

**INTERNAL COMPLIANCE PROGRAM (ICP)**  
**MODEL ICP GUIDELINES**

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The European Union is made up of 28 countries and is a unique political and economic partnership founded on the values of respect for human dignity, freedom, equality, the rule of law and human rights. Over more than fifty years, it has created a zone of peace, democracy, stability and prosperity on the European continent while maintaining cultural diversity, tolerance and individual freedoms. The EU looks to share its values and achievements with neighbouring countries and peoples and those farther afield.



This project is implemented by the International Science and Technology Center, Nur-Sultan, Kazakhstan, with branch offices in Armenia, Georgia, Kyrgyzstan, and Tajikistan.

The International Science and Technology Center (ISTC) was founded as an intergovernmental organization in 1992 by the European Union, Japan and the United States of America. Current members include Norway, the Republic of Korea, Armenia, Georgia, Kazakhstan, Kyrgyzstan and Tajikistan. ISTC is one of the largest sponsors of nonproliferation research and development (R&D) and science and technology (S&T) projects in the Former Soviet Union (FSU), engaging former defense scientists, engineers and specialists in peaceful and market-sustainable technologies.



Model ICP Guidelines are developed by Nuclear Technology Safety Center.

Nuclear Technology Safety Center (NTSC) was established as a technical support organization for regulatory body in the field of atomic energy use in the Republic of Kazakhstan on January 12, 1998. NTSC was officially registered as "Organization of legal entities in a form of association NTSC".

Nuclear Technology Safety Center allows Kazakhstan to train personnel from local, regional, and international nuclear facilities and organizations. It focuses on fundamental and advanced nuclear security topics and for defense nuclear nonproliferation. The NTSC will train nuclear facility personnel in safety and security disciplines, including physical protection systems, nuclear material accounting and control systems, response forces, and secure transportation.

## INTRODUCTION

The proposal to develop model guidelines for Internal Compliance Programs developed from a series of European Commission-sponsored workshops and discussions that explored the challenges of strategic trade controls in the effort to prevent the illicit or accidental transfer of goods, materials, technology, or know-how contrary to broadly-recognized export control regimes. A central element of the discussions was the need to engage multiple communities in this effort. Although governments play a central role through the passage and enforcement of legislation and rules, other communities also have a role to play, particularly industry, but academia, and research as well.

Kazakhstan already had legislation calling for ICPs in the nuclear sector, but the guidelines needed to be updated to reflect changes in national law. A proposal from the Nuclear Technology Safety Center (NTSC) was approved for funding under the International Science and Technology Center (ISTC) and received financing from the European Commission – Service for Foreign Policy Instruments (FPI), FPI.1 – Peace and Stability – Global Threats. The project had multiple objectives: first, to conduct a survey of ICP practice in other countries; second, to revise and update the Kazakh ICP for the nuclear industry; and third, to produce model guidelines that could be adapted to any country and any sector (chemical, biological and radiological).

EC DEVCO is grateful to ISTC, to NTSC, and to the Government of Kazakhstan for supporting this important initiative, which we hope will make the process of introducing Internal Compliance Programs simpler and more consistent from country to country.

We would note that in the course of this document, we refer to Internal Compliance Program (ICP), but point out that other countries may use other equivalent terms, including: Export Control Program (ECP), Export Management and Compliance Programme (EMCP), and Export Management System (EMS).

In addition to the Model Guidelines, we have also included an Appendices that contain examples for various sectors, and a summary of how ICPs are managed in Japan, the U.S., and the EU.

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*\* The present structure of Internal Export Control Program is considered as recommended, but not mandatory. At the same time, the ICP of a particular enterprise must contain all the listed above elements.*

## DEFINITIONS

- **Foreign economic activity** – foreign trade, investment, and other activity, as well as industrial cooperation, in the field of international exchange of goods, information, work, services, products of intellectual activity, including exclusive rights on them (intellectual activity).
- **Internal compliance export control system** - a set of organizational, administrative, informational and other measures being taken by participants of foreign economic activity in order to comply with export control rules.
- **Temporary exportation** – the customs regime under which domestic commodities are used outside the customs territory of (COUNTRY) with full or partial exemption from payment of export customs fees, without the use of non-tariff regulation measures with subsequent importation of goods into (COUNTRY) customs territory.
- **Catch all control** — control of products not included into the nomenclature (Control List) of products.
- **Release of goods for free circulation** – the customs regime intended for the permanent use and consumption of goods imported into (COUNTRY) customs territory.
- **Guarantee obligation of importer (end-user)** – a written commitment of the importer (end-user), on the use of the products for the stated purposes and prevention of its re-export to third countries without the permission of the authorizing body
- **Guarantee obligation** – an official certification **of the recipient country, issued by the** authorized state body of the recipient country, on the use of the imported products for the stated purposes and prevention of its re-export to the third countries without the consent of the seller country.
- **State bodies of export control system** - the competent central executive bodies responsible for carrying out export controls as established by laws/regulations;
- **Import** - importation of products into the customs territory of (Country) for the purpose of permanent location or consumption.
- **Nomenclature of products (Control List)** - enumeration of commodities, technologies, works, services, and, information subject to export control;
- **Weapons of mass destruction** - chemical, bacteriological (biological), toxin, nuclear, or radiological weapon;
- **Processing of goods at customs territory** - the customs regime designed to be used for processing of foreign goods at customs territory of (Country) without applying non-tariff regulation measures and without collecting customs fees and taxes with the subsequent export of processed products outside the customs territory of the Country.
- **Processing of goods outside the customs territory** - the customs regime, intended for the exportation and use of commodities outside the customs territory of (Country) for the purpose of their processing and subsequent import of processed products into the customs territory of the Country with full or partial exemption from customs fees and taxes without applying of non-tariff regulation measures, except for the export control measures.
- **Rights to the results of intellectual creative activity** - copyrights on the scientific works, programs for electronic computers, maps, plans, sketches, illustrations, and three-dimensional works related to armaments, military equipment, dual-use goods and technologies, special equipment and technology for creating weapons of mass destruction, rights to inventions, utility models, industrial designs, topologies of integrated circuits, rights to undisclosed information, including production know-how secrets;
- **Products** – commodities, technologies, equipment, works, services, information subject to export control.
- **Re-import** - return import in unchanged condition of (Country's) products previously exported from the territory of (Country) in accordance with the legislation of (Country);
- **Re-export** - export of products produced outside the borders of (Country) (previously imported and customs cleared) from the customs territory, or export of products manufactured in (Country), from the customs territory of another state to third countries.

- **Screening** – verification of foreign trade transactions for compliance with export control requirements.
- **Denial list** – list of companies, importers who have violated export control legislation.
- **Means of delivery** - missiles and unmanned aircrafts capable of delivering weapons of mass destruction (capable of delivering a payload of at least 500 kg to a range of 300 km or more);
- **Dual-use goods and technologies** - equipment, materials, raw materials, technologies, and scientific and technical information that are used for civilian purposes, but might be used for the production of weapons, military equipment and ammunition, including weapons of mass destruction and means of their delivery;
- **Transit** - movement of products through the customs territory pursued under customs control.
- **An authorized body** is a state body that exercises state regulation in the field of export control;
- **Foreign economic activity participant** - legal entities or individuals exporting, re-exporting, importing, re-importing, transiting, and processing products outside the territory of (Country).
- **Export** - move products from the territory of (Country) for the purpose of permanent residence or consumption outside this territory.
- **Export control** - a set of measures established by regulatory legal acts of (Country) in the field of export control for the implementation by the state authorities of the export control system. For participants in foreign economic activity using Internal Compliance Programs, the procedure for export, re-export, import, re-import, transit and processing of products, subject to export control, outside the territory of (Country).
- **Nuclear and special non-nuclear materials** - materials defined as such in accordance with the requirements of the international nuclear non-proliferation regime.

## **ABBREVIATIONS**

- ICS – internal compliance system
- ICP - internal compliance program
- EC – export control
- ECIC - export control identification code
- FEA – foreign economic activity
- ECD– export control department.

## INTRODUCTION TO Internal Compliance Programs (ICPs)

**Internal compliance program (ICP)** - a set of organizational, administrative, and other informational measures that are required/voluntarily carried out by enterprises (*organizations, companies*) in order to comply with export control rules.

The main **purpose** for creating an ICP is to **build a mechanism of checks at the enterprise** (*organization, company*) **level** for:

- ensuring the legitimacy of foreign trade transactions
- more effective management of foreign economic activity
- facilitating implementation of procedures related to receiving export licenses
- preventing the transfer of materials, equipment, technologies, scientific and technical information, which might lead to the damage of Country's interests or violation of its international obligations in the field of non-proliferation of weapons of mass destruction.

### Benefits of ICP creation:

- Reducing the terms of international contracts implementation due to their more qualified study at the preliminary stage, and obtaining additional information and methodological support of state bodies.
- Protecting the interests of the enterprise (*organization, company*) and creating a barrier to uncontrolled leakage of advanced scientific and technological achievements, and high technologies.
- Strengthening the reputation of the enterprise (*organization, company*) as a reliable partner that complies with national laws and international obligations.
- Express check of trading partners based on the information data bank created within the framework of the ICP.

### Stages of ICS creation at the enterprise (*organization, company*):

- Learning export control rules
- Taking into consideration and analyzing all the factors that will determine ICP
- Making decisions on organization and structure of export control service
- Appointment of responsible persons
- Development of the internal compliance program (ICP)
- State accreditation of the organization (*program*).

While developing internal compliance program of an enterprise (*organization, company*) and planning organizational measures necessary for its operation, the following should be taken into consideration:

- **specifics** of enterprise (*organization, company*) activity: *developer, manufacturer, trading company, intermediary company,*
- **the size** of enterprise (*organization, company*): *large, medium, small, the presence of branches and subsidiaries;*
- **production structure,**
- **the nature of exports:** *materials, equipment, software, technical data, services;*
- **degree of sensitivity of exported commodities:** *whether they are products and technologies subject to EC.*
- **volumes and geography of export sales** and other factors.

Introducing an ICP does not exempt the enterprise (*organization, company*) from criminal, civil, administrative, and other liability, including the suspension of a license and its revocation.

## I. ICP ELEMENTS AND PROCEDURES

Basic elements and procedures of ICP:

1. Management commitment of the enterprise (*organization, company*) to comply with export control requirements, expressed in the form of an order, statement or memorandum.
2. Action plan for creation, implementation, and revision of ICP
3. The enterprise (*organization, company*) export control organizational structure
  - 3.1. Scheme of organizational structure
  - 3.2. Personnel assignment
  - 3.3. Management of branches and subsidiaries
4. Export control procedures. Mandatory actions in the order (contract) processing system.
  - 4.1. Verification (screening) of foreign trade transactions
  - 4.2. Preparation of documents for receiving licenses or permits
  - 4.3. Delivery control
5. Recordkeeping and documentation by the enterprise (*organization, company*)
6. Personnel training
7. Internal review and audit
8. Notification in case of non-compliance with export control requirements
9. Organizational, technical, and informational support

## 1. MANAGEMENT COMMITMENT OF ENTERPRISE (ORGANIZATION, COMPANY)

The enterprise (*organization, company*) that has decided to create an ICP should make a commitment to follow export control (hereafter EC) requirements. This high-level commitment should be stated in the form of order (*statement, memorandum*) of the enterprise (*organization, company*) administration and brought to the attention of all employees.

**The order (*statement, memorandum*) clearly explains the goals and objectives of export controls and determines practical steps aimed at organizing work on ICP creation, maintenance and revision.**

### 1.1. Example of an order

Name of enterprise \_\_\_\_\_

ORDER No. \_\_\_\_\_

Date \_\_\_\_\_

City/Country \_\_\_\_\_

*About creating internal compliance export control program:*

In accordance with the principles of the policy of the (***name of the Country***) on the strict adherence to the international obligations on non-proliferation of weapons of mass destruction, means of their delivery, and other highly dangerous types of weapons, and in order to ensure compliance with the laws of the (***name of the Country***) on export control while implementing the foreign economic activity, and preventing offenses in the specified area

#### **I ORDER**

1. To assign \_\_\_\_\_ (***full name of official***) as a management representative responsible for export control, entrusting him/her with the general coordination of the work of \_\_\_\_\_ (***enterprise name***) divisions on creation of an Internal Compliance Program (ICP), improving its efficiency, as well as control over the completeness and accuracy of its implementation while conducting foreign transactions; and to provide the responsible representative on export control with the right to suspend export transactions in the event of any circumstances that may lead to violation of the legislation of the (***name of the Country***) and non-compliance with its international obligations.

2. To establish a department (division), export control commission (*council*) with a total of \_\_\_ people, entrusting it with coordination of the work at \_\_\_\_\_ (***enterprise name***) on creation and operation of the ICP, as well as informational, organizational, and methodological support on export control issues.

3. To appoint \_\_\_\_\_ (***full name of the person***) as a Head of the Department (*division, chairman of the commission*) of export control since \_\_\_\_\_ (date).

4. The head of the department (*division, chairman of the commission*) of export control \_\_\_\_\_ (***full name of the person***) should prepare and submit for approval the standing order on the department (*division, commission*) by \_\_\_\_\_ (date).

5. To **Approve the attached Action Plan** on the creation and implementation of Internal Compliance Program.

Heads of Departments \_\_\_\_\_ (***name of structural subdivisions***) shall ensure the implementation of the specified Action Plan in a timely manner.

6. This order will be brought to the attention of personnel of all subdivisions and services involved in foreign economic activity issues.

