless need to take certain measures for implementing of some of its provisions: e.g. in relation to breaches and penalties.

The existence of a common control system allows for the free movement of dual-use items within the EU Single Market: dual-use items may be traded freely within the EU, except for some particularly sensitive items.

There are four types of export authorizations in place in the EU export control regime:

I. EU General Export Authorizations (EU GEAs) allow for the export of dual-use items to certain destinations under certain conditions. There are currently 6 EU GEAs in place:

1. exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland (including Liechtenstein) and United States of America

Listening transcripts

2.export of certain dual-use items to certain destinations

3.export after repair/replacement

4.temporary export for exhibition or fair

5.telecommunications

6.chemicals

II. National General Export Authorisations (NGEAs) may be issued by EU Member States if they are consistent with existing EUGEAs and do not refer to items listed in Annex IIg of the Regulation. Such authorisations are currently applied in France, Germany, Greece, Italy, Sweden, the Netherlands, and the UK.

5.6

Chapter 5 Listening script.

Petra – Kahn Chemical and Laboratory Supplies, Petra Plunkert speaking

Ari – Hi Petra, it's Ari Cohen speaking, the sales rep for Northern Africa and the Middle East.

Petra – Oh, Hi Ari – we met last year at the annual sales conference if I remember correctly

Ari – yes, that's right – and we had a couple of drinks too after that boring presentation by that American "sales Guru"

Petra – Yes, that's right – a few too many drinks for me – but that talk really was incredibly bad. And we paid him for it. Oh well. Anyway, what can I do for you Ari – I am guessing you are not ringing to ask me out for another drink!

Ari – Well, next time I am at head office I will happily take you out for a drink, but no, I am calling with some questions about a bid I would like to put in for a contract in Israel.

Petra – Ok, go on.

Ari – Well, the Israeli military has requested submissions for a large contract that includes fully equipped mobile laboratories, and various other pieces of high end lab equipment such as DNA analyzers. That is the first issue – military and possible WMD issues. The other thing is that they are asking for certain specifications and technical data to be included in the bid – and I know just giving them the specs is a problem. So my question is, how do we go about bidding on this from an export control point of view, because this could be really

big.

Petra – Ok, so let me make sure I understand. The Israeli military want to buy mobile labs and equipment, and some of this equipment is of course listed, and the end use is of course an issue. They also want technical specifications included in the bid so that they can make their decision. You want to know what export control issues are involved in both the bidding process and also any possible sale. Correct?

Ari – Yes, that's it.

Petra – Ok. Let me think – first we need to apply for a licence to release information for the tender process. We can also ask for an in-principle assessment at the same time – this will give us a good idea of if we can export or not. Then, finally if we do win the contract we will have to apply for the export licence itself – but if we have a positive in-principle assessment, then normally things are ok.

Ari – Ok..so if I understand you, it is possible to bid for this contract, we just need to do some paperwork first.

Petra – Well, sort of. I suggest you wait to submit the bid until we have both a licence to release information and also an in-principle assessment – that way you are not wasting your time.

Ari – So what do we do now? The closing date for bids is in three months.

Petra – Ok, if you can send me an email detailing what exactly they want to buy, the stated end use and the technical specifications they want in the offer, I can start the documentation and get things moving. Sound good?

Ari – sounds great. I'll do it right away – and I owe you a drink!

Petra – You do Ari. Take care. Bye

Ari - Bye

6.4

1.K) At present we have 324 full time employees, this list contains their name, position and also nationality. Did you also want a list of our current temp and sub-contracted workers?

2.D) Did we make an export under GEA 4? Strange...I don't remember a licence for any of our goods going to a trade fair.

3.F) Oh, well I have this here which outlines our company structure to the department level, but I am afraid I don't have anything below department level. I'll organize one.

Listening transcripts

4.E) Of course – this excel sheet details contains the details of all our authorized dealers and agents etc. It is a year or two old unfortunately – Suzie has been on maternity leave, so it has not been updated recently

5.J) Well, sales will take the order and also request an End User Certificate. Once we have the EUC back from the customer we can check this against the order and then we can make a decision as to if we need a licence.

6.G) You need a copy of the email? We only have the licence documentation and EUC. Do we need to keep a copy of the email as well? I guess it should still be on the server.

7.B) That is Suzie, although as I said she is on maternity leave till the end of the year, so our trainee has been doing that.

8.H) We haven't had time to do any training courses in the last 2 years, so I am afraid I have nothing to give you.

