

EADS Export Control Provisions

to be acknowledged and observed by all suppliers of EADS Group companies in connection with all orders issued under EADS General Purchasing Conditions (see section 6.6 thereof)

- 1 The deliveries or services or part of them may be subject to export laws and regulations (hereafter referred to as "Export Regulations"), and the Parties acknowledge that diversion contrary to such Export Regulations is prohibited. EADS will provide Supplier with all information necessary to evaluate the applicability of license regulations.
- 2 The Supplier shall identify any part of the delivery or service that is subject to Export Regulations at the time of signature of a Contract or the receipt of an Order. Until actual delivery, amendments to such information shall be provided by Supplier in the event of a change in Export Regulations or an envisaged change of the classification by Government, and the Supplier shall provide the EADS with all information concerning such applicable Export Regulations. Supplier shall not be liable for such changes but should provide reasonable assistance requested by EADS to comply with the applicable Export Regulations.
The executed "Suppliers Export Control Classification Declaration" ("FORM-2" as attached hereto) and the buyers End-Use Statement ("FORM-4" as attached hereto) are part of the Contract or the Order.
- 3 Whenever all or part of the delivery or service is subject to Export Regulations, and without prejudice to any other obligations under these Export Control Provisions, the Supplier shall:
 - (i) be responsible for obtaining in time, at no cost to the EADS, unless otherwise specifically agreed, all relevant official approvals, licenses and authorizations required for the export of his deliveries and services to, delivery of them to, and use of them by the EADS and the EADS' Customer or End User in accordance with the Contract or the Order or as provided by the EADS' End-Use Statement; and
 - (ii) where all or part of a delivery or service is subject to export licensing procedures, the Supplier shall ensure that an export license or similar documentation is issued by the relevant authorities in time to allow delivery and operation of the deliveries or services by the EADS and the EADS' Customer or End-user in accordance with the Contract or the Order and the provided End-Use Statement; and
 - (iii) clearly indicate on all delivery notices the export control classification number and the number of the applicable export license; and
 - (iv) mark all documentation provided in furtherance of a license with the appropriate applicable export license number and distribution restrictions; and
 - (v) provide EADS with a copy of the export license certificate, including a copy of all provisos that relate to the compliance obligations of EADS, including, but not limited to, any restrictions on sublicensing, any restrictions on retransfer, any requirements for non-disclosure agreements, any limitations on employees, and any other restrictions or conditions that result in authorization being more restrictive or not as broad as contemplated in the authorization or license request and/or the order documentation. Provisos that are classified or that do not relate to the compliance obligations of EADS may be blanked out from the copy supplied to EADS, if so required by their Government.
- 4 If one or more Technical Assistance Agreements ("TAA's") are required for the fulfillment of a Contract or an Order, the TAA's and any Amendments thereto shall be agreed with EADS before being submitted to the export authorities, and a copy of the issued approval including a copy of all provisos that relate to the execution of the Contract or the Order or the compliance obligations of EADS shall be provided to EADS. Provisos that are classified or that do not relate to the compliance obligations of EADS may be blanked out from the copy supplied to EADS, if so required by the US Government.
- 5 Notwithstanding anything to the contrary in these Export Control Provisions, the following provisions are of essence for the Contract or the Order:
 - (i) EADS' ability to deliver and support Items/Commodities fitted with the delivery or service that are not listed on an export control list worldwide – provided that EADS follows all national / EU / U.S. catch-all restrictions for supplier's products¹ - or
 - (ii) Customer's or End-user's ability to use, operate and maintain the products that are listed on an export control list as provided by the End-Use Statement

In the event of Supplier's non-compliance with its obligations under these provisions to supply the Items/Commodities or services compliant with Export Regulations, the Supplier shall, at its own costs, and within a timeframe compatible with the EADS' business needs take the appropriate actions to comply with, by

 - (i) (i) obtaining from the relevant administration any authorization, with respect to the delivery and service, necessary for EADS to sell and support deliveries and services and/or the provided end-use-statement for the relevant EADS' Customer or End-user to continue using, operating and maintaining the delivery and service, and
 - (ii) (ii) replacing or modifying the restricted technology so that the delivery and service ceases to infringe the Export Regulations, while fulfilling all requirements defined by the Contract or the Order; without prejudice to EADS' rights to claim for compensation for all costs, damages and losses suffered as a consequence of the said breach and/or to terminate the Contract or Order for Supplier's default.
- 6 Notwithstanding any other provision of the Contract or Order, the Supplier shall be liable for all damages, losses, and liabilities incurred by the EADS as the result of the Supplier's negligent non-compliance with its obligations under these provisions.