Head of enterprise

*signature*

(*Full name*)

Stamp

## 2. ACTION PLAN FOR CREATION, IMPLEMENTATION, AND REVISION OF AN ICP

In addition, the enterprise (organization, company) should develop an action plan for the creation, implementation, and revision of its ICP. The following is an example of such a plan:

### 2.1. Plan example

APPROVED  
by Enterprise Order  
dated \_\_. \_\_.20\_\_ No. \_\_\_\_\_

## PLAN

Measures for creation, implementation, and revision of an Internal Compliance Program

Item No.	Measures	Performers	Implementation term
1	2	3	4
1.	Development of the ICP Guidelines and reconciling ICP documentation with the corresponding national EC authority	Export Control Department (Division) Resp. _____	__ __.20__
	1.1. Development of ICP procedures	Export Control Department (Division) Resp. _____ FEA Department Resp. _____ Marketing Department resp. _____ Sales Department Resp. _____	__ __.20__
	1.2. Development of procedures for informing enterprise ( <i>organization, company</i> ) offices that participate in foreign economic activity about the regulatory legal framework in the field of export control and amendments.	Export Control Department ( <i>division</i> ) Resp. _____	__ __.20__
	1.3. Development of training procedures for personnel involved in implementation of ICP	Export Control Department ( <i>Division</i> ) Resp. _____	__ __.20__
	1.4. Development of the procedures for interaction with export control executive authorities	Export Control Department (Division) Resp. _____	__ __.20__
	1.5. Development of the procedures for commodities (services) identification in accordance with the Control List	Department XXX Resp. _____	__ __.20__
	1.6. Development of the procedures for checking customers using the list of denials and for the risk assessment on the use of commodities for undeclared purposes	Department XXX Resp. _____ Department XXX Resp. _____	__ __.20__
	1.7. Development of the procedures for controlling the shipment of exported commodities	Department XXX Resp. _____	__ __.20__

	1.8. Development of the procedures for recording foreign trade transactions, and maintaining documentation on export control.	Department XXX Resp. _____	___ .20__
	1.9. Development of the procedures for implementation of internal checks of ICP functioning	Department XXX Resp. _____	___ .20__
2.	Development of ICP personnel training program	Department XXX Resp. _____	___ .20__
3.	Identification of commodities (services) intended for export. Compilation of classification matrix	Department XXX Resp. _____	___ .20__
4.	Material and technical support of ICP implementation work: 1. Purchasing of the necessary test equipment and instruments for commodities (services) identification. 2. Purchasing of computers and office equipment. 3. Signing of contracts with expert and consulting organizations	Department XXX Resp. _____ Department XXX Resp. _____	___ .20__
5.	Adjustment of standing orders on the structural subdivisions involved in ICP functioning, as well as job descriptions of the executives.	Department XXX Resp. _____	___ .20__
6.	Conducting internal verification of ICP functioning.	Department XXX Resp. _____	___ .20__
7.	Carrying out ICP functioning checks with the assistance of a consulting organization or representatives of EC authority of the Country (if necessary).	Department XXX Resp. _____	___ .20__
8	ICP accreditation in EC authority of the Country (if necessary).	Department XXX Resp. _____	___ .20__

### 3. ORGANIZATIONAL STRUCTURE OF EXPORT CONTROL

#### 3.1. Examples of ICP Structures

Depending on the volume of foreign trade operations, the organizational structure of export control at the enterprise (*organization, company*) may be different:

##### a). Centralized system:

- a special unit (*department or division of export control*) is created, which is independent of the units involved in the sales system of the enterprise (*organization, company*);
- the head of the EC department (*division*) is directly subordinate to the chief executive of the enterprise (*organization, company*) or his Deputy;
- department (*division*) of the EC coordinates all the foreign economic activity of the enterprise (*organization, company*);

##### b). Distributed system I:

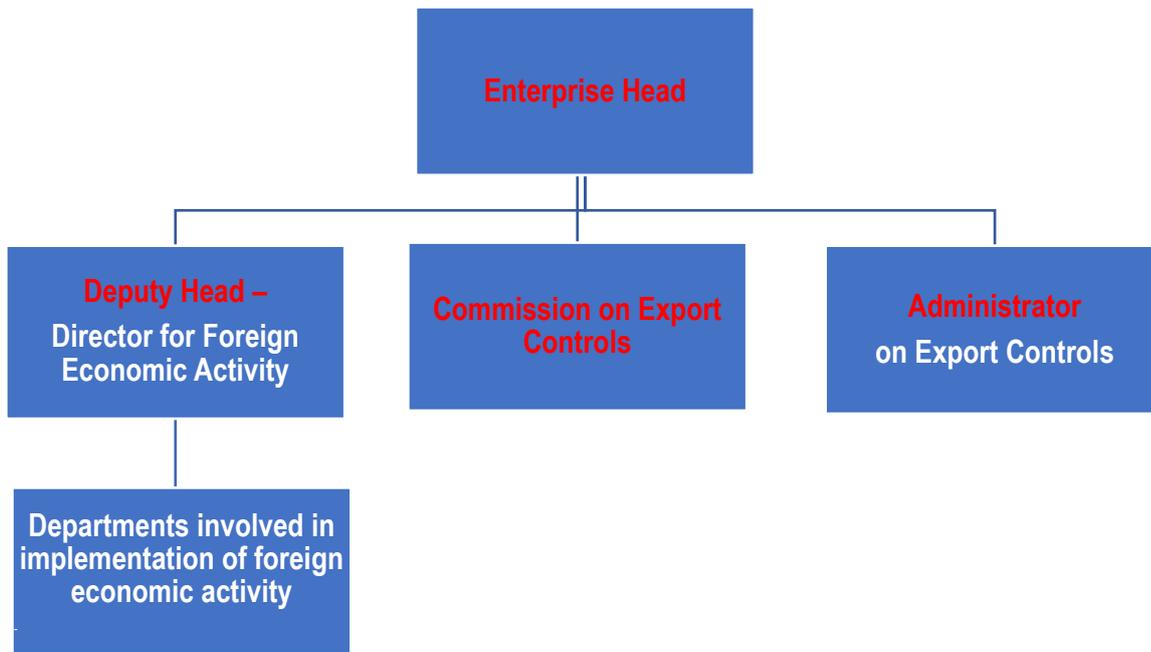
- an exempt **official, occupying a high official position**, is assigned to be responsible for EC;
- an Export Council (*Commission*) of enterprise (*organization, company*) is created, the members of which are responsible for EC subdivisions of enterprise (*organization, company*);

##### c). Distributed system II:

- embedding into the existing scheme of economic and foreign economic activity of enterprise (*organization, company*)
- the official responsible for EC is an official who fulfills his part-time duties.
- separate EC functions are distributed among the economic subdivisions of the company.

EC units interact with production and other subdivisions of enterprise (*organizations, companies*) and coordinate their activity on export control issues. It is necessary to clearly define the EC functions, rights and responsibilities of the structural units, as well as the procedure of their interaction with subdivisions of enterprise (*organization, company*) and its top management.

### 3.2. Example of export control structure of enterprise



### 3.3. Personnel assignment

To ensure the normal functioning of all ICP elements, personnel should be appointed, and authority to control products manufactured for export, should be delegated to these personnel.

**JOB DISTRIBUTIONS**  
of enterprise (*organization, company*) officials on EC internal compliance issues

Responsible person	Deputy responsible person	Export Control Functions	Regulatory document	Reference
Position (FULL NAME)	Position (FULL NAME)			
<b>Official management representative</b> on export control issues (FULL NAME, tel.)	Head of Export Control Department, Division (FULL NAME, tel.)	<ol style="list-style-type: none"> <li>1. General coordination of licensing and export control issues.</li> <li>2. Control and coordination of internal export control issues and foreign trade activity of enterprise subdivisions.</li> <li>3. Approval of the list of activities (annual internal compliance program, see above).</li> </ol>	Order/ job descriptions	
<b>Responsible for export control</b>				
Head of the Export Control Division (FULL NAME)	Deputy Head of Export Control Division (FULL NAME)	<ol style="list-style-type: none"> <li>1. Coordination of ICP issues at the enterprise (<i>organization, company</i>)</li> <li>2. ICP set up and update.</li> <li>3. Organization of internal checks and control over the elimination of deficiencies.</li> <li>4. Interaction with governmental bodies.</li> </ol>	Order/ Provision on EC division/ job descriptions	
Head of Department (FULL NAME.)	Deputy Head of EC Department (FULL NAME.)		Order/ Provision on EC department/ job descriptions	
Export Control Administrator (FULL NAME)	Export Control Administrator (FULL NAME)		Order/ job descriptions	
Chairman of Export Control Commission (Council) (FULL NAME)	Deputy Chairman of Export Control Commission (Council) on (FULL NAME)		Job descriptions	
<b>Responsible specialists of the subdivisions:</b>				
Licensing Division Head (FULL NAME.)	Chief Specialist of Licensing Division (FULL NAME.)	<ol style="list-style-type: none"> <li>1. Preparation of documentation for receiving licenses or other permit documents from governmental bodies.</li> <li>2. Record keeping on export transactions.</li> <li>3. Development of guidelines and instructions on</li> </ol>	Order/ Job descriptions	

		export control issues, additions to the duty instructions of subdivision employees at the enterprise ( <i>organization, company</i> ) involved in foreign economic activity.		
Chief Specialist of the Export Control Division ( <i>department</i> ) (FULL NAME)	Leading Specialist of Export Control Division (FULL NAME)	1. Conducting internal checks of ICP operation.	Job descriptions	
Leading Specialist of Export Control Division ( <i>department</i> ) (FULL NAME)	Leading Specialist of Export Control Division (FULL NAME)	1. Maintaining the database on the regulatory legal framework in the field of export control and changes to it, informing enterprise services participating in foreign economic activity on the specified issue.	Job descriptions	
Executive Officer (FULL NAME)	Division employee *** (FULL NAME)	Identification of products like....	Job descriptions	
Executive Officer (FULL NAME)	Division employee *** (FULL NAME)	Identification of products like ....	Job descriptions	
Executive Officer (FULL NAME)	Division employee *** (FULL NAME)	Identification of technological processes of export controlled products manufacturing.	Job descriptions	
Executive Officer (FULL NAME)	(FULL NAME)	Verification of orders for the possibility of transfer, verification of end user and end use	Job descriptions	
Executive Officer (FULL NAME)	Deputy Executive Officer (FULL NAME)	Control of the goods being shipped for compliance with the export item specified in the shipping documentation, license or other permit issued by an authorized governmental body	Job descriptions	
Executive Officer (FULL NAME)	Deputy Executive Officer (FULL NAME)	Personnel training and education on export control issues	Job descriptions	
<b>Independent (third party) experts</b>				
(FULL NAME.)		Technical expertise	Appendix	

### **3.4. Management of branches and subsidiaries**

Export Control procedures for branches and subsidiaries are regulated by a similar set of documents as for the parent enterprise (*organization, company*). Draft documents developed by branches and subsidiaries are consistent with the parent organization (*enterprise, company*) and are examined in the relevant services of the parent company (*enterprise, organization*).

## **4. THE EXPORT CONTROL PROCESS**

### **4.1. Mandatory steps in the processing system**

An Internal Compliance Program should include a formalized diagram or some other description of the order of steps required in the export control system, including a description of each verification element and license types used by the enterprise (*organization, company*). It should describe the entire sequence of steps or checks that should be included in the order processing system, as well as describe a package of tools to support its implementation.

Regardless of what order processing system exists at the enterprise (*organization, in the company*), the following successive steps or checks should be included into the order processing system to comply with the ICP requirements:

Table 1.

Sequence of arrangements at «XXXX» enterprise **FOR EXPORT/RE-EXPORT**

It. No.	Name of arrangement, action	Performer	Regulatory document
1.	<b>Application</b> for transaction (goods, services, technology, etc.)	<b>DEPARTMENT of Foreign Economic Relations</b>	"Instruction for application consideration"
	<b>Request to the export control administrator</b>		"Job description for the performance of functions pursuant to ICP"
2.	<b>Verification (screening)</b> of a foreign trade transaction: <ul style="list-style-type: none"> <li>• identification (coding, classification) of a product, determining the type of permission,</li> <li>• checking the risk of export item diversion from the stated purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state authorities on export control regarding the possibility of export</li> </ul>	<b>DEPARTMENT of Export Control</b>	"Screening Instructions"
	<b>Conclusion</b> on the possibility of the order execution for the commodities supply		
3.	<b>Signing the contract</b> Receipt of endorsement and end-user certificate issued by the competent state authority of the recipient country.	<b>DEPARTMENT of Foreign Economic Relations</b>	"Instruction on the contracts formalization"
4.	<b>Receiving permits</b> for commodities export at the authorized state bodies	<b>DEPARTMENT of Licensing</b>	"Instruction on preparing documents that are submitted for obtaining licenses"
5.	<b>Preparation of export orders</b> , shipping documentation, organization of transportation, product insurance	<b>Shipment DEPARTMENT</b>	"Instruction for cargo preparation and shipment"
6.	<b>Customs clearance</b> of commodities for export	<b>DEPARTMENT of Customs Clearance</b>	"Instruction for customs clearance"
7.	<b>Export Shipment Reporting</b> , maintaining a single list of commodities subject to export control	<b>DEPARTMENT of Export Control</b>	"Instructions for preparing reports"

The scheme presented above reflects the approximate sequence of actions of officials for EXPORT/RE-EXPORT of commodities and equipment subject to export control. These actions are defined by functional responsibilities of the enterprise subdivisions. The list of permits, the procedure for their formalization, as well as information required for export control purposes are determined by the current legislation of the Country.

#### **4.2. Export control procedures process flow for various customs regimes**

The system of orders processing and its procedures are determined by the customs procedures. The legislation of the Country might establish different customs procedures. For example:

- 1) release for domestic consumption;
- 2) export;
- 3) customs transit;
- 4) customs warehouse;
- 5) processing at the customs territory;
- 6) processing outside the customs territory;
- 7) processing for domestic consumption;
- 8) free customs zone;
- 9) free warehouse;
- 10) temporary import;
- 11) temporary export;
- 12) re-import;
- 13) re-export;
- 14) duty free trade;
- 15) destruction;
- 16) refusal in favor of the state;
- 17) special customs procedure.

However, not all of them are used for controlled commodities, services, and technologies transfer. The following customs procedures are widely applied:

- 1) release for domestic consumption;
- 2) export;
- 3) customs transit;
- 4) processing at the customs territory;
- 5) processing outside the customs territory;
- 6) temporary import;
- 7) temporary export;
- 8) re-import;
- 9) re-export;
- 10) special customs procedure.

Peculiarities of orders processing using different customs procedures are reflected in **Table No. 2**.

Table 2.

## SCHEME of ICP procedures at «XXXX» enterprise for different CUSTOMS REGIMES

№	Element, arrangement name						Performer
	for EXPORT/RE-EXPORT	for IMPORT	for REIMPORT	for PROCESSING GOODS AT/OUTSIDE CUSTOMS TERRITORY	for TEMPORARY IMPORTATION / EXPORTATION	For SPECIAL CUSTOMS PROCEDURE	
1.	<b>Application</b> for delivery of products	<b>Application</b> for import of products	<b>Application</b> for re-import of products	<b>Application</b> for the preparation of a feasibility study calculation of the processing mode.	<b>Application</b> for temporary importation / exportation	<b>Application</b> for a special customs procedure	DEPARTMENT of Foreign Economic Relations
	Request to the export control administrator						
2.	Verification (screening) of the foreign trade transaction:						DEPARTMENT of Export Control
	Coding (classification) of goods						
	Customer check on Denial List	-	-	Customer check on Denial List			
	End-use check	-	-	End-use check			
	End-user check	-	-	End-user check			
	risk assessment of export item diversion from the declared purposes	-	-	risk assessment of transaction item diversion from the stated purposes			
	Request to the regulatory state export control authorities regarding the possibility of order implementation						
		Conclusion about the possibility of transaction	verification of compliance of imported goods with the Control List of the Country				
Conclusion on possibility of the order implementation			<b>Draft conclusion</b> on the economic feasibility of the use of the modality of goods processing at/outside the customs territory	<b>Conclusion</b> about the possibility of transaction			