9.C) We will have to retrieve that from our archive, that is offsite but we can have it here by tomorrow morning.

10.I) All documentation for the current and previous year is stored here, both physically and digitally. Older documents are stored with an offsite archival firm. Our retention period is 5 years.

11.A) Well, we have an access control system at the front gate, in IT and also in R&D...but engineering? It's open to everyone isn't it?

7.

Call 1

"Hi, its John from the tradeshow, we've had a problem, the line is really bad so I might lose you, the stall has been shut down, there was a problem with the brochures, I'm trying to meet with the organisers to see what we can do, I'll call as soon as I know what's going on, can you put me through to Sarah in Marketing, I don't have her number."

Second phone call:

"Hi its Sarah from marketing, very quickly, there has been a problem at the DEFENCEXPO event, we are still trying to work out what happened but the short story is that the guys have been thrown out of the show, the stand has been closed because of some material that was found on it. We're still trying to get the details as the line was really bad and John is in a meeting with the organisers.

but, it is possible that we will be getting calls from some media people, newspapers etc. As we are still trying to work out exactly what has happened, if any media people call, journalists etc. please say that you cannot comment at the moment and they should contact the marketing department directly. It is very important that we are clear about what happened before making a public statement so please let everyone know that they should respond to any requests for information by saying that we cannot comment until we have all of the facts, and direct them to the Marketing department. Can you let everyone know please? Thanks!

Third Phone call

"Hello, its Rob from the Daily News. I was wondering whether I could speak to someone about the DEFENCEXPO event and the fact that your company stand has been closed down. Were you aware that all activities in relation to the promotion, transfer or sale of execution equipment in the UK is prohibited?"

John. "I am sorry but I am not authorised to comment on this at the moment. Please contact our marketing department for any further requests. Thanks"

Sample Email Responses.

Chapter 4.

Dear Ari,

Thanks for the email. All good with me and I hope the same for you.

Regarding your query about how we proceed, the short answer is that we don't proceed any further. Looking at this fax, there are several issues that set alarm bells ringing from an export control standpoint. I have the following issues with this; I can find no website or physical place of business for this company

He has a Gmail account as company email??

The "company" is located in Sharjah – this has been associated with several front companies that act as middle men for controlled destinations.

He mentions a Govt. end user in Africa but does not tell us who – without that information we definitely would not proceed any further.

All the goods he is asking for are listed items and can be used in CW / BW programs.

Don't reply, and if he gets in contact with you again, please let me know.

Cheers,

Petra

Dear _____,

I am writing in regard to your letter dated XXXXXXX, reference number XXXXXXX where you state that you would like to undertake a compliance audit of our company.

Of the suggested dates for the audit that you propose the most convenient would be Tuesday the 5th of March from 9am. I will ensure that all personnel connected to the export control process in our company are present on the day itself. In order to ensure that all of the relevant personnel are available, would you be kind enough to confirm whether you require other board level managers as well or only those personnel connected to the export control process to be present?

Regarding your request for organisational charts, training manuals and other relevant documentation, please find these documents attached as PDFs. Should you require any further documentation, please feel free to contact me.

On the day of the audit, please go directly to security at our front gate. Here you can sign in and collect your visitor passes. A colleague will collect you from security and take you to a conference room that you can use for the duration of the audit.

Should you have any further questions, both before the audit or during, please contact Ms Spittle who will be your contact person. She can be contacted on 0172 275 6588 or email, spittle@kahn-chemicals.com.

Regards,

Dear Petra,

Thank you for your message dated XXX in relation to the request that you received from a potential client in the UAE. We would advise that before entering into any further business transactions (including negotiations) that you assess the response against the following check list of some of the most common "red flags" that we come across:

1. The customer is reluctant to offer information about the end-use of the items;
2. The customer is reluctant to provide clear answers to commercial or technical questions which are routine in normal negotiations;
3. An unconvincing explanation is given as to why the items are required, given the customer's normal business, or the technical sophistication of the items;
4. Routine installation, training or maintenance services are declined;
5. Unusually favourable terms such as higher price and/or lump-sum cash payment are offered;
6. Unusual shipping, packaging or labelling arrangements are requested;
7. The customer is new to you and your knowledge about him/her is incomplete or inconsistent;
8. The installation site is in an area under strict security control or is in an area to which access is severely restricted, or is unusual in view of the type of equipment being installed;
9. There are unusual requirements for excessive confidentiality about final destinations, or customers, or specifications of items;
10. There are requests for excessive spare parts or lack of interest in any spare parts.