¹ EADS shall certify that all such items will not be re-exported or retransferred to

- nuclear, missile, chemical and biological, or maritime nuclear propulsion end-uses or
- end-users prohibited by the General Prohibitions set forth in EAR Part 736 (incorporating by reference EAR Part 744).

EADS

 AIRBUS  ASTRIUM  CASSIDIAN  EUROCOPTER

FORM-1

Request

for Suppliers'

Export Control Classification Declaration

"DECLARATION"

Note:

This Request and Guideline should be provided (once) to each supplier / partner in conjunction with the first RfP. For any further information the supplier shall be referred to a specified Internet side.

This process (Export Control Classification Declaration) also applies to Customer Furnished Equipment / Government Furnished Equipment.

EADS



Letter to Supplier Requesting Declaration about Export Control Classification

[This letter shall be submitted with the appropriate company logo]

EADS, its subsidiaries, and member companies of its Divisions attach great importance to compliance with trade, export and arms control laws that apply to their business transactions and expect their trading partners to support that goal as well.

The first step towards an effective compliance mechanism is the correct determination of how items or commodities or services are classified under the applicable export control regulations.

Due to both legal and commercial constraints in the field of international trade in military and defense equipment, and the related export controls, EADS has initiated a comprehensive review of its purchasing procedures where these are affected by such constraints.

As part of the compliance efforts, EADS has introduced the “Supplier’s Information about Export Control Classification” form, a blank copy of which is attached to this letter and guidelines.

The following information is required to ensure that the EADS classification database is accurate, complete, and up-to-date.

- 1) The Declaration **must** be completed by all EADS’ suppliers and the original or copies **must** be sent to responsible Buyer.
- 2) The Supplier **shall** insert company logo/stamp in space provided on top of first page.
- 3) The Supplier **shall** immediately inform EADS of any change in the classification of the mentioned Items/Commodities.



PLEASE DO NOT SUBMIT HAND WRITTEN DECLARATIONS

Improperly filled Declarations ***will be returned to supplier for modification / completion.***

DECLARATION GUIDELINE

Instructions to be read carefully before filling the Declaration

This Declaration forms part of the Purchase Agreement between Supplier and EADS and is binding upon the Supplier. For each part number sold by the Supplier to EADS, the relevant sections 2-5 should be duplicated as appropriate. In other words, each part number sold must have a corresponding Declaration. The following numbers refer to the sections of the Declaration:

1. Insert name and complete address of the Supplier.
2. Define the procured Items/Commodities and part numbers (if applicable at time of request). Please be aware that "Item/Commodity" means "hardware, software, and/or technology".
3. This section is only to be completed by **Non U.S. suppliers**.

Indicate the export classification of the Item/Commodity within the jurisdiction from which the Item/Commodity is exported¹.

- Dual-use Items/Commodities are those that may be sensitive because they can be used for both civil and military applications. These Items/Commodities are subject to the export/re-export regulations of the country of origin. Indicate the classification which the Item/Commodity has in the jurisdiction out of which it is exported (the Commodity Classification Number, show all digits).
- Military Items/Commodities are those designed, modified, or adapted for a military purpose. They are subject to the (re) export regulations of the country of origin. Indicate the classification which the Item/Commodity has in the jurisdiction of the country out of which it is exported (the Munitions List entry, show category if applicable).

¹ For the European Dual Use Regulation see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:278:0001:0240:EN:PDF>

EADS



If you indicated “NO” in the first box, it means the supplied Item/Commodity is not controlled, i.e. the Item/Commodity is not listed in your National export list and so not controlled regarding any export or re-exports.

Remark:

If your Item/Commodity is of **U.S. origin**, please complete also sections 4 and 5. If your Item/Commodity **contains U.S. origin** Items/Commodities, please complete also sections 4 and 6

4. Please advise whether your Item/Commodity is of **U.S. origin** as defined in the U.S. export regulations.

- US-controlled Items/Commodities are those that fall under a US regulation even if the export takes place outside US territory. Indicate whether the export of such an Item/Commodity is “subject to EAR” (with an ECCN or EAR99)
- US defense Items/Commodities are controlled by the US ITAR regulations.