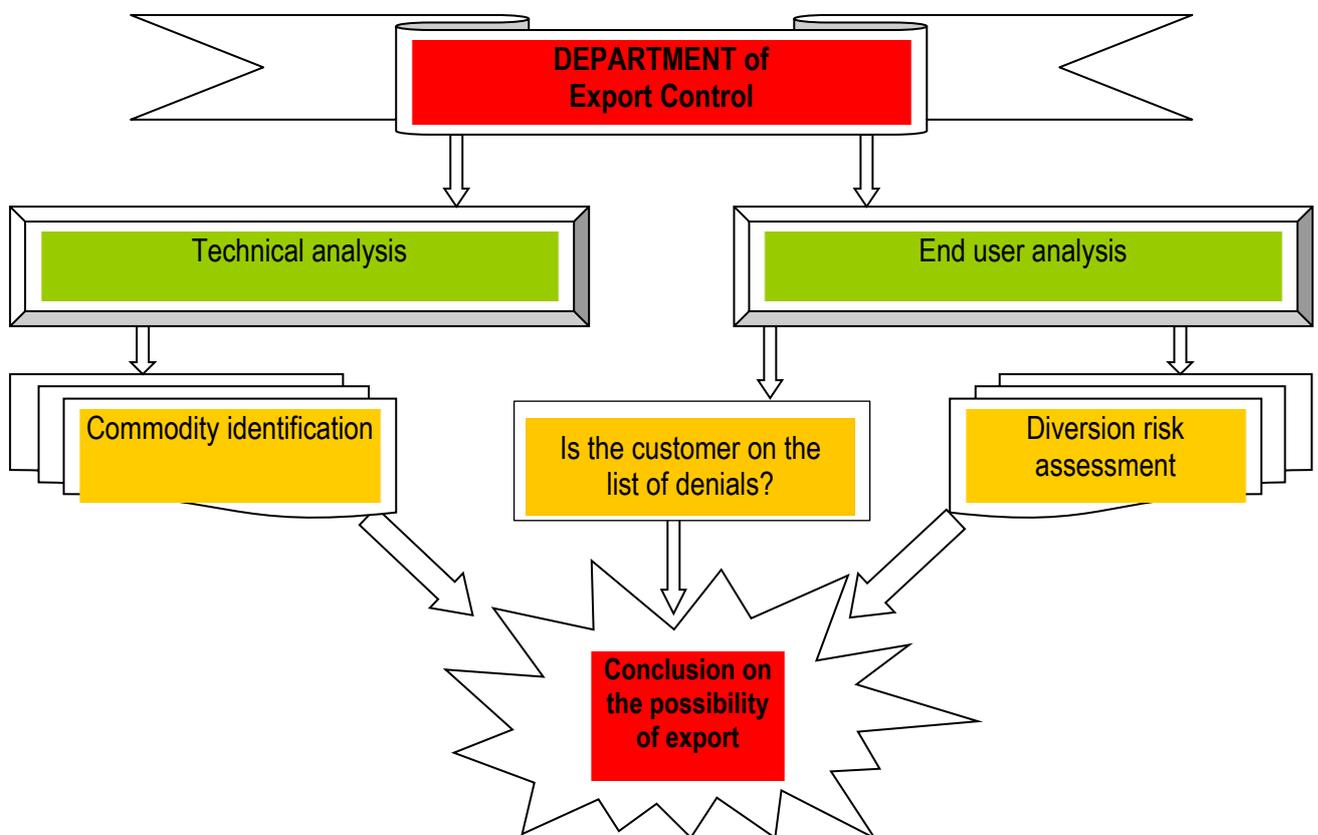
				(prepared jointly with the processing plant)		
3.	<b>Contract signing</b>					DEPARTMENT of Foreign Economic Relations
	Receipt of endorsement and end-user certificate from the customer issued by the competent state authority of the recipient country.	-	-	Receipt of endorsement and end-user certificate from the customer issued by the competent state authority of the recipient country.	-	
4.	<b>Receiving permits</b>	<b>Providing, if necessary, permit documents to the authorized state bodies</b>		<b>Receiving permits at authorized state bodies</b>		DEPARTMENT of Licensing
				Receiving the Country EC authorities conclusion ***	*****	
5.	<b>Preparation of papers for the order realization</b>					DEPARTMENT of Shipment
	<b>Preparation of shipping documentation</b>					
	<b>Organization of transportation</b>					
	<b>Product and civil liability insurance</b>					
6.	<b>Customs clearance of products</b>					DEPARTMENT of Customs Clearance
7.	<b>Reporting</b>					DEPARTMENT of Export Control
	Maintain a single list of goods subject to export control					
<b>*** Country EC authorities conclusion:</b> <ul style="list-style-type: none"> <li>• about the economic feasibility for use of the processing modality</li> <li>• on the establishment of terms for processing and re-import of processed products on the basis of technologically necessary terms for processing</li> <li>• and on the required amount of output of processed products</li> </ul>						
<b>*****</b> <ul style="list-style-type: none"> <li>• documents confirming the purpose of goods exporting</li> <li>• conclusion of the Country EC authorities on the minimum required number of raw material samples.</li> </ul>						

### 4.3. Checklist Elements

Development of **CHECKLIST ELEMENTS** are an integral part of the procedures related to the verification of foreign trade transactions, and have an equally important significance in the construction of an ICP:

- Checklist element 1 “**Check for belonging to the list of denials**” (see Paragraph 4.3.1.)
- Checklist element 2 “**Commodity identification (classification)**” (see Paragraph 4.3.2.)
- Checklist element 3 “**Risk assessment of the exported item diversion from the stated purposes**”, including LIST OF «RED FLAGS» (see. Paragraph 4.3.3.).

Analysis of information on the possibility of export-import operation (screening of foreign trade transaction) is schematically shown in the figure below (the case when export control department is functioning at the enterprise):



### 4.3.1. Checklist for being on the List of Denials

This verification (item 2 of tables 1 and 2) is intended to determine whether the company participating in the commercial transaction falls into the **LIST OF DENIALS**. The list of denials consists of **The Black List** - the list of companies that violated the rules of exports regulations, and **the List of Banned Countries** - the list of countries that have been sanctioned by the UN Security Council. These lists are specified by the UN Security Council and include companies and countries that are suspected in developing weapons of mass destruction or their proliferation.

When checking it is necessary to fix the version (date) of the List used and the date of the check. If the company involved in the transaction is identified as listed in the List of Denials, the Export Control Administrator must inform the management of the company, suspend the transaction and contact the relevant government agencies for further instructions.

There are two basic methods for conducting checks for belonging to the List of Denials:

**a) Method based on the verification of all customers.** To use this method, an enterprise (*organization, company*) must maintain the database of all its customers who have previously been checked for belonging to the List of Denials. If, during the export transaction, a new customer appears that is not in the database, the transaction must be suspended until the new customer is checked through the Denial List. Companies that pursue transactions with regular and trusted customers may prefer this verification method.

**Recommended procedures for customer-based validation:**

1. Create the list or database of all customers with whom you do business.
2. Check your client for the List of Denials in your database and for the latest updates in the List of Denials. Pay attention to the name of the company and the names of the company Heads.
3. If you find out that one of your customers belongs to the List of Denials, you should immediately undertake appropriate actions. See Chapter 8 of this guidance for notification procedures.
4. The List of Denials should be updated on a regular basis (at least monthly) so the most current information is available.

**6) Method based on the verification of export transactions.** When using this method, an enterprise (*organization, company*) should check the customer (enterprise) itself for belonging to the List of Denials, that is, check the customer, its managers, as well as the names of the end users. Companies that receive export requests from large number of new customers may find it difficult to maintain the database, so they might prefer to use verification method based on export transactions.

**Recommended procedures for verification based on export transactions:**

1. For each request received, it is necessary to check whether the following are on the List of Denials:
  - the name of enterprise (*organization, company*)
  - the names of the first leaders of the foreign customer (enterprise), as well as
  - end users' names.
2. Check for being on the Denial List:
  - the export transactions of unfulfilled requests;
  - the export transactions of current requests, and
  - the export transactions of requests ready for shipment.
3. Export transactions must be checked before accepting the request for processing, and directly before shipment, especially when the time between receipt and execution of the request is more than one week.

The "List of Denials" can be created at the enterprise (*organization, company*) and, in addition, the company can use the Internet resources:

- <http://www.export.gov/exportcontrols.html> - the table of contents of all lists - denials, bad end

users, etc. - government export control website of the U.S.

- <http://www.bis.doc.gov/dpl/thedeniallist.asp> - the current list of persons officially denied by the U.S. Department of Commerce, the industry and security bureau site — the body that controls export of dual-use commodities.

#### 4.3.2. Identification (classification) of commodities/services/technologies (assessment of the need for a license)

This check (*clause 2 of table 1 and table 2*) determines the **need for a license** (for example: *products do not need, need, or exempt from permits*). The process of determining the need to receive a permit for exporting products is based on its technical specifications and whether it belongs to the Control List of commodities subject to export control in (Country). If the need for licensing is confirmed, then the export control administrator shall receive all the supporting documentation and make sure that the end use corresponds to the information received.

The first step in determining if a license is necessary is the check of export control identification code (ECIC) of commodities in accordance with the identification database of commodities intended for export. The right ECIC for all commodities are pre-entered into the database by the technical group and the export control administrator. An enterprise (*organization, company*) can determine whether a license is needed or not on the basis of information collected (*ECIC, end-user, end use country, and the end use*). The request cannot be approved until a permit (license) is received from the relevant state authority.

The product classification database identifies:

- the name of the commodity, its description, technical and quality characteristics,
- the Foreign Economic Activity Commodity Nomenclature (FEA CN code),
- commodity code, according to the Country Control List,
- list of countries to which it is shipped,
- description of export permit type (license, conclusion, permit), which is necessary for each recipient country.

The results of classification are formalized as an **act**.

The Administrator assigns each commodity a corresponding identification number, based on the technical data and the type of permit required for export (import) of the product.

The Administrator is responsible for maintaining the database and updating information in case of changes in nomenclature of exported commodities or procedures for exports and imports licensing.

In the process of commodity classification, when necessary information is not available, export control arrangements are suspended until the necessary information is provided, and the mark “**Permission is delayed**” is made in the database.

#### 4.3.3. Risk assessment for diversion of exported commodity from the declared purposes, including “RED FLAGS”

This checklist element (*clause 2 of Table 1 and Table 2*) describes the procedures, following which all customers can be adequately checked using the so-called “**RED FLAGS**”. “Red flags” indicate the possibility of commodity conversion and using it for the purpose other than originally declared.

Employees involved in the ICP are responsible for checking the client dossier for risk of diversion of the exported commodity from the declared purposes. This is intended to identify the possibility there exists a risk of diverting export products from declared purposes. The export control administrator or other persons, depending on the organizational export control structure of the enterprise (*organization, company*), are responsible for ensuring that all company employees fulfill this item. Below a list of “red flags” is presented:

## LIST of “red flags”

1. The customer refuses to provide information relating to the end use or end user of the commodity.
2. The customer does not want to give clear answers on commercial or technical questions usually asked during negotiations.
3. The characteristics and purpose of the requested commodities do not correspond to the declared purposes for their use or the scope of activities of the customer (end users).
4. The volume and nomenclature of the requested commodities do not correspond to the nature and technical level of the end user production capacity available.
5. The customer’s company has recently appeared on the market, and information about it is very limited.
6. The customer offers to pay for the commodities in cash at inflated prices.
7. The customer is not familiar with the parameters and capabilities of the product, but wants to receive it.
8. The customer disclaims established practice of commissioning and maintenance by specialists of the exporting party.
9. The customer asks for modification of the requested commodities, making them more suitable for the use in creating weapons of mass destruction, missile delivery means, and other most dangerous types of weapons.
10. The customer imposes excessive confidentiality requirements in relation to the final destination, end users or details of the commodities ordered.
11. The customer indicates a freight company in the contract as the final addressee of the commodities.
12. The customer uses a mailbox as the address for correspondence.
13. The delivery route is not specific for the commodities and the addressee.
14. Product packaging does not comply with the declared method of transportation
15. It is known or suspected that a client is directly or indirectly involved in any activity related to the development, production or proliferation of **nuclear** weapons.
16. It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or distribution of **chemical or biological** weapons.
17. It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or distribution **of missiles technology**.
18. It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or distribution of **radiological dispersion devices**.
19. Other possible signs.

The export control administrator should create and maintain a special dossier on the risk of diverting the exported item from the declared purposes, containing “red flag” indicators that signal questionable end application of the exported commodities, with specific points on **nuclear, chemical, biological, radiological, and missile** proliferation.

## 5. RECORDKEEPING AND DOCUMENTATION

The ability to implement an effective export control system depends on the capability of the company (*enterprise, organization*) to maintain complete and accurate documentation of its activity.

### 5. 1. General rules

The procedure for organizing work with information and documents related to export control issues is regulated by the requirements of the Rules for documentation, documentation management, and the use of electronic document management systems in state and non-governmental organizations approved by the Government of the Country.

The company (*organization, enterprise*) should establish the rules regulating the work with export control information and documents in accordance with the requirements of current legislation. Storage of information and documents is carried out in electronic form and in recorders located in strictly designated offices, accessible to personnel and giving the opportunity to control their circulation.

All requests for export of products, provision of services, or performance of work, that come from foreign customers coming to the enterprise (*organization, company*) are recorded in a special log (book of records). The nomenclature of cases (the list of documents to be recorded and stored) with the indication of their names is carried out in a logically traceable sequence and is divided into two types of documentation:

- Administrative documentation. (*see clause 5.1.1.*)
- Commercial documentation (*see clause 5.1.2.*)

#### **5.1.1. Administrative documentation**

- valid copies of relevant export control rules and government regulations;
- order (*statement - memorandum*) on the policy of the enterprise (*organization, company*);
- current version of the ICP and all related documents of an instructive nature;
- nomenclature (list) of products subject to export control in the Country, approved by the Country authorities.
- latest versions of List of Denials, as well as their previous modifications;
- list of classifications of the company (*enterprise, organization*) commodities, including all official commodities classifications;
- official recommendations on products classification;
- documentation on all formal training activities;
- copies of applications for export licenses and other permits for export of commodities and technologies subject to export control, and related materials;
- copies of permits of the Country authorities for export according to the customs procedure “temporary import / export”;
- copies of statements on the peaceful use of commodities included into the Control List and other documents issued by the state authorities of the importing country;
- copies of cargo customs declarations, railway invoices and other documents submitted to customs bodies;
- training reports;
- orders and directives issued by the management of the company on export control issues;
- reports prepared as a result of foreign trade transactions check.

#### **5.1.2. Commercial documentation**

The company (*enterprise, organization*) must keep the following commercial documents:

- commercial invoices (with a mark of passing control relative to the point of destination);
- contracts (agreements, treaties), commercial proposals, minutes of meetings and correspondence with foreign counterparties;
- invoices, bills of lading, airway bills, and shipping documents;
- supplier export declarations;
- air traffic/loading accounts;
- postal parcels receipts;
- sales orders;
- credit letters;
- list of “red” flags;
- certificate of commodity origin;
- insurance policy (cargo and liability);
- results of buyers check for products subject to export control in the Country;
- applications for issuing an export permit;
- reports of experts about foreign travel;

In addition, the following documentation should be kept:

- export control literature that can be developed by non-governmental organizations specialized in export control, as well as academic articles, information from international meetings, etc.;
- all messages to customers, agents and distributors about export control procedures;
- internal correspondence within the company regarding export controls.

## 5.2. Documentation location

Current documentation is kept by the export control Administrator in an easily accessible place. Documents stored for more than certain number of years (*number of years required by national laws*) are transferred to archive. The export control Administrator has access to both the current documents and documents stored in the archive.

## 5.3. Documents retention period

All above documents are stored for at least **x** years (*as required by national law*) after a commercial transaction is completed and the validity of the export permit expires. Documents stored for more than a year can be transferred to electronic media, provided that they can be easily found and printed if needed.

## 6. PERSONNEL TRAINING

This ICP element is intended to provide regular training in theory and practice of export control for all personnel of an enterprise (*organization, company*) dealing with foreign trade issues.

The training of specialists on export control issues is carried out within the framework of personnel training and advanced training system adopted at the enterprise (*organization, company*). The purpose of training is to increase the professional level of personnel involved in export control arrangements.