Should any of these indicators be present in the request, we suggest that you seek more detailed clarification from the company. Should you have any further concerns please do not hesitate to contact me.

Yours sincerely

Sample Email Responses.

Chapter 6.

Subject – Export Control Compliance Audit – 5&6th of March

Dear all,

Please note that on the 5th of March a team from BIS will be in the company to conduct an audit of our export control procedures and licences. They will be arriving at 9am on the morning of the 5th and will be conducting a post audit debrief on the afternoon of the 6th.

All staff connected directly to export control are to be available at all times on both days.

Can all department leaders of R&D, purchasing, marketing, and sales & service, please ensure you will be available on the afternoon of the 6th for the debrief. Also present in the debrief will be the CEO, COO and Legal.

The audit itself will involve spot checks of all items shipped under a licence, examination of processes within export control and adherence to these processes.

Should you have any questions, please feel free to contact me.

Regards,

Steve.

Answers

Chapter One

- | | | | |
|--|---|---|--|
| <p>1.2</p> <ol style="list-style-type: none"> 1. False 2. True 3. False 4. True 5. True | <p>1.4</p> <ol style="list-style-type: none"> 1. EIFEC 2. BAFA 3. USCBP 4. USDOS 5. USDOC 6. DECO 7. UKBIS | <p>1.5</p> <ol style="list-style-type: none"> USDOC BAFA USCBP USDOS EIFEC UKBIS EIFEC | <p>1.7</p> <ol style="list-style-type: none"> 1. approval 2. transfer 3. enforce 4. authorised 5. export 6. request 7. advice 8. administration 9. detect / grant <u>or</u> approve |
|--|---|---|--|

	Defence Export Control Office	Australia
BAFA	Bundesamt für Wirtschaft und Ausfuhrkontrolle	Germany
US-DOS	Dept. of State	The United States of America
US-DOC	Dept. of State	The United States of America
US - CBP	Customs and Border Policing	The United States of America
UK-BIS	Dept of Business Innovation and Skills	The United Kingdom
EIFEC	European Institute for Export Compliance	European Union

Verb	Noun	Adjective
To approve	Approval	Approved
To advise	Advice	Advisory
To administer	Administration	-
To authorise	Authorisation	Authorised
To detect	detection	Detectable
To enforce	Enforcement	Enforceable
To export	export	Exportable
To grant	-	-
To request	request	-
To transfer	transfer	Transferrable

An Item	A material or product that is bought and sold commercially
A Transfer	Something is shipped between two EU member states
A Transaction	An agreement between two groups to exchange an item for payment
A Jurisdiction	The right, power or authority of a court etc. in a given geographical area
A Liability	To be financially and legally responsible for something
Compliance	To ensure an organization follows relevant regulations or laws
A Licence	Authorization for the use, possession or sale of something
A Penalty	Punishment for breaking a law or regulation
Legally binding	An agreement, especially written, that is enforceable by law
Legislation	When a proposed law is approved by a government it becomes this
Enforcement	To make sure people and / or organizations do what is required by law

Answers

Chapter Two

- | | | |
|------|------|---|
| 2.2 | 2.3. | 2.5 |
| 1. D | 1. A | 1. <i>Do you have a minute?</i> |
| 2. B | 2. B | 2. <i>Specs and parts</i> |
| 3. C | 3. A | 3. are any of the parts sourced from the USA? |
| 4. C | 4. B | 4. the relevant licences organised from their end |
| | 5. A | 5. to you on that |
| | 6. A | 6. Well thanks a lot for the info. |

Item	Is a licence required? If so, why?
Hiking boots	Possibly – depends on end user / application.
Software	Possibly – does the software involve encryption? Military application?
Worker	Possibly – is the worker servicing a military item or training others?
Battle tank	Yes – military application
Shotgun ammunition	Possibly – while “sport” ammunition, depends on end user / application.
Toxic chemicals	Depends on chemical – if they are a precursor for example, yes.
Tracer rounds	Yes – military application
Toyota Hilux	Possibly – 4WD’s are frequently used as “gun trucks” in conflicts
Differential	Possibly – are they being incorporated into military vehicles?
Pepper spray	Yes - security technologies

	Front of sentence	Middle of sentence	End of sentence
Giving reason	As a result	As a result	As a result
	Due to	Due to	
		As such	
Making Contrast	Despite	Despite	
		However	However
	In spite of	In spite of	
	Though	Though	Though
	Although	Although	

