



Federal Office  
for Economic Affairs  
and Export Control

# German Export Controls – Licenses and Conditions therefor

Strategic Trade Management

September 9<sup>th</sup>, 2016

Singapore

Presentation by Dr. Jörg Sperlich, BAFA, Germany

<http://www.bafa.de/>



## General

- Export of Dual Use and Military goods
  - There are many ways for a quick delivery from German companies to costumers worldwide
    - General Export Authorizations
    - Global Export Authorizations
    - Conditions therefor



## Dual Use Goods

- **General Export Authorization**
  - A General Export License is a special form of a license.
  - The export of most controlled goods to certain countries is allowed with respect to well defined conditions **without** a request for an application.
- **1. National General Export Authorization: There are 15 licenses**
  - **AGG12**: Low value shipment (all dual use goods – except 23 entries, software, technology and all countries – except 9 countries)
  - **AGG17**: Frequency changers (3A225: all countries – except 4 countries)
- **2. European General Export Authorization: There are 6 licenses**
  - Annex II of EU-DU Regulation (EU006): Chemicals (1C350, 1C450: 6 countries)



## Dual Use Goods

- **Global Export Authorization**
- Definition in EU DU-Regulation Art. 2 Part 10:  
“Global export authorization” shall mean an authorization granted to one specific exporter in respect of a type or category of dual-use item which may be valid for exports to one or more specified end users and/or in one or more specified third countries.
- Examples for global export authorizations:
  1. Germany will grant such licenses to manufactures of machine tools, chemicals, etc
  2. Germany will grant such licenses in case of technology transfer for production of goods in third countries.



## Dual Use Goods

- Reliability of Exporters and Costumers:
  - Internal Compliance Program ICP:
    1. The German company has to name a responsible person for export control items: Dual Use goods, Military goods and all types of licenses
    2. This person is responsible for the organization of an internal export control system:
      - a. Human resources
      - b. Technical resources (IT structure)
      - c. Organizational structure (chain of responsibility)
    3. Before granting a global export license BAFA will check the ICP



## Dual Use Goods

- Reliability of Exporters and Costumers:
  - End-Use Certificate EUC:
    1. This responsible person is point of contact for the relation to the end-user because: The German export control office BAFA asks for an “END-USE CERTIFICATE (EUC)”
    2. In case of technology transfer BAFA wants to be sure, that the technology and derived goods will stay in the third country. That means:

The costumer certify that he neither re-export **the technology** and **derived goods** to other countries without the prior written approval of the Federal Office for Economic Affairs and Export Control (BAFA) of the Federal Republic of Germany. Re-exporting of items and any replica thereof are definitely excluded.



## Military Goods

- **Strict Principles of the federal government:**
  - Greater regulations of war weapons, small arms and light weapons
    1. First Decision in 2015: Implementation of Post Shipment Control in third countries - Starting of a test period in 2016
    2. Second Decision in 2015: Small arms principle - In case of state consignee: Principle “new for old” including demolition certificate
- **Further Information's:**

<http://www.bmwi.de/EN/Topics/Foreign-trade/export-controls-for-military-equipment.html>



# Contact

Thank you for your attention

## Contact

Dr. Jörg Sperlich

Head of Division

Internal Compliance Programmes and Global Licensing

Federal Office of Economics and Export Control (BAFA)

email: [joerg.sperlich@bafa.bund.de](mailto:joerg.sperlich@bafa.bund.de)