5. Indicate the export classification of the Item/Commodity within **the U.S.**

- EAR (Export Administration Regulation): if your Item/Commodity is listed in the U.S. Commerce Control List (CCL), indicate the Export Control Classification Number – ECCN (show all digits on the ECCN ex: 7A105b).
- ITAR (Internal Traffic in Arms Regulation): indicate the ITAR category in which your Item/Commodity is listed. [show all digits on the ECCN e.g.: XI (3) (v)]

Please fill in the complete address of the U.S. manufacturer

6. Does your Item/Commodity have U.S. content controlled under the U.S. export control regulations? If so, please list the items and indicate also the percentage of such U.S. controlled contents in **your Item/Commodity**.

If documentation accompanying the Items/Commodities (whether to EADS or its clients) is of U.S. origin as defined in the U.S. export regulations, please complete a separate form.

7. Specify if the Items/Commodities incorporate content controlled by a third party country, i.e. neither your country nor the U.S. (e.g. if components or software, controlled under export regulations of a third country, are commingled with the Item/Commodity, or if the Item/Commodity has been produced directly from using technology or software controlled by a third country).

EADS



Specify if the documentation delivered with the good (whether to EADS or an EADS client) incorporates contents controlled by a third party country (i.e. neither the country of origin of the documentation nor the U.S.).

Detail any specific retransfer or re-export proviso or condition, if applicable, in addition to standard licensing requirement (e.g. permitted sales territory, end-use/end-user statement required or specific requirements for information on the end-users/end-uses, specific security requirements, tracking requirements, specific reporting requirements).

Note:

If the applicable jurisdiction (national or foreign regulation) and/or classification (not controlled, dual use, military) have been confirmed with the concerned authorities, a copy of the relevant document (e.g. US Commodity Jurisdiction Determination, copy or certificate of an export license for this Item/Commodity, any comprehensive answer form concerned authorities to a classification request) shall be attached to this form.

If no such attachments will be provided”, the classification will be considered as self-assessment by the Supplier, who will be responsible for any non-compliance with the applicable regulations, resulting from an inadequate self-classification.

The signature of the Export Control Declaration shall be executed by an individual duly empowered on behalf of his corporation.

EADS

 AIRBUS  ASTRIUM  CASSIDIAN  EUROCOPTER

FORM-2

EXPORT CONTROL CLASSIFICATION DECLARATION

**Note: For the general request and the guidance
how to handle this Export Control
Classification Declaration please refer to:**

*EADS Form 1 - Request for Suppliers'
Export Control Classification Declaration
"DECLARATION"*

EADS



EXPORT CONTROL CLASSIFICATION DECLARATION

SUPPLIER LOGO/STAMP REQUIRED HERE

RFQ/RFP/RFI or Purchase Order No. (if applicable):

EADS Supplier Reference #: (Shown under supplier's address on Purchase Order)

SECTION 1(a) - SUPPLIER INFORMATION (Supplier's complete Name and Address (EADS Purchase Order Recipient))

Name:
Address:
City/State: Postal/Zip Code: Country:

SECTION 1(b) - SUPPLIER'S EXPORT CONTROL CONTACT INFORMATION

Name:
Position:
Tel.: Fax Email

SECTION 2 - ITEM/COMMODITY IDENTIFICATION

Name of the Item/Commodity,
brief description of the product

Supplier Part #: EADS Part #:

(If P/N's are known at time of request. If at RFQ/RFP/RFI stage, leave blank)

If you are US supplier continue to Section 4

SECTION 3 - NON-U.S. SUPPLIER INFORMATION



TO BE COMPLETED BY ALL NON-U.S. SUPPLIERS

Is the Item/Commodity subject to your **National** export control regulation? YES NO

IMPORTANT - It is the supplier's responsibility to check with their National Export Control authorities.

Was your Item/Commodity initially developed for a **Civil/Dual-use** or **Military** application?