Specialists are trained in the following areas:

- goals and objectives of export control;
- requirements of the Law of the Country "On Export Control", and regulatory acts on export control in relation to enterprise (*organization, company*) production activity, as well as the nomenclature of the commodities sold at foreign markets;
- organizational structure of ICP and functions of subdivisions ensuring its work;
- export transactions checks.

### ***Forms and methods of training:***

- self-training,
- group thematic studies (courses) in the subdivisions, with the involvement of the most trained specialists in the field of export control at the enterprise and third party organizations,
- participation in conferences and seminars on export control and non-proliferation,
- training of the most experienced export control specialists at the foreign specialized centers and laboratories,
- current informing.

The action plan for training specialists is developed by EC Administrator and is approved by the Head of the enterprise (*organization, company*). The export control Administrator maintains records of dates, topics and participants trained. He is responsible for the implementation of the action plan, as well as for the completeness and timeliness of current information on export control issues.

## TRAINING PLAN - EXAMPLE

«Approved by»  
General Director  
FULL NAME  
\_\_\_\_\_ «\_\_» \_\_\_\_\_ 20\_\_

### Plan for Training/retraining specialists in 20\_\_

<b>Course title</b>	<b>Commodity identification for compliance with the positions of the Control Lists:</b>
<b>Category of participants</b>	Employees of the enterprise responsible for identification of commodities (services) intended for export, and ensuring correct classification.
<b>Date</b>	(insert dates)
<b>Course duration</b>	12 hours.
<b>Lectures</b>	6 hours
<b>Lecturer</b>	FULL NAME, name of organization, position
<b>Practical exercises</b>	6 hours
<b>Teacher</b>	FULL NAME, name of organization, position
<b>Location</b>	Building ____
<b>Purpose</b>	Introduction to the methodology of commodity identification for compliance with the definitions of Control Lists, comparison of technical characteristics (description of commodity) and application of methods for their assessment, as well as determining the possibility of using commodities (services) for creating weapons of mass destruction and other most dangerous types of weapons.
<b>Summary</b>	<p>The course "Commodity Identification for Compliance with the Definitions of Control Lists" consists of seven lectures and four practical exercises.</p> <p>The course covers the following topics:</p> <ul style="list-style-type: none"> <li>• Role and place of identification in export of controlled commodities (services). Responsibility.</li> <li>• National Control List Content. Categories of commodities (services) according to their importance for the creation of weapons of mass destruction.</li> <li>• Determination of approaches for commodities identification.</li> <li>• Use of information bases and computer equipment.</li> <li>• Definition and comparison of commodities characteristics and methods of their evaluation in accordance with the Control List. Use of technical means.</li> <li>• Evaluation of the possibility of using commodities for undeclared purposes.</li> <li>• Documenting results of identification process.</li> </ul>
<b>Course material</b>	A course guide for students.

<b>Course title:</b>	<b>Internal compliance programs (ICP), legislative base, functions, ICP organization at (Country) enterprises</b>
<b>Category of listeners</b>	Deputy Director of Foreign Economic Activity, Deputy Director of Production, and Employees of the Foreign Economic Activity Department, Export Control Department, Marketing Department, Department of Human Resources, Department of Planning and Finance, Legal Department
<b>Date</b>	
<b>Course duration</b>	16 hours
<b>Lectures</b>	4 hours
<b>Lecturer</b>	FULL NAME, name of organization, position
<b>Group classes</b>	8 hours
<b>Independent work</b>	4 hours
<b>Lecturer</b>	FULL NAME, name of organization, position
<b>Location</b>	Building ____.
<b>Purpose</b>	To acquaint students with the requirements of the regulatory legal acts on ICP, to give an overview of the content and objectives of ICP at the enterprise
<b>Summary</b>	<p>The course "Internal compliance programs, legislative base, functions, ICP organization at the Country enterprises" consists of two lectures and six group lessons for the categories of the above-listed employees. The course includes the following topics:</p> <ul style="list-style-type: none"> <li>• Regulatory legal acts, documents of various agencies on ICP;</li> </ul>

- Goals and objectives of ICP;
- ICP elements
- ICP set up and implementation.

<b>Theme title:</b>	<b>New updates of (Country) export control legislation</b>
<b>Category of listeners</b>	Deputy Director for Foreign Trade, employees of the Departments of Foreign Economic Activity, Export Control, Marketing, etc. who have already completed the course "Legislation of Country on export control"
<b>Date</b>	
<b>Course duration</b>	6 hours
<b>Lectures</b>	6 hours
<b>Lecturer</b>	FULL NAME, name of organization, position
<b>Location</b>	Building __
<b>Purpose</b>	To familiarize the listeners with changes and amendments in regulatory legal acts and procedural matters on export control.
<b>Summary</b>	List the last regulatory legal acts and documents issued by the authorities, as well as the regulatory legal acts and documents that have been amended. Consider the requirements of international laws set out in relevant international information circulars.

Deputy Director for Academic Affairs: \_\_\_\_\_ FULL NAME  
 Responsible representative of administration on EC: \_\_\_\_\_ FULL NAME

## 7. INTERNAL REVIEWS

Regular reviews are carried out in accordance with a set schedule are very important for ensuring that ICP procedures are correctly implemented. The review process should verify that procedures established by the program are performed correctly and that competent personnel carry them out.

Reviews should be conducted by specialists who have sufficient knowledge of the export control system, so that they can identify the program shortcomings or incorrectness of ICP implementation. Moreover, specialists conducting reviews should not be involved into the company's ongoing export activity.

Regular reviews should be carried out in all subdivisions and branches of the company (*enterprise, organization*).

- The first review should be carried out **six months** after the ICP implementation. Then reviews should then be performed **annually**.
- Standard procedures should be used to document review materials.
- Copies of review reports should be sent to the heads of subdivisions, members of the standing commission (*council*), as well as to employees involved in receiving permits.
- The Export Control Administrator should compose a plan for eliminating any deficiencies within **25** days.
- The Export Control Administrator keeps records of all ICP reviews and corrective measures.

## 8. NOTIFICATION AND CORRECTIVE ACTIONS

Notification - informing the authorized export control governmental bodies when questions arise on the expediency of the particular export operation or when doubtful export activity is suspected. Responsibility for prompt notification of relevant representatives of state bodies is borne by the Head of the enterprise (*organization, company*) or the person responsible for ICP implementation.

Notification is pursued in the order and terms specified by the authorized governmental body of Country on ICP issues.

## II. PROCEDURE FOR ICP ACCREDITATION

General rules and procedures for ICP accreditation are defined by each Country. There are several main points that might form the content of ICP accreditation:

- Accreditation of ICPs is carried out by Country's authorized EC body to confirm the organization's readiness to ensure compliance with Country's EC requirements.
- The Organization (*enterprise, company*) submitting its ICP for accreditation should have practical experience in the field of accreditation or in activity directly related to accreditation area, as well as qualified personnel capable to ensure the proper performance of the declared work. The format and content of documents confirming qualification of personnel are determined by the authorized EC body and depend on the field of accreditation and type of work.
- Organization (*enterprise, company*) should have necessary software, hardware and/or methodologies to perform the planned types of work. The list and requirements for such technical means are determined by the Country's authorized body and depend on the type of work. ICPs are developed by organizations with support and information and methodological assistance of the authorized governmental EC bodies of Country.
- To receive internal compliance program accreditation, an applicant organization should submit a specified list of documents to the authorized EC regulatory body.
- A Standard Accreditation Certificate is issued for a certain period of time.
- Organization (*enterprise, company*), that has received an ICP accreditation certificate, should submit information relating to its ICP implementation to the regulating EC authorities.
- The validity of the accreditation certificate may be revoked, or temporarily suspended in cases specified by the rules.

### III. ATTACHMENTS

#### ATTACHMENT 1 NUCLEAR SECTOR examples

##### 1.1. EXAMPLE OF EXPORT OF NUCLEAR MATERIAL IN ACCORDANCE WITH ICP RULES

###### EXAMPLE:

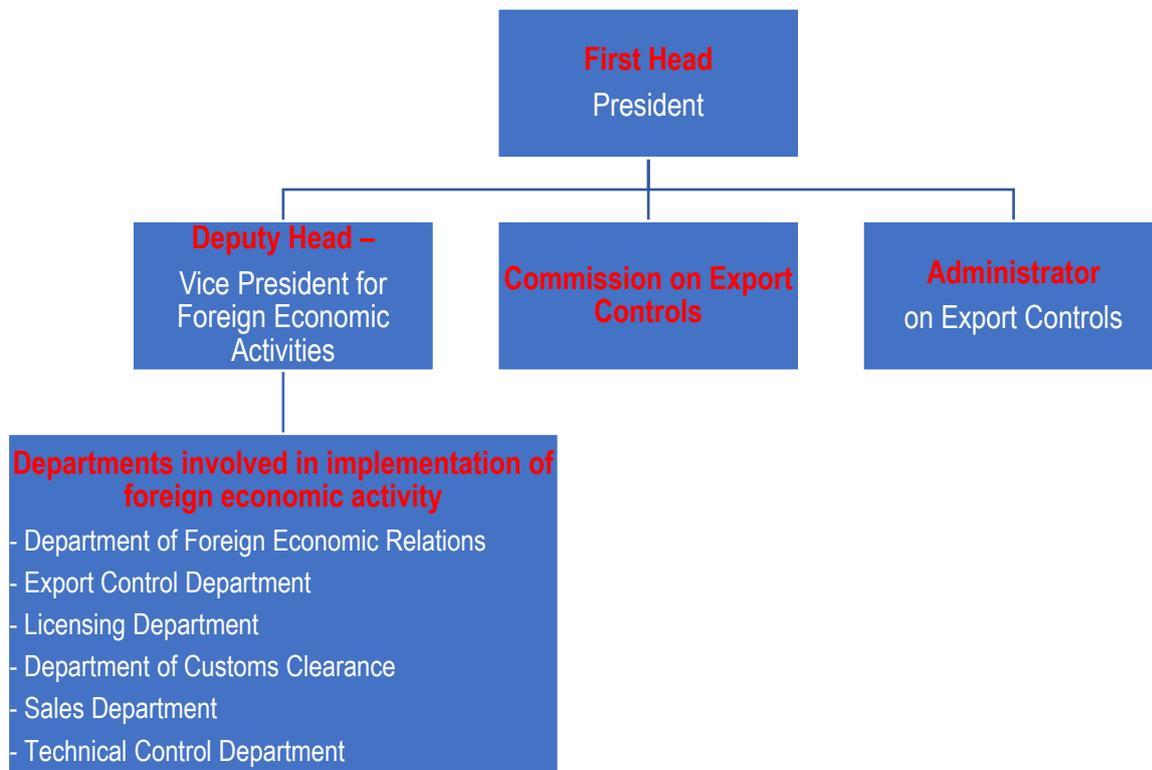
Enterprise "A" received a request for export of uranium dioxide fuel pellets with enrichment of 3.0+/- 0.05% for the U-235 isotope in an amount of 400 +/- 0.1% kg U from company "B" which is from the country "C".

It is assumed that the enterprise "A" has ICP, i.e. at the enterprise:

1. an order is issued specifying the company's obligations to comply with export control requirements (see clauses 1 and 1.1. of this guide),
2. there is a plan of actions on the basis of which ICP is set up, operate and being revised (see paragraphs 2 and 2.1. of this guide),
3. an organizational structure has been established and personnel assigned.

Suppose that the organizational structure is as follows (see clause 3.2. of this guide):

##### **SCHEME OF ORGANIZATIONAL STRUCTURE**



The functions of export control officials are distributed as follows (see also clause 3.3. of this guide):

**JOB DISTRIBUTIONS**  
of enterprise “A” officials on EC internal compliance issues

Official		Export Control Functions	Deputy responsible person	
Position, FULL NAME	Telephone		Position, FULL NAME	Telephone
Export Control Officer – <b>Administrator Ivanov, Alexey</b>	72-34-51	1. General coordination of work on export control and ICP at the enterprise. 2. Control of foreign economic activity of enterprise subdivisions.	<b>Head of Export Control Department Vasilyev, Nikolay</b>	72-44-52
<b>Head of the Export Control Department Vasilyev, Nikolay</b>	72-44-52	1. Coordination of work on ICP issues at the enterprise. 2. Set up and update of ICP. 3. Organization of internal checks and deficiency elimination control. 4. Interaction with governmental bodies and organizations.	<b>Deputy Head of Export Control Department Vladimir Lebedev</b>	72-44-56
		5. End-use analysis and end-user verification. 6. Analysis of contracts on the possibility of transfer.	<b>Head of Foreign Economic Relations Department Dorokhov, Sergey</b>	72-50-56
<b>Head of Licensing Department Dmitriev, Alexander</b>	72-45-57	1. Preparation of documentation for receiving export license or other permissions from state bodies. 2. Record keeping of export transactions. 3. Interaction with governmental bodies and organizations.	<b>Deputy Head of Licensing Department Mikhailova, Valentina</b>	72-45-58
<b>Deputy Head of Licensing Department Mikhailova, Valentina</b>	72-45-58	1. Organization and conducting of internal checks of ICP operation.	<b>Chief of Export Control Department specialist Borisova, Vera</b>	72-45-59
<b>Chief specialist of Export Control Department Borisova Vera</b>	72-45-59	1. Maintaining of data bank on regulatory legal framework in the field of export control and amendments to it, informing enterprise subdivisions involved in foreign economic activity.	<b>Leading Specialist of Export Control Department Leontyeva Nina</b>	72-45-61
<b>Head of Technical Control Department Gusev, Dmitry</b>	72-60-52	1. Commodities identification	<b>Chief specialist of Technical Control Department Kudin, Sergey</b>	72-60-54
<b>Head of the Export Control Department Vasilyev, Nikolay</b>	72-44-52	1. Control of the loaded commodities in accordance with the accompanying documentation, export license or other permission issued by the authorized governmental authority	<b>Head of Sales Department Parshina, Tatyana</b>	72-70-25

#### 4. THE EXPORT CONTROL PROCESS. Required actions in the order processing system.

The commodities purchase order processing procedure might be presented in the form of such a scheme:

##### SCHEME Sequence of arrangements at enterprise «A» while commodities export

It. No.	Name of element, actions	Performer	Regulatory document
1.	Application for products delivery	DEPARTMENT for Foreign Economic Relations	"Instructions for the consideration of the application"
	Request to Administrator on Export Controls		"Duty instructions on the performance of the functions in accordance with ICP"
2.	<b>Verification (screening)</b> of a foreign trade transaction: <ul style="list-style-type: none"> <li>• identification (coding, classification) of a product, determining the type of permission,</li> <li>• checking the risk of export item diversion from the stated purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state authorities on export control regarding the possibility of export</li> </ul>	Export Control DEPARTMENT	"Screening Instructions"
	<b>Conclusion</b> on the possibility of the order execution on the commodities supply		
3.	<b>Signing a contract</b> Receipt of endorsement and end-user certificate issued by the competent state authority of the recipient country.	DEPARTMENT of Foreign Economic Relations	"Instructions on drawing up contracts"
4.	<b>Receiving permits</b> for commodities export at the authorized state bodies	DEPARTMENT of Licensing	"Instructions for the preparation of documents to be submitted for obtaining licenses"
5.	<b>Preparation of export orders</b> , shipping documentation, organization of transportation, product insurance	DEPARTMENT of Product Sales	"Instructions for cargo preparation and shipment"
6.	<b>Customs clearance of commodities for export</b>	DEPARTMENT of Customs Clearance	"Instructions for customs clearance"
7.	<b>Export shipments Reporting</b> , maintaining a single list of commodities subject to export control	DEPARTMENT of Export Control	"Instructions for preparing reports"

Since the moment the order is received and till the moment of the commodity export, a screening process is carried out. The order is checked in accordance with the scheme of checks identified in the ICP.

