

Export Issues – experience from export control

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Checks of Export Control

- For exporting items to Cuba, the following issues must be checked carefully, if necessary, in coordination with the potential supplier:
 - **Compliance with EU Regulations:**
 - If applicable: Listpos.no. acc. Regulation (EU) No. 2021/821 (**Dual Use Regulation**)
 - Official “BAFA” approval, if required
 - No export to “restricted” parties (observance of sanctions)
 - **Country of origin:**
 - Must not be of US origin: is US technology/goods installed **proportionately**?
If so, is the **US share below 10% in terms of value**?
 - If applicable: US ECCN (Export Control Classification Number)
 - **Suppliers’ Terms&Conditions** (especially **export clauses**, if available)

Example of trade regulations: Seagate

- Seagate (data storage systems)
 - International trade regulations ([link](#)):
 - ...
 - **Restricted parties.** The Company shall ensure that the Services are not used by restricted parties or a party owned or controlled by one or more limited parties (lists of restricted parties of the U.S. Government can be found at: <http://www.bis.doc.gov/complianceandenforcement/liststocheck.htm>).
 - <https://www.trade.gov/consolidated-screening-list>
 - **Embargoes.** The company ensures that the services are not used in countries subject to a comprehensive US embargo against **Cuba**, Iran, North Korea, Syria and the Crimean region of Ukraine, as well as in countries that are subject to an embargo under the laws of other countries.

Offers from companies

- **Offers from different companies** - central criterion for selection:
 - information on the used technology of the device was provided by the company, which is essential to satisfy the export rules for delivering devices to Cuba because of the still existing and enforced blockade.
 - DESY export control division checked all the items and offers, contacted the companies and certified that the selected items do indeed satisfy the export rules.
 - As an example, replacements for DELL devices are difficult to find, since DELL uses mainly US technology, which falls under the export rules. Similarly for hard drives.
- Many items available only by Chinese companies (i.e. Hikvision)
- **Further/new checks are mandatory** during the ordering process and immediately before exporting the goods (→ supply chains, supplier T&C and export regulations can change at short notice).
- Close cooperation between project management, purchasing, export control and logistics provider (agent) is recommended throughout the process.