Civil/Dual-use-item? YES: NO: **if yes**, indicate Control List-No. (if applicable):

Military Equipment? YES: NO: **if yes**, indicate Control List-No. (if applicable):

Remember: An item is either civil/dual-use OR military, NEVER both

Initial here _____

EADS



SECTION 4 – U.S. ITEM/COMMODITY INFORMATION



TO BE COMPLETED BY ALL U.S. SUPPLIERS OR BY ALL NON-U.S. SUPPLIERS OF US ORIGIN ITEMS/COMMODITIES, I.E. PRODUCED OR MANUFACTURED IN THE US OR MANUFACTURED BY US COMPANIES OR USING US COMPONENTS, TECHNOLOGIES, OR SOFTWARE

- a) Is your Item/Commodity subject to U.S. regulations? YES NO
IF YES, complete U.S. classification in SECTION 5a below
- b) Is your Item/Commodity fully manufactured in the U.S.? YES NO
IF YES, complete U.S. Manufacturer's Name and Address in SECTION 5b below or
- c) Are there components originating from the U.S. integrated in your item/commodity? YES NO
IF YES, COMPLETE SECTION 7 BELOW

SECTION 5a - U.S. CLASSIFICATION

EAR YES NO if yes, indicate ECCN-No.:

or

ITAR YES NO if yes, indicate USML classification No.:

If ITAR regulations apply, please specify whether,
the product is considered as Significant Military Equipment (§120.7 ITAR)? YES NO
the product is considered as Major Defence Equipment (§120.8 ITAR)? YES NO

Remember: An item is either EAR OR ITAR, NEVER both

SECTION 5b – U.S. MANUFACTURER'S INFORMATION

Name and address of U.S. Manufacturer:

Name:

Address:

City/State:

Postal/Zip Code:

Country:

Initial here _____

EADS



SECTION 6 – CONTENT OF ITAR/EAR CONTROLLED ITEMS/COMMODITIES

This page applies to **all NON U.S.** suppliers whose Items/Commodities **incorporate U.S.** components.

Please extend this lists if there are more components

Please list the US content of your product, including all ITAR and EAR controlled parts (CCL and EAR 99) (use Annex if necessary)

6	7	8	9	9bis	10	11	12
US Item/Commodity (or US component embedded in Item/Commodity)	US Manufacturer	Part Type/Part #	ITAR or EAR	% value of US content	Classifi- cation	SME	MDE

SECTION 7 – THIRD COUNTRY LIMITATIONS

- a) Has your Item/Commodity any content controlled by a third country (neither your country nor U.S) **YES** **NO**
- b) If yes, are there limitations (e.g. sales territory, end-use) imposed by the third country **YES** **NO**
- c) If yes, please specify: (use attachment if necessary)

I hereby certify that the information provided herein is true, complete, and accurate.

Where the export, re-export or transfer of the item/commodity, by EADS or any of its customers, is subject to an export license, the issuance of such license shall be a condition precedent to this purchase order coming into force. I shall provide EADS with a copy of any such license upon receipt. In the event that such license would be revoked, not renewed, invalidated, or otherwise not be effective for any reason, EADS shall have the right to cancel this order immediately, by means of a registered letter.

I shall inform EADS, in writing, as soon as I will become aware of any change that may affect export control classification of the item/commodity described hereinbefore.

I am aware that prior to a purchase order coming into force, this "Export Control Classification Declaration" is to be filled out and returned to EADS.

Date
(DD/MM/YY)

Location

Name and Title (supplier)

Signature & Seal (if available)
of empowered Official

NOTES

EADS



(Section 2) Brief description of the product (e.g. reaction wheels, dry-tuned gyroscopes, etc), Product type/part number as per Purchase Order, Specification, or catalogue reference. If you have several independent products, write "Refer-to-Table"

(Section 7) If the Item/Commodity subject to this declaration is non-US, please list all US content including EADS content embedded under De-Minimis. If you are a US supplier, providing this certificate for several line items, please fill in one line per line item of US content. Please use an Annex if you have more line items.

EADS



FORM-4

End Use / End User Statement

This end-use statement is applicable for US Department of State or US Department of Commerce controlled items.