- COMMODITY IDENTIFICATION

## ACT OF COMMODITY (SERVICE) IDENTIFICATION:

«Approved»  
Administrator  
FULL NAME

\_\_\_\_\_ «\_\_» \_\_\_\_\_ 20\_\_.

Date \_\_\_\_\_

№ 1

<b>Name of commodity (service)</b>	Uranium dioxide fuel pellets with an enrichment of 3.0+/-05% by U-235 isotope
<b>Designation</b>	<b>UO<sub>2</sub></b>
<b>HS Code</b>	<b>284420290</b>
<b>Main technical characteristics (technical specification)</b>	cylindrical objects of dark gray color, 2x2 cm size, 3-4 g weight
<b>Function</b>	as a ceramic fuel for nuclear power plants (WWER reactor)
<b>Name of Control List, List item number.</b>	List of products subject to export control in the Republic of Kazakhstan, <b>OC002</b>
<b>Main technical characteristics (technical specification) in accordance with the Control List (restrictive criteria)</b>	"Special fissionable materials"
<b>Potential end use in areas related to non-proliferation (catch all control)</b>	The risk of diverting from final use as a ceramic fuel for nuclear power plants (WWER reactors) is minimal
<b>Special licensing requirements</b>	Licensed
<b>Information about the performer of identification</b>	
<b>Department name</b>	Technical control department
<b>Occupation</b>	Head of Department
<b>FULL NAME</b>	Gusev Dmitriy
<b>Telephone</b>	72-60-52
<b>Signature</b>	
<b>Data</b>	20.01.20__

- CHECK for RISK of EXPORT ITEM DIVERSION from the STATED PURPOSES:

«Approved»

Administrator

FULL NAME

« \_\_\_ » \_\_\_\_\_ 200\_.

## REPORT

about check on the risk of export item diversion from the declared purposes  
under the export license No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_

Date \_\_\_\_\_

No. 1

<b>Name of foreign transaction item</b>	Uranium dioxide fuel pellets with an enrichment of 3.0 +/- 0.05% by U-235 isotope
<b>Contract Number and date</b>	
<b>Quantity</b>	400 +/-0,1% kg U.
<b>HS Code</b>	<b>284420290</b>
<b>Title of the Control List, position number</b>	List of products subject to export control in the Republic of Kazakhstan, <b>0C002</b>
<b>Manufacturing plant</b>	Enterprise «A»
<b>Catch all control (yes, no)</b>	No
<b>Name of the company - importer, address</b>	Company «B», s. D, ...
<b>Company - end user name, address</b>	Company «B», s. D, ...
<b>Certificate of identification expertise (№, date, by whom it was carried out)</b>	No. 1, 20.01.20_ by Gusev

### Check results of the buyers purchasing commodities subject to export control

The content of the "red indicators" (flags)	Answer		Notes
	"Yes"	"No"	
1	2	3	4
The customer refuses to provide information relating to the end use or end user of the commodity.		+	
The customer does not want to give clear answers on commercial or technical questions usually asked during negotiations.		+	
The characteristics and purpose of the requested commodities do not correspond to the declared purposes for their use or the scope of activities of the customer (end users).		+	
The volume and nomenclature of the requested commodities do not correspond to the nature and technical level of the end user production capacity available.		+	
The customer's company has recently appeared on the market and information about it is very limited.		+	
The customer offered to pay for the commodities in cash at inflated prices.		+	
The customer is not familiar with the parameters and capabilities of the product, but wants to receive it.		+	
The customer disclaims established practice of commissioning and		+	

maintenance by specialists of the exporting party.			
The customer asks for modification of the requested commodities, making them more suitable for the use in creating weapons of mass destruction, missile delivery means, and other most dangerous types of weapons.		+	
The customer imposes excessive confidentiality requirements in relation to the final destination, end users or details of the commodities ordered.		+	
The freight carrier is specified by the customer in the contract as the final addressee of the commodities.		+	
The customer uses the mailbox as the address for correspondence.		+	
The delivery route is not specific to the commodities and the addressee.		+	
Product packaging does not comply with the declared method of transportation.		+	
It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or proliferation of nuclear, chemical, biological weapons and missiles technology.		+	

**CONCLUSION:** Analysis of the list of "red flags" indicates the reliability of the client. However, (possibility of exporting commodities (services), the need to check other signs of diversion, there is the necessity to check other signs of diversion obtaining additional materials, checking information, etc.)

**Inspection conducted:**  
**Export Control Department**  
(Name of Department, position)

\_\_\_\_\_  
(signature)

**Vasiliev N.**  
(Surname, initials)

If any Red Flags are found, additional requests must be made. Moreover, if they do not resolve any doubts, then we should stop considering the possibility of this export.

- VERIFICATION of the CUSTOMER against the DENIAL LIST

«Approved»  
Administrator

FULL NAME

«\_\_» \_\_\_\_\_ 20\_.

## REPORT

### verification of the customer against the Denial List

Data 26.01.20\_

No. 1

Availability in the "list of denials"	Answer		Note
	"Yes"	"No"	
1	2	3	4
Company «B»		+	Selected method is based on verification of export transactions
Company owner, Mr. O.		+	
Other supplies related to company "B"		+	

### CONCLUSION:

The company and the owner do not appear in the Denial List.

#### Check is conducted by:

Export Control Department  
(Name of department, position)

\_\_\_\_\_  
(Signature)

Vasil'ev N.  
(Surname, initials)

The Head of Export Control Department collects all the ACTS and CONCLUSIONS and, after conducting analysis, makes a general conclusion about the possibility of fulfilling the purchase order. The conclusion is made in the form of a decision sent for approval to the Export Control Administrator, and then for review and approval to the enterprise management.

## RESOLUTION

The Product Identification Act No. 1, dated January 20, 20\_, the Check on the risk of exported commodity diversion from the declared purposes No. 1, dated January 23, 20\_, and the Report on the verification against the denial list No. 1, dated January 26, 20\_ were considered. Based on the reviewed material and conclusions, I propose to accept the order of company "B".

Export Control Department  
(Name of Department, position)

\_\_\_\_\_  
(signature)

Vasil'ev N.  
Surname, initials

The information provided by the client, as well as collected from various open sources, is summarized in the tables below and is entered into the database of the enterprise (*organization, company*):

Appendix A

### CHECK OF THE CUSTOMER

<b>CLIENT NAME</b>	Company B						
<b>CLIENT ADDRESS</b>	Country C						
<b>NEW CLIENT</b>	<b>YES</b>		<b>NO</b>	<b>+</b>			
If yes, how many years have you been working with the client?				Three years			
<b>ORDERED COMMODITIES</b>	Uranium dioxide fuel pellets with an enrichment of 3.0 +/- 0.05% by U-235 isotope						
<b>CUSTOMER BUSINESS ACTIVITY:</b> (reseller, manufacturer, university, etc.)				university			
<b>• VERIFICATION AGAINST THE DENIAL LIST:</b>							
Is the client listed in the Denial List?				<b>YES</b>		<b>NO</b>	<b>+</b>
<b>• CHECK ON THE DIVERSION</b>							
Is it known or suspected that there is a risk of commodities diversion?				<b>YES</b>		<b>NO</b>	<b>+</b>
<b>• VERIFICATION OF NUCLEAR ACTIVITIES</b>							
Is it known or suspected that a client is directly or indirectly involved in any nuclear activity?				<b>YES</b>		<b>NO</b>	<b>+</b>

Appendix B

### CHECK LIST FOR OPERATIONS

Postcode		Operation number							
Reference number		Credit?	<b>YES</b>		<b>NO</b>	<b>+</b>			
Consignee:	Company C								
<b>Verification against the Denial List:</b>									
Data of check	26.01.20_	Data of notification							
<b>Check on nonproliferation of weapons of mass destruction</b>									
Data of check	26.01.20_								
Nuclear	<b>YES</b>		<b>NO</b>	<b>+</b>	Missiles	<b>YES</b>		<b>NO</b>	<b>+</b>
Chem/Biolog.	<b>YES</b>		<b>NO</b>	<b>+</b>	High risk:	<b>YES</b>		<b>NO</b>	<b>+</b>
Permit	<b>YES</b>	<b>+</b>	<b>NO</b>		Permit No.				
Classification number No.	<b>0C002</b>				License expiration date	26.11.20_			
Destination declared on the order			<b>YES</b>		<b>NO</b>				
<b>Customs Export Declaration</b>									
Classification No.	<b>0C002</b>				Permit	<b>YES</b>	<b>+</b>	<b>NO</b>	
Insurance	<b>YES</b>	<b>+</b>	<b>NO</b>						
Conditions:	on FOB terms				On SIF terms		Other		
<b>Recheck on belonging to the List of Denials:</b>									
Date	26.02.20_				Date (version) of Denial List	01.01.20_			
Are all documents filled in?			<b>YES</b>	<b>+</b>	<b>NO</b>				
Check implemented					Data	27.02.20_			

**1.2. EXAMPLE OF EXPORT OF DUAL-USE COMMODITY, RELATING TO NUCLEAR, IN ACCORDANCE WITH ICP RULES**

**EXAMPLE:**

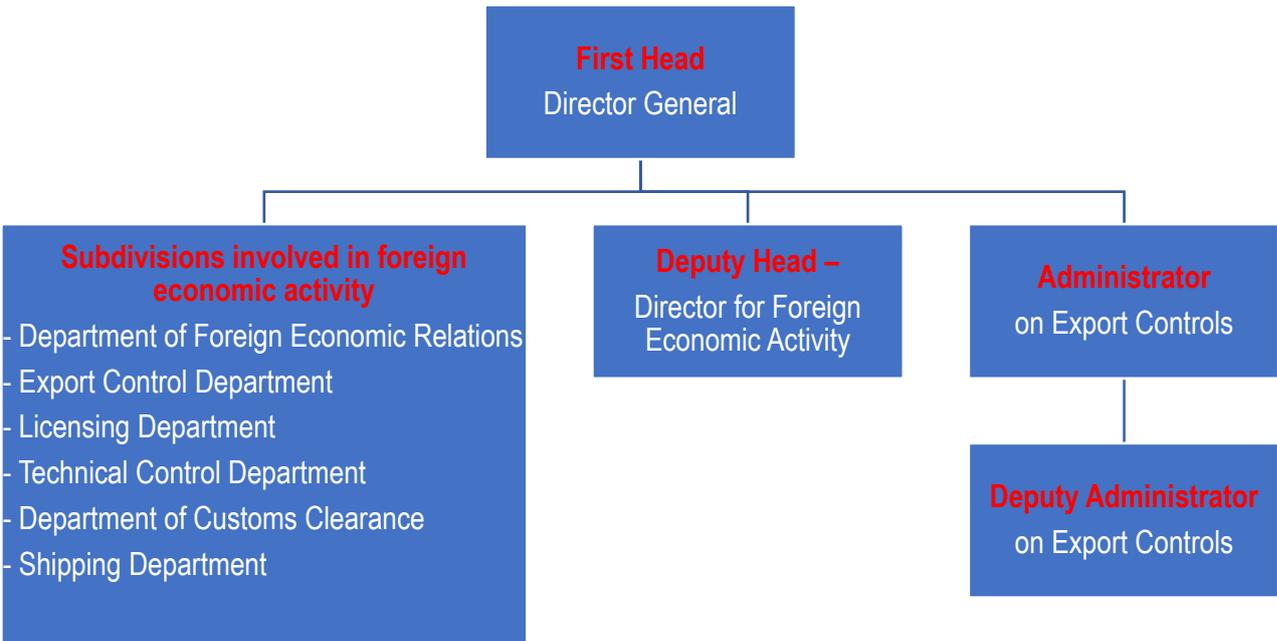
The company "Crocus and Co" received a request for export of lithium-6 in the amount of 10 kg. The request has come from the "Braque" company located in Gucci country.

It is assumed that the company "Crocus and Co" has ICP, i.e. at the enterprise:

1. an order has been issued defining the company's obligations to comply with export control requirements (see clauses 1 and 1.1. of this guide),
2. there is a plan of measures on the basis of which ICP is created, is working, and is revised (see paragraphs 2 and 2.1. of this guide),
3. an organizational structure of the enterprise has been created and personnel has been assigned.

Suppose that the organizational structure of "Crocus and Co" is as follows (see clause 3.2. of this guide)

**EC ORGANIZATIONAL STRUCTURE**



The functions of export control officials are distributed as follows (see also clause 3.3. of this guide):

**JOB DISTRIBUTION  
of “Crocus & Co” officials on ICP issues**

RESPONSIBLE PERSON		<i>Export Control Functions</i>	DEPUTY RESPONSIBLE PERSON	
Position, FULL NAME	Telephone		Position, FULL NAME	Telephone
Responsible representative of enterprise management on EC – <b>Administrator Karpin, Ivan</b>	12-35-12	1. The overall coordination of work on ICP issues. 2. Control over the foreign economic activity of enterprise subdivisions.	<b>Head of Export Control Department Rayev, Vasily</b>	12-45-15
<b>Head of Export Control Department Rayev, Vasily</b>	12-45-15	1. Coordination of work on the ICP issues at the enterprise. 2. Set up and update ICP. 3. Organization of internal checks and control over deficiencies elimination. 4. Interaction with governmental bodies.	<b>Deputy Head of Export Control Department Naum, Oleg</b>	15-45-16
		5. Verification of purchase orders for the possibility of transfer; end user and end use checks.	<b>Head of FEA Department Doran, Pavel</b>	15-48-10
<b>Head of Licensing Department Loza, Dmitry</b>	15-46-16	1. Preparation of documentation for receiving governmental authorities license or other permits. 2. Keeping records of export transactions.	<b>Chief Specialist of Licensing Department Mikhina, Elena</b>	15-46-20
		3. Control of commodities prepared for shipment on the compliance with the export item specified in the shipping documentation, license or another permit issued by the authorized state body	<b>Deputy Head of Licensing Department Mayra Ulich</b>	16-46-17
<b>Chief Specialist of Export Control Department Lukanin, Igor</b>	15-45-18	1. Conducting internal checks of ICP operation.	<b>Leading Specialist of Export Control Department Valuev, Victo</b>	15-45-18
<b>Leading Specialist of Export Control Department Kushko, Anatoliy</b>	15-45-19	1. Maintaining and amending the data bank on the regulatory legal framework in export controls 2. Informing enterprise services that participate in foreign economic activity on the specified issues.	<b>Leading Specialist of Export Control Department Lokova, Nonna</b>	15-45-19
<b>Head of Technical Department Goodin, Vlad</b>	17-20-21	1. Commodities identification	<b>Employee of Technical Department Krap, Anatoliy</b>	17-20-22

4. **EXPORT CONTROL PROCEDURES. Required actions in the order processing system.**

The commodities purchase order processing procedure might be presented in the form of such a scheme:

**SCHEME**  
**Sequence of arrangements at "Crocus and Co." enterprise while commodities export**

<b>It. #</b>	<b>Name of element, arrangement</b>	<b>Performer</b>	<b>Regulatory document</b>
1.	<b>Application</b> for commodities delivery	<b>DEPARTMENT for Foreign Economic Relations</b>	"Instructions for applications consideration"
	<b>Request</b> to the Export Control Administrator		"Job descriptions in accordance with ICP"
2.	<b>Verification (screening) of the foreign trade transaction:</b> <ul style="list-style-type: none"> <li>• identification (coding, classification) of a commodity, determining the type of permission,</li> <li>• checking the risk of export item diversion from the declared purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state export control authorities regarding the possibility of export.</li> </ul>	<b>Export Control DEPARTMENT</b>	"Screening Instructions"
	<b>Conclusion</b> on the possibility of the purchase order execution		
3.	<b>Signing</b> of contract Receipt of assurances and end-user certificate, issued by the competent state authority of the recipient country.	<b>DEPARTMENT for Foreign Economic Relations</b>	"Instructions on contracts formalization"
4.	<b>Receiving permits</b> for commodities export at the authorized state bodies	<b>Licensing DEPARTMENT</b>	"Instructions for the preparation of documents to be submitted for obtaining licenses"
5.	<b>Preparation of export orders</b> , shipping documentation, organization of transportation, product insurance	<b>Shipment DEPARTMENT</b>	"Instructions for cargo preparation and shipment"
6.	<b>Customs clearance</b> of commodities for export	<b>Customs Clearance DEPARTMENT</b>	"Instructions for customs clearance"
7.	<b>Export shipments reporting</b> , maintaining a single list of commodities subject to export control	<b>Export Control DEPARTMENT</b>	"Instruction for preparing reports"

Since the moment the purchase order is received and until the export of commodities, checks are carried out. The order is checked in accordance with the scheme of ICP check procedures:

- **COMMODITY IDENTIFICATION**

### ACT OF COMMODITY (SERVICE) IDENTIFICATION

«Approved»  
Administrator  
FULL NAME

\_\_\_\_\_ «\_\_» \_\_\_\_\_ 20\_\_

Data 12.10.20\_\_

No. 7

<b>Name of commodity (service)</b>	Lithium - 6
	<b>Li-6</b>
<b>Designation</b>	<b>284590900</b>
<b>Main technical characteristics (technical description)</b>	Silvery-white, the lightest of metals; density is 0.533 g/cm <sup>3</sup> , melting temperature 180.5 ° C. Chemically very active, oxidized at ordinary temperature; reacts with <b>nitrogen (N)</b> to form Li <sub>3</sub> N nitride
<b>Application</b>	Li isotope is the only industrial source for the production of tritium. Lithium is used for deoxidation, alloying and modification of alloys (for example, iron, scleron), as a coolant in nuclear reactors, a component of alloys based on <b>magnesium (Mg)</b> and <b>aluminum (Al)</b> , besides, used as an anode in chemical current sources. Some compounds of lithium are part of ductile lubricants, special glasses, and heat-resistant ceramics, used in medicine.
<b>Name of the Control List, the number of the position of the List</b>	Control List of commodities subject to export control (for example, in the Republic of Kazakhstan it is <b>1C233</b> )
<b>Main technical characteristics (technical specification) in accordance with the Control List (restrictive criteria)</b>	Lithium, enriched with isotope 6 (6 Li) to a higher than natural concentration, alloys, compounds or mixtures containing lithium, enriched with isotope 6, products or devices, as well as waste and scrap containing any of the above.
<b>Potential end use in areas related to non-proliferation (catch all control)</b>	Liquid lithium is used as a coolant for nuclear installations. In addition, the isotope lithium-6 is a raw material in tritium production.
<b>Special requirements for licensing</b>	Licensed
<b>Information about the performer of identification</b>	
<b>Name of the subdivision</b>	Technical Department
<b>Position</b>	Head of the Department
<b>FULL NAME</b>	Gudin, Vlad
<b>Telephone number</b>	17-20-21
<b>Signature</b>	
<b>Data</b>	12.10.20__

- CHECK for RISK of EXPORT ITEM DIVERSION from the STATED PURPOSES:**

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_

## REPORT

about check on the risk of export item diversion from the stated purposes  
under the export license No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_

Date 15.10. 20\_\_

No. 5

Name of foreign transaction item	Lithium 6
CN FEA Code	284590900
Title of the Control List, position number	1C233
Catch all control (yes, no)	yes
Name of the importer company, address	Braka Company, Nuago, Gucci, 15486
End user Company name, address	Braka Company, Nuago, Gucci, 15486
Identification Expertise Act (№, date, by whom it was carried out)	No. 7, 10.12.20__, by Gudin, Vlad

### Check results of buyers, purchasing commodities, subject to export control in the Country

Content of "red" indicators (flags)	Answer		Note
	"Yes"	"No"	
1	2	3	4
The customer refuses to provide information regarding the end use or end user of the product.		+	Doesn't 'know
The customer does not want to give clear answers to commercial or technical questions that are usually asked during negotiations.		+	Does not possess knowledge
The characteristics and purpose of the requested commodities do not correspond to the declared purposes for their use or the scope of activities of the customer (end users).	+		
The volume and nomenclature of the requested commodities do not correspond to the nature and technical level of the end user production capacity available.	+		
The customer's company has recently appeared on the market and information about it is very limited.	+		
The customer offered to pay for the commodities in cash at inflated prices.		+	
The customer is unfamiliar with the parameters and capabilities of the product, but wants to get it	+		
The customer disclaims established practice of commissioning and maintenance by specialists of the exporting party.	+		
The customer asks for modification of the requested commodities, making them more suitable for the use in creating weapons of mass destruction, missile delivery means, and other most dangerous types of weapons.		+	
The customer imposes excessive confidentiality requirements on the final	+		

destination, end users or details of the products ordered.			
The freight carrier is specified by the customer in the contract as the final addressee of the commodities.	+		
The customer uses the mailbox as the address for correspondence.		+	
The delivery route is not typical for the product and the addressee.			
Product packaging does not comply with the claimed method of transportation.	+		
It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or proliferation of nuclear, chemical, biological weapons and missiles technology.			Not yet known

**CONCLUSION:** Analysis of "red flags" list indicates the doubtfulness of the transaction.

*(possibility of exporting products (services), the need to check other signs of diversion,*

**It's necessary to check for other signs of diversion.**

*obtaining additional materials, checking information, etc.)*

Check is conducted by:

Department for Foreign Economic Relations  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Doran P.  
Surname, Initials

EC Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Raev. V.  
Surname, Initials

• CHECK against the DENIAL LIST:

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_.

**REPORT**  
on check against the Denial List

**Results of check**

Data 10.16.20\_\_

№ 7

Presence in the "Denial List"	Answer		Note
	"Yes" 2	"No" 3	
1			4
«Braka» company		+	Method based on verification of export transactions is selected
Company Owner, <b>Mr. Oldridge, Henry</b>		+	
Other supplies related to «Braka» company		+	

**CONCLUSION:**

The company and the owner do not appear in the Denial List.

**Verification is conducted by:**

Export Control Department

(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Raev V.

(Surname, Initials)

In accordance with the "Screening Instructions", the Head of Export Control Department collects all the ACTS and CONCLUSIONS and, after completing analysis, draws up a general conclusion about the possibility of fulfilling the purchase order. The conclusion is made in the form of a decision sent for approval to Administrator, and then for review and approval by the enterprise management.

**RESOLUTION**

The Act of commodity identification **No. 7** dated 10.12.20\_\_, the check report on the risk of export item diversion from the stated purposes **No. 5** dated 10.15.20\_\_, the check report on belonging to the Denial List **No. 7** dated October 16, 20\_ were considered. Based on the reviewed materials and conclusions, I propose to postpone consideration of the purchase order until the details of the origin of the Braque company and its partners are clarified.

Head of EC Department

(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Raev V.

(Surname, Initials)

Information provided by the client, as well as collected from various open sources, is summarized in the tables below and entered into the database of the enterprise (*organization, company*):

Appendix A

### THE CUSTOMER PROFILE CHECK

<b>CLIENT NAME</b>	"Braka" Company						
<b>CLIENT ADDRESS</b>	Gucci Country						
<b>NEW CLIENT</b>	YES	+	NO				
If yes, how many years have you been working with the client?	-						
<b>REQUIRED COMMODITIES</b>	10 kg of Lithium – 6						
<b>CUSTOMER BUSINESS ACTIVITY:</b> (reseller, manufacturer, university, etc.)	Reseller						
<ul style="list-style-type: none"> <li><b>CHECK against THE DENIAL LIST:</b></li> </ul>							
Is the client listed in the Denial List?	YES		NO	+			
<ul style="list-style-type: none"> <li><b>CHECK ON THE DIVERSION</b></li> </ul>							
Is it known or suspected that there is a risk of commodities diversion?	YES		NO	+			
<ul style="list-style-type: none"> <li><b>VERIFICATION OF NUCLEAR ACTIVITIES</b></li> </ul>							
Is it known or suspected that a client is directly or indirectly involved in any nuclear activity?	YES		NO	+			

Appendix B

### CHECK LIST FOR OPERATIONS

Postcode		Operation number					
Reference number		Credit?	YES		NO	+	
Consignee:	«Braka» Company						
<b>Check against the Denial List:</b>							
Check date	16.10.20__	Date of notification					
<b>Check on non-proliferation of weapons of mass destruction</b>							
Check date	26.01. 20__						
Nuclear	YES		NO	+	Missiles	YES	NO
Chem/Biolog.	YES		NO	+	High risk:	YES	NO
Permit	YES	+	NO		Permit No.		
Classification number No.	1C233			License expiration date	26.12.20__		
Declared destination on order	YES		NO				
<b>Customs Export Declaration</b>							
Classification No.	1C233			Permit:	YES	+	NO
Insurance	YES	+	NO				
Conditions	on FOB terms			On SIF terms		Other	
<b>Repeated check against the Denial List:</b>							
Date	15.11.20__	Date (version) of Denial List	01.01.20__				
Are all documents filled in?	YES	+	NO				
Check completed		Date 17.10.20__					

## ATTACHMENT 2

### CHEMICAL SECTOR, examples

#### a) EXAMPLE OF CHEMICAL MATERIAL EXPORT IN ACCORDANCE WITH ICP RULES

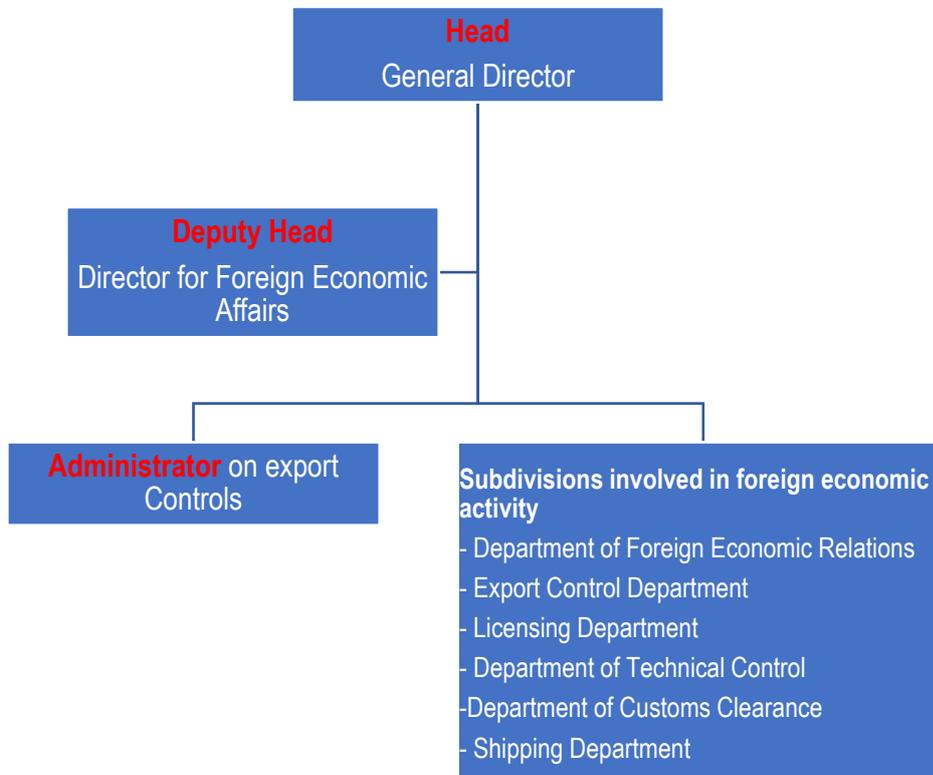
**EXAMPLE:** The «AgrokhimPlus» Company, Kazakhstan, received an application for the export of fluorine trichloride, chemically pure, in the amount of 6000 kg \* / - 0.3% (20 barrels of AISI 316T stainless steel, 300 kg each). Application from the enterprise LLP "ChemInvest - RCC group", RF.

It is assumed that the «AgrokhimPlus» Company has an ICP, i.e. at the Company:

1. an order has been issued defining the Company's obligations to comply with export control requirements (see clauses 1 and 1.1 of this guide),
2. there is an action plan on the basis of which ICP is created, is working, and is revised (see paragraphs 2 and 2.1 of this guide),
3. organizational structure of the Company has been created and staff has been appointed.