Answers

Chapter Three

- | | |
|--|--|
| <p>3.1</p> <ol style="list-style-type: none"> 1. subject to control 2. binding 3. implementing 4. four types 5. EU General Export Authorizations 6. National General Export Authorisations 7. Global licences 8. Individual licences | <p>3.6</p> <ol style="list-style-type: none"> 1. temporary 2. revoke 3. register 4. application 5. consignee 6. amendments 7. transshipment |
|--|--|

Licence	Definition
EU006	For the export of chemicals
EU004	Temporary export for exhibition or fair
EU001	Exports to Australia, Canada, Japan, New Zealand, Norway, Switzerland...
EU002	Export of certain dual-use items to certain destinations
EU005	Export of telecommunications items
EU003	Export after repair/replacement

A broker	An individual or party that arranges transactions between buyer and seller
To comply with	To obey or follow a rule or instruction
A consignee	The individual or party who is the receiver of the goods – usually the buyer
A transshipment	When goods pass through an intermediate destination before the final destination
To transfer	To pass from one person, party or location to another
To revoke	To cancel an agreement, law or licence
An amendment	A formal or official change made to a law or contract
An application	An oral or written request
Register	To put information about an individuals or parties on an official list
To grant	To allow an individual or party to have, or do, what they want

National authorities may prohibit	an exporter from using EU GEAs
Each EU GEA also contains a specific set	of conditions of use, which must be adhered to
EU GEAs may be used by any exporter	established in the European Union
It is up to member state to decide	whether or not to have a registration requirement
EU GEAs contain a precise list of items	that are covered by the authorization.
The use of the authorisations is subject	to several general conditions of use

Word	A Synonym	Antonym
Consignee	Purchaser	Consignor
Legislation	Law	
Exhibit	Display	
Comply	Adhere to	Refuse
Prevent	Obstruct	Help, assist
Experienced	Skilled	Inexperienced
Register	Apply	Deregister
Failure		Success

Answers

Chapter Three

Y A P E R M A N E N T W C K B R Q A Z J	APPLICATION
B P I K C O N T R O L - L I S T X R F C	CLASSIFICATION
S W Z N V J C O N S I G N E E E Z Y Z V	COMPLIANCE
K H E K G Z U V C O N S I G N O R X Q C	CONSIGNEE
C M I C L A S S I F I C A T I O N E E E	CONSIGNOR
L R C P H M H K J G T R A N S F E R U F	CONTROL-LIST
N V Y O M O W O U U R L U U T A T Z C A	CRYPTOGRAPHIC
X J G P M E C Y G N V Y D B E M U C H F	DESTINATION
W R E A T P N E L E G I S L A T I O N J	DUALUSE
V E D B E O L T U D H V J Z K S A H T C	END-USER
I Y N U C Z G I Q U A N T I T Y N H A K	LEGISLATION
X A L S A A T R A N S H I P M E N T U T	PERMANENT
V A O D Y L M H A N X M F X Q I M T K I	QUANTITY
V Q Z S J N U P S P C A T W J Y H S L E	SHIPMENT
T R A D E R M S D V H E C N U X S U U K	STRATEGIC
L F G B L C M D E S T I N A T I O N I Q	TEMPORARY
N F L X Q W Z A A J G A C N R Z Y K B S	TRADER
J S T R A T E G I C Z N H W F M C X D I	TRANSFER
E N D - U S E R T E M P O R A R Y V U S	TRANSHIPMENT
E I M S L G D A P P L I C A T I O N T P	VALUE

Answers

Chapter Four

4.1

- A. Enquiry received, (either from sales, dealer or prospective customer)
- B. New customer data entered into CRM. Customer number generated
- C. Export Control checks new customer credentials.
- D. Export Control approves customer, quote is produced and sent along with End user Certificate
- E. Customer accepts offer. Order confirmation sent to customer
- F. End User Certificate is received back from customer.
- G. Customer is invoiced.
- H. Order sent to production
- I. Item is shipped and note of delivery is issued

4.2

- 1. *End User Certificate*
- 2. *Technical Specifications*
- 3. *Export Licence*
- 4. *Agent Information*
- 5. *Air Waybill*
- 6. *Order Form*

4.3

- 1. *Purchase*
- 2. *Issued / evidence*
- 3. *Tolerances / performance*
- 4. *Serve / manufactured*
- 5. *Certify / recipient*
- 6. *Permission*