Similar formats with comparable content may be executed for the need of other supplier's countries

Reference:

EADS



End-Use / End-User Statement

The information supplied herewith shall be exclusively used for license application purposes by the supplier:

1 Purchaser (EADS Company):
2 Address:

3 Purchase Order or Contract No:	4 PO or contract date:
Copy of PO or Contract attached: Yes <input type="checkbox"/> No <input type="checkbox"/>	

5 US Item (reference): <i>(Use Annex A if necessary)</i>	6 Quantity	7 Value (US \$)	8 Classification ITAR (USML) or EAR (CCL)	SME (Yes / No)	MDE (Yes / No)

(add additional lines if required)

9 Supplier: Name / Address: Must be completed also for Non-US-Suppliers, such as European equipment manufacturers or non-US distributors using US parts. This entity must be listed as the foreign consignee (12) on the license application if this entity is the one receiving the parts from the US.
--

10 US Manufacturer (if different than 9): Name / Address:

11 End-User/Country of ultimate destination: Name / Address:
--

12 Foreign consignee Name / Address: 1) 2) 3)

See Block 14 for intermediate consignees that also must be included on the license application

EADS



[This section 13 may be tailored to the specific needs of a division, but with minimum information as below]

13 End-Use: Space <input type="checkbox"/> Defense <input type="checkbox"/> Others <input type="checkbox"/> (Provide detailed program and application description) Program:
How will this product be used in the above program? (must provide detailed information regarding application, including a description of the countries where the product will be used).

For Space applications only:

13a Launch Provider:	13b Launch site (including country):	13c Launch Vehicle:

14	Intermediate Consignees All intermediate consignees listed below must be included in the license application. <i>(Use several pages if necessary.)</i>	
	(Name and Address and Country)	(Purpose)
14.1		
14.2		
14.3		
14.4		
14.5		

(add additional lines if required)

EADS



15 **Separate End user statement attached:** Yes No

Reference / Description of attached documents:

16 **DSP 83 attached:** Yes No 17 **Accountability Plan attached:** Yes No

18 **Other documents attached:** Yes No

Reference / Description of attached documents:

19 **Special Statements**

20.1 **Signature:**

Date:

Name:

Dep./Title:

20.2 **Signature:**

Date:

Name:

Dep./Title: Export Control Administration

NOTES

(Section 1) This is the EADS sourcing entity. If this entity is also the foreign consignee (i.e. the first entity to take delivery from the US) then this entity should be repeated as the foreign consignee. If this entity is neither the foreign consignee, nor the end user, then this entity should also be listed in the intermediate consignee list (Block 17).

(Section 2) Address must include street, city, postal code, and country. A Post Office Box is not acceptable.

(Section 3) EADS PO or contract reference. Must include issue, rider reference, or any other information which aids in demonstrating the coherence of the end user statement and of the contractual link between the supplier and the EADS sourcing entity.

(Section 4) Date of PO or contract format DD/MM/YYYY. A copy of the PO or Contract/Contract Rider should be attached if available.

(Section 5) Reference of the US hardware. This reference must be identical on the end user statement and the purchase order or contract. If in doubt, refer to the supplier statement. One reference per line item. Note that if for a given PO or contract line item, partial quantities have different end uses, several end use statements should be provided (together with an accountability plan for SME parts). Use a separate sheet if necessary.

(Section 6) Quantity as it will appear on the license. If for a given line item there are multiple end uses, separate accountability plans and end user statements must be provided

(Section 7) Value of line item in US dollars (if known).

(Section 8) Identification of applicable regulation is compulsory, and should result from the Supplier questionnaire.

- *USML: United State Military List (ITAR) the detailed classification (e.g. XV e) should be recorded*
- *CCL: Commerce Control List: the detailed classification (e.g. 3 a 001 b) should be recorded*
- *SME: Significant Military Equipment (Marked with an asterisk in the USML of the ITAR)*
- *MDE: Major Defense Equipment (any Item/Commodity of "Significant military equipment" on the USML having a nonrecurring research and development cost of more than \$50,000,000 or a total production cost of more than \$200,000,000)*

(Section 9) Name, address, and country of Supplier. Must be completed also for Non-US Suppliers, such as European equipment manufacturers or non-US distributors, using US parts. This entity must be listed as the foreign consignee (Block 12) on the license application. Note that the supplier is not necessarily the US manufacturer. If this is the case, the US manufacturer must also be reported in Block 10.

(Section 10) Name, address, and country of US Manufacturer (if different from the supplier).