Suppose that the organizational structure of «AgrokhimPlus» Company is as follows (see paragraph 3.2. of this guide):

#### EC STRUCTURE



The functions of export control officials are distributed as follows (see also clause 3.3. of this guide):

**JOB DISTRIBUTIONS**  
of the «AgrokhimPlus» Company officials on ICP issues

RESPONSIBLE PERSON		<i>Export Control Functions</i>	DEPUTY RESPONSIBLE PERSON	
Position, FULL NAME	Telephone		Position, FULL NAME	Telephone
Responsible representative of enterprise management on EC – <b>Administrator Karpin, Ivan</b>	12-35-12	<ol style="list-style-type: none"> <li>1. The overall coordination of work on ICP issues.</li> <li>2. Control over the foreign economic activity of enterprise subdivisions.</li> </ol>	Head of Export Control Department <b>Rayev, Vasily</b>	12-45-15
<b>Head of Export Control Department Rayev, Vasily</b>	12-45-15	<ol style="list-style-type: none"> <li>1. . Coordination of work on the ICP issues at the enterprise.</li> <li>2. Set up and update ICP.</li> <li>3. Organization of internal checks and control over deficiencies elimination.</li> <li>4. Interaction with governmental bodies.</li> </ol>	<b>Deputy Head of Export Control Department Naum, Oleg</b>	15-45-16
		<ol style="list-style-type: none"> <li>5. Verification of purchase orders for the possibility of transfer, end user and end use checks.</li> </ol>	<b>Head of FEA department Doran, Pavel</b>	15-48-10
<b>Head of Licensing Department Loza, Dmitry</b>	15-46-16	<ol style="list-style-type: none"> <li>1. Preparation of documentation for receiving governmental authorities license or other permits.</li> <li>2. Keeping records of export transactions.</li> </ol>	<b>Chief specialist of licensing Department Mikhina, Elena</b>	15-46-20
		<ol style="list-style-type: none"> <li>3. Control of commodities prepared for shipment on the compliance with the export item specified in the shipping documentation, license or another permit issued by the authorized state body</li> </ol>	<b>Deputy Head of Licensing Department Mayra Ulich</b>	16-46-17
<b>Chief Specialist of Export Control Department Lukanin, Igor</b>	15-45-18	<ol style="list-style-type: none"> <li>1. Conducting internal checks of ICP operation.</li> </ol>	<b>Leading Specialist of Export Control Department Valuev, Victo</b>	15-45-18
<b>Leading Specialist of Export Control Department Kushko, Anatoliy</b>	15-45-19	<ol style="list-style-type: none"> <li>1. Maintaining and amending the data bank on the regulatory legal framework in export controls</li> <li>2. Informing enterprise services that participate in foreign economic activity on the specified issues.</li> </ol>	<b>Leading Specialist of Export Control Department Lokova, Nonna</b>	15-45-19
<b>Head of Technical Department FULL NAME</b>	17-20-21	<ol style="list-style-type: none"> <li>1. Commodities Identification</li> </ol>	<b>Employee of Technical Department Krap, Anatoliy</b>	17-20-22

#### 4. EXPORT CONTROL PROCEDURES. Required actions in the order processing system.

The commodities purchase order processing procedure might be presented in the form of such a scheme:

##### SCHEME Sequence of arrangements at the «AgrokhimPlus» Company while commodities export

It. #	Name of element, actions	Performer	Regulatory document
1.	<b>Application</b> for commodities delivery	<b>DEPARTMENT of Foreign Economic Relations</b>	"Instructions for applications consideration"
	<b>Request</b> to the Export Control Administrator		"Job descriptions in accordance with ICP"
2.	<b>Verification (screening) of the foreign trade transaction:</b> <ul style="list-style-type: none"> <li>• identification (coding, classification) of a commodity, determining the type of permission,</li> <li>• checking the risk of export item diversion from the declared purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state export control authorities regarding the possibility of export.</li> </ul>	<b>Export control DEPARTMENT</b>	"Screening Instructions"
	<b>Conclusion</b> on the possibility of the purchase order execution		
3.	<b>Signing</b> of contract Receipt of assurances and end-user certificate, issued by the competent state authority of the recipient country.	<b>DEPARTMENT of Foreign Economic Relations</b>	"Instructions on contracts formalization"
4.	<b>Receiving permits</b> for commodities export at the authorized state bodies	<b>Licensing DEPARTMENT</b>	"Instructions for the preparation of documents to be submitted for obtaining licenses"
5.	<b>Preparation of export orders</b> , shipping documentation, organization of transportation, product insurance	<b>Shipment DEPARTMENT</b>	"Instructions for cargo preparation and shipment"
6.	<b>Customs clearance</b> of commodities for export	<b>Customs Clearance DEPARTMENT</b>	"Instructions for customs clearance"
7.	<b>Export shipments reporting</b> , maintaining a single list of commodities subject to export control	<b>Export Control DEPARTMENT</b>	"Instructions for preparing reports"

Since the moment the purchase order is received and until the export of commodities, checks are carried out. The order is checked in accordance with the scheme of ICP check procedures:

- COMMODITY IDENTIFICATION

### ACT OF COMMODITY (SERVICE) IDENTIFICATION

«Approved»  
Administrator  
FULL NAME

«\_\_\_» \_\_\_\_\_ 20\_\_

Data.11.02.20\_\_

No. 9

<b>Name of commodity (service)</b>	Phosphorus trichloride
<b>Designation</b>	<b>PCL<sub>3</sub>, CL<sub>3</sub>P</b>
<b>CN FEA Code</b>	<b>2812 10 150 0 – Phosphorus trichloride</b>
<b>Main technical characteristics (technical specification)</b>	Chemical Phosphorus trichloride, chemically pure is a colorless or yellow, fuming liquid with a pungent smell; the content of the main component is more than 99%. Synonyms: phosphorus chloride (iii); phosphorus trichloride; phosphor chloride (iii), phosphor trichloride Molecular mass: 137.35 Boiling temperature: 74-780 C Melting temperature: - 1120 C Relative density: 1.6 g/cm <sup>3</sup> Solubility in water: reacts CAS 7719-12-2 UN 1809 EINECS 231-749-3 Sealed packaging in barrels made of AISI 316T stainless steel, lined with plastic (300 kg), quantity 20 pcs. Toxic. Stable, but light sensitive. Incompatible with water, many metals, fluorine, acids, organic materials. Hazard class: 6.1. Hazard symbol: C. Packing group: 1.
<b>Application</b>	PCl <sub>3</sub> is a high-purity intermediate product/raw material, which, due to its high reactivity, is an excellent substrate for the synthesis of phosphorus and chlorine compounds widely used in the chemical industry: organic synthesis, production of plastics, pesticides, flame retardants and antioxidant additives to lubricants. It is also used in pharmaceuticals and cosmetics.
<b>Name of the Control List, the number of the List position</b>	List of commodities, subject to export control in the Republic of Kazakhstan, <b>1C350.7</b>
<b>Main technical characteristics (technical specification) in accordance with the Control List (restrictive criteria)</b>	Chemicals that can be used as precursors to create toxic chemicals and "chemical compounds"
<b>Potential end use in areas related to non-proliferation (catch all control)</b>	Phosphorus trichloride can be used as a precursor for creation of chemical toxic substances of nerve-paralytic action, is included in AG Control Lists - Precursor 7 and CWC 3V, and the range of products subject to export control in Kazakhstan, Resolution of the Government of the Republic of Kazakhstan, No.104, 2008 (with amendments and additions as of May 14, 2018)
<b>Special requirements for licensing</b>	Licensed
<b>Information about the performer of identification</b>	
<b>The name of the subdivision</b>	Technical Department
<b>Position</b>	Head of the Department
<b>FULL NAME</b>	Andrey Mukin
<b>Telephone</b>	93-25-41
<b>Signature</b>	
<b>Date</b>	11.02.20__

• CHECK for RISK of EXPORT ITEM DIVERSION from the STATED PURPOSES:

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_

## REPORT

about check on the risk of export item diversion from the stated purposes  
under the export license No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_

Date 10.15. 200\_\_

No. 5

Name of foreign transaction item	Phosphorus trichloride
CN FEA Code	2812 10 150 0
Title of the Control List, position number	1C350.7
Catch all control (yes, no)	Yes
Name of the importer company, address	LLP "ChemInvest - RCC group", RF Industrial zone "Severnaya", SEZ "Tula", PO Box 605, Tula, RF 140000
End user Company name, address	LLP "ChemInvest - RCC group", RF Industrial zone "Severnaya", SEZ "Tula", PO Box 605, Tula, RF 140000
Identification Expertise Act (No., date, by whom it was carried out)	No. 9, 11.02.20__ by A. Mukin

**Check results of buyers, purchasing commodities,  
subject to export control (in the Republic of Kazakhstan)**

Content of "red" indicators (flags)	Answer		Note
	"Yes"	"No"	
1	2	3	4
The customer refuses to provide information regarding the end use or end user of the product.		+	
The customer does not want to give clear answers to commercial or technical questions that are usually asked during negotiations.		+	
The characteristics and purpose of the requested commodities do not correspond to the declared purposes for their use or the scope of activities of the customer (end users).		+	
The volume and nomenclature of the requested commodities do not correspond to the nature and technical level of the end user production capacity available.		+	
The customer's company has recently appeared on the market and information about it is very limited.	+		Operates for a third year, under-positioned in the market
The customer offered to pay for the commodities in cash at inflated prices.	+		Motivates by the urgency of the order

The customer is unfamiliar with the parameters and capabilities of the product, but wants to get it		+	
The customer disclaims established practice of commissioning and maintenance by specialists of the exporting party.			Not required
The customer asks for modification of the requested commodities, making them more suitable for the use in creating weapons of mass destruction, missile delivery means, and other most dangerous types of weapons.		+	
The customer imposes excessive confidentiality requirements on the final destination, end users or details of the products ordered.	+		Unknown
The freight carrier is specified by the customer in the contract as the final addressee of the commodities.		+	
The customer uses the mailbox as the address for correspondence.		+	
The delivery route is not typical for the product and the addressee.		+	
Product packaging does not comply with the claimed method of transportation.		+	
It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or proliferation of nuclear, chemical, biological weapons and missiles technology.			Not known yet

**CONCLUSION:** Analysis of “red flags” list indicates the need for additional verification.

*(possibility of exporting products (services), the need to check other signs of diversion,*

**It's necessary to check for other signs of diversion.**

*obtaining additional materials, checking information, etc.)*

Check is conducted by

Department for Foreign Economic Relations  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Sidorkin P.  
Surname, Initials

EC Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Turaev. V.  
Surname, Initials

• **CHECK against the DENIAL LIST:**

**REPORT  
on check against the Denial List**

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_.

**Results of check**

Date.11.09.20\_\_

No. 6

Presence in the "List of Denials"	Answer		Note
	"Yes"	"No"	
1	2	3	4
LLP "ChemInvest - RCC group", RF		+	Method based on verification of export transactions is selected
Company owner, Mr. Guseynov Ruslan Munarovich		+	
Other supplies related to LLP "ChemInvest - RCC group", RF		+	

**CONCLUSION:**

The company and the owner do not appear in the Denial List. Raev V.  
(Surname, Initials)

**Verification is conducted by:**

Export Control Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Turaev V.  
(Surname, Initials)

In accordance with the "Screening Instructions", the head of the export control department collects all the ACTS and CONCLUSIONS and, after completing analysis, draws up a general conclusion about the possibility of fulfilling the purchase order. The conclusion is made in the form of a decision sent for approval to Administrator, and then for review and approval by the enterprise management.

**RESOLUTION**

The following documents were considered: the act of commodity identification # 9 dated 11.02.20\_\_, the check report on the risk of export item diversion from the stated purposes No. 5 dated 11.05.200 \_\_, the check report on belonging to the Denial List # 6 dated 11.09.20 \_\_. Based on the reviewed materials and conclusions, I propose to postpone consideration of the purchase order until the details of the origin of LLP "ChemInvest - RCC group", RF and its partners are clarified.

Head of EC Department

\_\_\_\_\_  
(Signature)

Turaev V.

Information provided by the client, as well as collected from various open sources, is summarized in the tables below and entered into the database of the enterprise (*organization, company*):

Appendix A

### THE CUSTOMER PROFILE CHECK

<b>CLIENT NAME</b>	LLP "ChemInvest - RCC group", RF			
<b>CLIENT ADDRESS</b>	Industrial zone "Severnaya", SEZ "Tula", PO Box 605, Tula, RF 140000			
<b>NEW CLIENT</b>	<b>YES</b>	<b>+</b>	<b>NO</b>	
If yes, how many years have you been working with the client?	-			
<b>REQUIRED COMMODITIES</b>	Phosphorus trichloride (chemical), chemically pure, barrels made of stainless steel AISI 316T, 300 kg (20 pcs.)			
<b>CUSTOMER BUSINESS ACTIVITY: (reseller, manufacturer, university, etc.)</b>	manufacturer			
<b>• CHECK AGAINST THE DENIAL LIST:</b>				
Is the client listed in the Denial List?	<b>Yes</b>	<b>+</b>	<b>No</b>	<b>+</b>
<b>• CHECK ON THE DIVERSION</b>				
Is it known or suspected that there is a risk of commodities diversion	<b>Yes</b>	<b>+</b>	<b>No</b>	<b>+</b>
<b>• VERIFICATION OF MDW (CW) ACTIVITIES</b>				
Is it known or suspected that a client is directly or indirectly involved in any activity with MDW (CW)?	<b>Yes</b>	<b>+</b>	<b>No</b>	<b>+</b>

Appendix B

### CHECK LIST FOR OPERATIONS

Postcode		Operation number			
Reference number		Credit?	<b>Yes</b>		<b>No</b> <b>+</b>
Consignee:	LLP "ChemInvest - RCC group", RF				
<b>Check against the Denial List:</b>					
Check date	11.03.200__	Date of notification			
<b>Check on non-proliferation of weapons of mass destruction</b>					
Check date	11. 05. 200__				
Nuclear	<b>Yes</b>	<b>No</b>	<b>+</b>	Missiles	<b>Yes</b> <b>No</b> <b>+</b>
Chem/Biolog.	<b>Yes</b>	<b>No</b>	<b>+</b>	High risk:	<b>Yes</b> <b>No</b> <b>+</b>
Permit	<b>Yes</b>	<b>No</b>	<b>+</b>	Permit #	
Classification number #	1C350.7	License expiration date	12.26.20__		
Declared destination on order	<b>Yes</b>	<b>No</b>	<b>+</b>		
<b>Customs Export Declaration</b>					
Classification #.	1C350	Permit	<b>Yes</b>	<b>No</b>	<b>+</b>
Insurance	<b>Yes</b>	<b>No</b>	<b>+</b>		
Conditions	on FOB terms	On SIF terms		Other	
<b>Repeated check against the Denial List:</b>					
Date	12.07.20__	Date (version) of denial list	01.01.20__		
Are all documents filled in?	<b>Yes</b>	<b>No</b>	<b>+</b>		
Check completed		Date	12.09.20__		

**b) EXAMPLE OF IMPORT OF DUAL-USE COMMODITY, RELATING TO CHEMICAL, IN ACCORDANCE WITH ICP RULES**

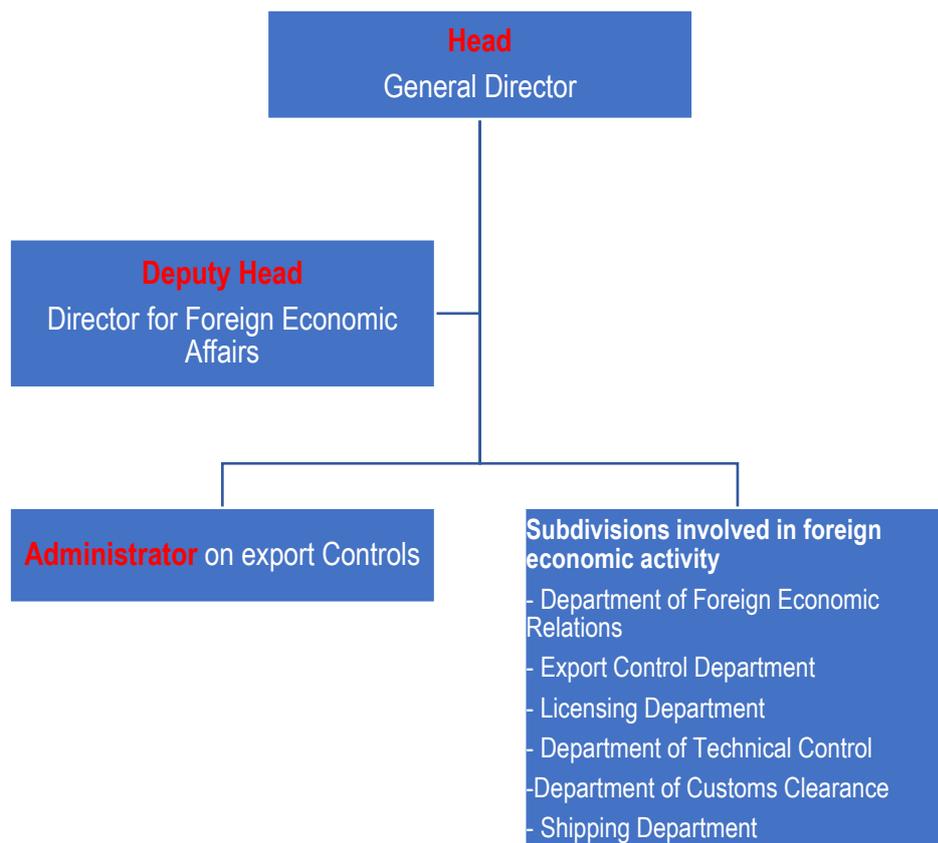
The enterprise "AgrokhimPlus", Kazakhstan imports the heat exchanger "pipe in pipe" TTOR 108 / 159-4.0 / 1.6 in the amount of 2 pcs. The application is submitted to the company "SPETSKHIMMASH" from the Russian Federation.