4.4

- 1. *Unauthorized*
- 2. *Risk*
- 3. *Themes*
- 4. *Broken*
- 5. *Immaterial*

4.5

- 1. False
- 2. True
- 3. True
- 4. True
- 5. True
- 6. False

4.6

- 1. 4
- 2. 5
- 3. 3
- 4. 1
- 5. 2
- 6. 3
- 7. 5
- 8. 1
- 9. 2
- 10. 3
- 11. 1
- 12. 4
- 13. 5

Higher	Lower
Please be aware of...	As promised...
If you have any questions, please do not hesitate to contact me.	If you have any further questions, please give me a call
Could I suggest that you...	As requested.....
In connection with...	Regarding...
May I suggest that you...	
Further to your letter of...	
Could we suggest that you...	I look forward to seeing you
Please note that...	

Answers

Chapter Five

5.2

1. A
2. B
3. E, D, F
4. G
5. H
6. I
7. J
8. K
9. C

5.4

1. Collaboration
2. On behalf of
3. In-principle
4. Renew
5. Tender
6. Submit
7. applicable
8. Integration
9. Temporary

5.5

1. True
2. False
3. True & False – depends on information contained in Tender
4. False
5. False
6. False
7. True
8. True

5.6

1. Boring
2. Questions about a bid for a contract in Israel
3. fully equipped mobile laboratories, lab equipment such as DNA analyzers
4. Licence to release information for the tender process, an in-principle assessment
5. in three months
6. What exactly they want to buy, the stated end use and the technical specifications

A	Please provide details of the goods, software	or technology you are proposing to export
B	If any of the items are components	you should describe the function and purpose.
C	Have you been granted approval	to proceed with marketing activity in respect to the item?
D	Are the items, in their entirety or in part	for use in connection with chemical weapons?
E	Please describe in detail the intended	end use of the items.
F	Will the export be used overseas in the	production of other items
G	From which country do you	intend to export the goods?
H	Please provide details of	the consignee and end user (if different).
I	Will the goods be shipped on a	through air waybill or bill of lading?
J	Enter details of any third	parties and their role in this transaction.
k	Upload any relevant documentation to	support your application.

Answers

Chapter Five

-To enable DECO to seek further information during the assessment process, you must include details of a **nominated contact** person. This person should be able to discuss the **technical attributes** of the items of technology, and other details of the application.

-In some **circumstances**, exports are **undertaken** by someone **on behalf of** the person who owns the goods. If you are not the owner of the goods or technology we **require** you to give us information about who owns the items being exported.

-You should tell us if the application will involve the export or supply of items to a **sanctioned destination** or entity.

What is the purpose of this application? Do you want to:

- Apply for a permission
- Apply for an **export control assessment** of goods or technology
- Seek an **in-principle approval** assessment
- Apply to export or supply items that have previously been granted in-principle approval assessment
- **Renew** a permission, export assessment or in-principle approval assessment

-If are you seeking an in-principle approval assessment, why do you require the assessment. eg responding to a **tender** or seeking marketing **opportunities**?

-Select the option which best describes why the goods or technology will be exported or supplied.

- For use by the consignee or end user
- To be **on-sold** by a distributor or retailer
- **Temporary basis** - demonstration exhibit
- Temporary basis – use in a shooting competition recreational activity
- Being returned to the Original Equipment **Manufacturer** or their agent (includes for repair, at the expiration of the original equipment, the **expiration** of a foreign Government temporary export licence)
- Expiration of a foreign Government temporary export licence
- Being returned to the owner after repair, modification, demonstration or exhibition in Australia
- For **integration** into a larger assembly and **subsequent** return to Australia
- For **evaluation** testing
- Academic research or **collaboration**
- Where **applicable** you must include details of the make, model, Serial number, NATO Stock Number, **quantity** unit of measure and value. If these details are not provided, the assessment may be **delayed**.
- For technology the information should **accurately** describe the **actual** technology that is being supplied in as much detail as possible.
- You should avoid the use of initials, acronyms or **abbreviations**.
- Where additional information, such as **brochures** or technical specifications, explains the design features or capabilities of the items, these should be **submitted** as attachments to the application.

-To **conduct** our assessment of your application, we need to understand what you know about the parties who will be **receiving** the goods and technology, and how they **intend** to use them.

-If your application includes the export of goods or technology, you should submit an applicable End-Use Certificate, Statement by Ultimate Consignee or Purchaser, **Import Permission** issued by the foreign government, Work Order, **Repair Order** or Purchase Order.