(Section 11) Name, address, and country of the end user, i.e. the highest entity to have control of the hardware, such as prime, operator, end customer, etc. For satellites, it is the end customer (operator) even if the delivery is done in orbit. If there are several end users, add lines on an additional page.

The country of ultimate destination is the country of the last delivery. If there are several possible countries, include a list. For Space applications, the country of ultimate destination is the country of the owner/operator in orbit.

(Section 12) Name, address, and country of the foreign consignee. The foreign consignee is the first non-US entity to which the hardware is delivered. The foreign consignee may be different from the purchaser.

(Section 13) Provide program details, including details of the application of the licensed hardware within the program (e.g. “actuators of the emergency evacuation doors of the A400M , Military plane developed by Airbus Military for OCCAR (see separate end user statement)”; “heaters for the thermal control of the propulsion system of the SKYNET 5 satellite (see separate end user statement)”; “transistors embedded in the attitude control of the Automated Control Vehicle, built by the European Space Agency in the frame of the International Space Station agreement”)

(Section 13a, b, c) For Space applications only.

Identify the launch provider (i.e. the company providing the launch services such as ILS, Eurokot, Kosmotras, etc....) if there are several possible solutions, list all possible providers. DO NOT write “Not yet determined.”

Identify the launch site including country (such as Kourou, French Guyana; Baikonur, Kazakhstan)

Identify the launch vehicle (such as Ariane, Soyouz, Delta IV, Atlas V, etc...)

(Section 14) All intermediate consignees, including tests houses need to be listed, even if they are only “possible” intermediate consignees. For Commerce licenses, intermediate consignees which receive the product included in a higher level assembly under the “De-Minimis rule” (where US content is less than 10% or 25% depending on the country), do not need to be listed. The use of the “De-Minimis rule” must be documented and approved by Export Control and is subject to full disclosure identified in Block 19.

If there is no TAA associated with the hardware, and data is covered by a DSP 5, all entities receiving data must be listed (with a notation of “for the purpose of data only”).

(Section 15) Separate End user statement. Such as end user statement signed by the EADS customer, a detailed program description, etc.....

(Section 16) DSP 83 must be provided for SME or if specifically required by the supplier or by the US government.

(Section 17) Separate accountability plan must be provided for SME components (such as rad hard integrated circuits).

(Section 18) Any other documents (such as flow charts, detailed explanation letter, etc.)

(Section 19) **Commerce Department Requirement (for Dual-Use Items/Commodities):** Non-proliferation statement: must be filled in when appropriate:

“We herewith certify according to Sec. 744.3 EAR that the material/product will not be used

(a) in the design, development, production or use of rocket systems or unmanned air vehicles capable of a range of at least 300 kilometers in or by a country listed in Country Group D:4

(b) anywhere else in the world, in rocket systems or unmanned air vehicles, regardless of range capabilities, for the delivery of chemical, biological, or nuclear weapons.

EADS



- (c) in the design, development, production, or use of any rocket systems or unmanned air vehicles in or by a country listed in Country Group D: 4, when we are unable to determine:
- (i) the characteristics (i.e., range capabilities) of the rocket systems or unmanned air vehicles, or
 - (ii) whether the rocket systems or unmanned air vehicles, regardless of range capabilities, will be used in a manner prohibited under (b) of this statement.”

State Department Requirement(for USML items): Accountability statement / Accountable: “I certify that the handling and control of the components and equipments embedding these components will be in accordance with the International Traffic in Arms Regulations.”

The statement can be adapted according to the program and / or EADS Division requirements.

Specific Statements related to reporting (if requested):

- For Commercial satellites under 22 CFR 123-27: “I, undersigned, certify that the products will be used for approved programs and by approved foreign persons in compliance with ITAR 22 CFR 123-27. I, undersigned, commit to report yearly to [US supplier] allocation of end use”
- For Commerce Department regulation: “In case of provisos which require special reporting, EADS commits to provide [US supplier] with reports as instructed by this provisos.”

Note that these statements are usually resulting from provisos on licenses for similar parts. These statements can be adapted as negotiated with the US supplier, provided authorization from Export Control has been obtained.

(Section 20) Signatures: The first signature is from procurement or project management, the second signature is compulsory from Export Control.