-We **consider** 'for military purposes' to be "if the goods are or may be for use in operations, exercises or other activities conducted by an **armed force** or an armed group, whether or not the armed force or armed group forms part of the armed forces of the government of a **foreign** country".

-Do you have **evidence** from the end-user/recipient **verifying** how they will use the goods or technology, or the purpose for which they are receiving the goods or technology?

-Some countries have **strict requirements** on the re-export of goods they permit to be exported. One example is United States of America. **Prior** to submitting your application, you should check with your supplier to **confirm** whether your items are subject to any requirement to obtain approval for re-export of the items. If **approval** is required, you should submit evidence of that **Third Country clearance**.

-Are the goods or technology, including any **embedded technology**, data or equipment, subject to re-export controls by a foreign government, such as the United States International Traffic in Arms Regulations (ITAR) or the United States Export Administration Regulations (EAR)?

Answers

Chapter Six

- | | | |
|------|-----------|--------------|
| 6.6 | 6.7 | |
| 1. B | 1. Enable | 6. Record |
| 2. C | 2. Ensure | 7. Approve |
| 3. B | 3. Comply | 8. Request |
| 4. C | 4. Check | 9. Implement |
| 5. B | 5. Review | |
| 6. B | | |

Position	What is needed
Project / product manager	Technical specifications of certain items
Head of security	Physical and personal security practices
Head of export control	Export control training materials, Company organigram related to export control
Logistics manager	Shipping docs / info on couriers used
Human Resources officer	List of staff nationalities
IT officer	Info on data security
Export control officer	End user certificates
Chief executive officer	Company export control policy

1. Can you tell me exactly how many employees you have working	in your company, and also provide me with a list of their nationalities?
2. Could you provide me with a list of all the exports	you made under EU GEA 4?
3. Could you please give me a copy of your reporting structure	or organigram for your Export Control department?
4. Could you give me a current list of all your overseas agents	and distributors along with their addresses, email and telephone numbers?
5. Can you please explain when you make a decision	about requiring an export licence in your order process?
6. Your records state that you made an export under EU GEA 3 of software and that	this was sent electronically. Can you provide me with a copy of the email that was sent along with the software?
7. Who is responsible for	approving exports to agents and distributors?
8. Could you provide me with a list of the training courses and workshops etc. that	the staff in your export control department have attended in the last twelve months?
9. Can you please give me the original	end user certificate for this export?
10. Where do you store or archive licences, end user certificates etc. after	an order has been processed, and what is the retention policy?
11. Who is able to access this area, and what are the	access controls systems in place to prevent unauthorized access?

Answers

Chapter Six

Company Information	Customers & Markets	Licenses	Responsibility	Order Processes	Record Keeping
1	4	2, 6, 9	3, 7, 11	5	4, 8, 9, 10

	Answer
1	K) At present we have 324 full time employees, this list contains their name, position and also nationality. Did you also want a list of our current temporary and sub-contracted workers?
2	D) Did we make an export under GEA 4? Strange...I don't remember a licence for any of our goods going to a trade fair.
3	F) Oh, well I have this here which outlines our company structure to the department level, but I am afraid I don't have anything below department level. I'll organize one.
4	E) Of course – this excel sheet details contains the details of all our authorized dealers and agents etc. It is a year or two old unfortunately – Suzie has been on maternity leave, so it has not been updated recently
5	J) Well, sales will take the order and also request an End User Certificate. Once we have the EUC back from the customer we can check this against the order and then we can make a decision as to if we need a licence.
6	G) You need a copy of the email? We only have the licence documentation and EUC. Do we needs to keep a copy of the email as well? I guess it should still be on the server.
7	B) That is Suzie, although as I said she is on maternity leave till the end of the year, so out trainee has been doing that.
8	H) We haven't had time to do any training courses in the last 2 years, so I am afraid I have nothing to give you.
9	C) We will have to retrieve that from our archive, that is offsite but we can have it here by tomorrow morning.
10	I)All documentation for the current and previous year is stored here, both physically and digitally. Older documents are stored with an offsite archival firm. Our retention period is 5 years.
11	a) Well, we have an access control system at the front gate, in IT and also in R&D...but engineering? It's open to everyone isn't it?

During product development	Ongoing, daily basis	During sales process
A, c, B	B, c, d, e, f, g, h, i, j, k, l, N, O	M, P, Q, R

Answers

Chapter Seven

7.1

1. False
2. False
3. True
4. True
5. True