It is assumed that the «AgrokhimPlus» Company has a VSEK, i.e. at the enterprise:

1. an order has been issued defining the enterprise's obligations to comply with export control requirements (see clauses 1 and 1.1 of this guide),
2. there is an action plan on the basis of which ICP is created, is working, and is revised (see paragraphs 2 and 2.1 of this guide),
3. organizational structure of the enterprise has been created and staff has been appointed.

Suppose that the organizational structure of the «AgrokhimPlus» Company is as follows (see paragraph 3.2. of this guide):

**EC STRUCTURE**



The functions of export control officials are distributed as follows (see also clause 3.3. of this guide):

**JOB DISTRIBUTIONS**  
of the «AgrokhimPlus» Company officials on ICP issues

RESPONSIBLE PERSON		<i>Export Control Functions</i>	DEPUTY RESPONSIBLE PERSON	
Position, FULL NAME	Telephone		Position, FULL NAME	Telephone
Responsible representative of enterprise management on EC – <b>Administrator Karpin, Ivan</b>	12-35-12	<ol style="list-style-type: none"> <li>The overall coordination of work on ICP issues.</li> <li>Control over the foreign economic activity of enterprise subdivisions.</li> </ol>	Head of Export Control Department <b>Rayev, Vasily</b>	12-45-15
<b>Head of Export Control Department Rayev, Vasily</b>	12-45-15	<ol style="list-style-type: none"> <li>Coordination of work on the ICP issues at the enterprise.</li> <li>Set up and update ICP.</li> <li>Organization of internal checks and control over deficiencies elimination.</li> <li>Interaction with governmental bodies.</li> </ol>	<b>Deputy Head of Export Control Department Naum, Oleg</b>	15-45-16
		<ol style="list-style-type: none"> <li>Verification of purchase orders for the possibility of transfer, end user and end use checks.</li> </ol>	<b>Head of FEA department Doran, Pavel</b>	15-48-10
<b>Head of Licensing Department Loza, Dmitry</b>	15-46-16	<ol style="list-style-type: none"> <li>Preparation of documentation for receiving governmental authorities license or other permits.</li> <li>Keeping records of export transactions.</li> </ol>	<b>Chief specialist of licensing Department Mikhina, Elena</b>	15-46-20
		<ol style="list-style-type: none"> <li>Control of commodities prepared for shipment on the compliance with the export item specified in the shipping documentation, license or another permit issued by the authorized state body</li> </ol>	<b>Deputy Head of Licensing Department Mayra Ulich</b>	16-46-17
<b>Chief Specialist of Export Control Department Lukanin, Igor</b>	15-45-18	<ol style="list-style-type: none"> <li>Conducting internal checks of ICP operation.</li> </ol>	<b>Leading Specialist of Export Control Department Valuev, Victo</b>	15-45-18
<b>Leading Specialist of Export Control Department Kushko, Anatoliy</b>	15-45-19	<ol style="list-style-type: none"> <li>Maintaining and amending the data bank on the regulatory legal framework in export controls</li> <li>Informing enterprise services that participate in foreign economic activity on the specified issues.</li> </ol>	<b>Leading Specialist of Export Control Department Lokova, Nonna</b>	15-45-19
<b>Head of Technical Department FULL NAME</b>	17-20-21	<ol style="list-style-type: none"> <li>Commodities Identification</li> </ol>	<b>Employee of Technical Department Krap, Anatoliy</b>	17-20-22

## EXPORT CONTROL PROCEDURES. Required actions in the order processing system.

The commodities purchase order processing procedure might be presented in the form of such a scheme:

### SCHEME

#### Sequence of arrangements at the «AgrokhimPlus» Company while commodities export

It. #	Name of element, actions	Performer	Regulatory document
1.	Application for commodities delivery	DEPARTMENT of Foreign Economic Relations	"Instructions for applications consideration"
	Request to the Export Control Administrator		"Job descriptions in accordance with ICP"
2.	<b>Verification (screening) of the foreign trade transaction:</b> <ul style="list-style-type: none"> <li>• identification (coding, classification) of a commodity, determining the type of permission,</li> <li>• checking the risk of export item diversion from the declared purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state export control authorities regarding the possibility of export.</li> </ul>	Export control DEPARTMENT	"Screening Instructions"
	Conclusion on the possibility of the purchase order execution		
3.	<b>Signing</b> of contract Receipt of assurances and end-user certificate, issued by the competent state authority of the recipient country.	DEPARTMENT of Foreign Economic Relations	"Instructions on contracts formalization"
4.	Receiving permits for commodities export at the authorized state bodies	Licensing DEPARTMENT	"Instructions for the preparation of documents to be submitted for obtaining licenses"
5.	Preparation of export orders, shipping documentation, organization of transportation, product insurance	Shipment DEPARTMENT	"Instructions for cargo preparation and shipment"
6.	Customs clearance of commodities for export	Customs Clearance DEPARTMENT	"Instructions for customs clearance"
7.	Export shipments reporting, maintaining a single list of commodities subject to export control	Export Control DEPARTMENT	"Instructions for preparing reports"

Since the moment the order is sent and till the moment of the commodity import, a screening process is carried out. The order is checked in accordance with the scheme of checks identified in the ICP.

• **COMMODITY IDENTIFICATION**

**ACT  
OF COMMODITY (SERVICE) IDENTIFICATION:**

**«Approved»  
Administrator  
FULL NAME**

« \_\_\_ » \_\_\_\_\_ 20\_\_.

Date 14.09.20\_\_

**No. 1**

<b>Name of commodity (service)</b>	Shell-and-tube heat exchanger "Pipe in pipe"
<b>Designation</b>	<b>TTOR 108/159-4.0/1.6</b>
<b>CN FEA Code</b>	<b>841950 0000; 841950 9000</b>
<b>Main technical characteristics (technical specification)</b>	<p>Commodity - "pipe in pipe" heat exchanger            TTOR index 108/159-4.0/1.6            Inside/outside pressure, MPa - 4.0/1.6            Heat exchanger/shell pipes diameter, mm - 108/159            Heat exchanger tube length, mm – 4500            Weight, kg - 1450            Manufacturing material (steel type):            Body - stainless steel, working surface of the tubes - HASTELLOY H-9M alloy (SP)            Attached to the technical passport there are:</p> <ul style="list-style-type: none"> <li>• Certificate of compliance with the requirements of technical regulations on the safety of machinery and equipment;</li> <li>• Declaration of Conformity.</li> <li>• Certificate of Conformity of the Customs Union No. RU C - RU.MX24.B.00267Series RU No. 0251903</li> <li>• TU 3615-003-11983841-2012 "Heat exchangers", designed to work, including with gaseous media of groups 1, 2; equipment of category 4 (Appendix 1 to the Certificate of Conformity).</li> </ul>
<b>Application</b>	<p>A pipe-in-pipe heat exchanger is an apparatus for heating and cooling the produced commodities. It is used in oil and gas, chemical, and food industries; as well as in production of wine and dairy products. The pipe is encased for higher heat dissipation. It is mostly effective at large manufacturing plants, designed to work in conditions of pressure drops. The shell-and-tube unit is used in steam systems with aggressive gases and liquids. It is manufactured from high strength, corrosion resistant alloys, all holes are flanged. The design is developed for operation in conditions up to 7 points of seismic activity.</p>
<b>Name of Control List, List item number</b>	Kazakhstan Control List item number, <b>2B350, d</b>
<b>Main technical characteristics (technical specification) in accordance with the Control List (restrictive criteria)</b>	<p>Controlled:            Heat exchangers or condensers with a heat transfer surface area of greater than 0.15 m<sup>2</sup>, and less than 20 m<sup>2</sup>; and tubes, plates, coils or blocks (cores) designed for such heat exchangers or condensers, where all surfaces that come in</p>

	<p>direct contact with the chemical(s) being processed are made from the following materials:</p> <ol style="list-style-type: none"> <li>1. nickel or alloys with more than 40% nickel by weight;</li> <li>2. alloys with more than 25% nickel and 20% chromium by weight;</li> <li>3. fluoropolymers (polymeric or elastomeric materials with more than 35% fluorine by weight);</li> <li>4. glass or glass-lined (including vitrified or enameled coating);</li> <li>5. graphite or carbon-graphite;</li> <li>6. tantalum or tantalum alloys;</li> <li>7. titanium or titanium alloys;</li> <li>8. zirconium or zirconium alloys;</li> <li>9. silicon carbide;</li> <li>10. titanium carbide; or</li> <li>11. niobium (columbium) or niobium alloys.</li> </ol>
<b>Potential end use in areas related to non-proliferation (catch all control)</b>	<p>There is a risk of diversion from the end use: as the equipment for creation of toxic chemicals and development of chemical weapons. It is included into AG Control List - Dual-use chemical manufacturing facilities and equipment and related technology and software, and Nomenclature of products subject to export control in Kazakhstan, Resolution of Kazakhstan Government, # 104, 2008 (with amendments and additions as of May 14, 2018). Certain models of shell-and-tube heat exchangers are used in processing and enrichment of uranium and are controlled by NSG. The main identifiers of dual-use chemical equipment are control parameters of heat exchanger working surface area and the tube material - <b>HASTELLOY H - 9M alloy</b> (by chemical composition - 45% nickel and 22% chromium)</p>
<b>Special requirements for licensing</b>	Licensed
<b>Information about the performer of identification</b>	
<b>Department name</b>	Technical Control Department
<b>Position</b>	Head of the Department
<b>FULL NAME</b>	Arseniy Smirnov
<b>Telephone number</b>	372-60-52
<b>Signature</b>	
<b>Date</b>	09.14.20__

- CHECK for RISK of EXPORT ITEM DIVERSION from the STATED PURPOSES:

«Approved»  
Administrator  
FULL NAME

«\_\_\_» \_\_\_\_\_ 20\_\_

## REPORT

about check on the risk of export item diversion from the stated purposes  
under the export license No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_

Date 17.09. 20\_\_

No. 1

Name of foreign transaction item	Shell-and-tube heat exchanger "pipe in pipe" TTOR 108/159-4.0/1.6
Contract Number and Date	
Quantity	2 pcs. (1450 kg), total 2900 kg +/- 0.3% (packaging)
CN FEA Code	841950 0000; 841950 9000
Title of the Control List, position number	List of commodities subject to export control in the Republic of Kazakhstan, <b>2B350d</b>
Manufacturing plant	LLC "SPETSKHIMMASH" 440034, RF, Penza, 108 B Kalinin st.
Catch all control (yes, no)	Yes
Name of the importer company, address	"AgrokhimPlus" Company Pavlodar, 1, PO Box 1814, Republic of Kazakhstan 140000
End user Company name, address	"AgrokhimPlus" Company Pavlodar, 1, PO Box 1814, Republic of Kazakhstan 140000
Identification Expertise Act (#, date, by whom it was carried out)	# 1, 09.17.20__ A. SMIRNOV.

### Check results of buyers, purchasing commodities, subject to export control in the Country

Content of "red indicators" (flags)	Answer		Note
	"Yes"	"No"	
1	2	3	4
The customer refuses to provide information regarding the end use or end user of the product.		+	
The customer does not want to give clear answers to commercial or technical questions that are usually asked during negotiations.		+	
The characteristics and purpose of the ordered products do not correspond to the declared purposes of its use or the scope of customer activities (end users).		+	
The volume and range of products ordered do not correspond to the nature and technical level of production capacity available to		+	

the end user.			
The customer company has recently appeared on the market and information about it is very limited.		+	
The customer offered to pay for goods in cash for overpriced purposes.		+	
The customer is unfamiliar with the parameters and capabilities of the product, but wants to get it		+	
The customer refuses the established practice of commissioning and servicing by specialists of the exporting party.		+	
The customer asks for a modification of the ordered products, making it more suitable for use in creating weapons of mass destruction, missile delivery means and other most dangerous weapons.		+	
The customer imposes excessive confidentiality requirements on the final destination, end users or details of the products ordered.		+	
The freight carrier is specified by the customer in the contract as the final addressee of the goods.		+	
The customer uses the mailbox as the address for correspondence.	+		
The delivery route is not typical for the product and the addressee.		+	
Product packaging does not comply with the claimed method of transportation.		+	
It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or distribution of nuclear, chemical, biological weapons and missiles technology.		+	

**CONCLUSION:** Analysis of "red flags" list indicates the reliability of the client.

*(possibility of exporting products (services), the need to check other signs of diversion,*

*However, it's necessary to check for other signs of diversion.*

*obtaining additional materials, checking information, etc.)*

Check is conducted by

Export Control Department

(Name of subdivision, position)

\_\_\_\_\_

(Signature)

Serikov, K.

Surname, initials

If any "Red Flags" are detected, additional requests must be made. And, if they do not resolve the doubts, then the consideration of the possibility of this transaction should be stopped.

- CHECK against the DENIAL LIST:

«Approved»  
Administrator  
FULL NAME

«\_\_» \_\_\_\_\_ 20\_\_

**REPORT**  
**on check against the Denial List**

**Results of check**

Data 21.09.20\_\_

**No. 1**

Presence in the "Denial List"	Answer		Note
	"Yes"	"No"	
1	2	3	4
"AgrokhimPlus" Company		+	Method based on the verification of export transactions is selected
Head of the company, Mr. Akhbetov, Aydar Akhmetovich		+	
Other supplies associated with the "AgrokhimPlus" Company		+	

**CONCLUSION:**

The company and the owner are not present in the Denial List.

Verification is conducted by:

Export Control Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikov, K.  
(Surname, Initials)

In accordance with the "Screening Instructions", the Head of the Export Control Department collects all the acts and conclusions and, after completing analysis, draws up a general conclusion about the possibility of fulfilling the purchase order. The conclusion is made in the form of a decision sent for approval to Administrator, and then for review and approval by the enterprise management.

**RESOLUTION**

The Act of commodity identification **No.1**, dated 09.14. 20\_\_, the check report on the risk of export item diversion from the stated purposes **No.1**, dated 09.17. 20\_\_, the check report on belonging to the Denial List **No 1** dated 09.21.20\_\_ were considered. Based on the reviewed materials and conclusions, I propose to accept the purchase order from Pavlodar Petrochemical Plant LLP.

**Head of Export Control Department**  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikov, K.  
(Surname, Initials)

Information provided by the client, as well as collected from various open sources, is summarized in the tables below and entered into the database of the enterprise (organization, company):

Appendix A

### THE CUSTOMER PROFILE CHECK

<b>CLIENT NAME</b>	"AgrokhimPlus" Company						
<b>CLIENT ADDRESS</b>	Pavlodar, 1, PO Box 1814, Republic of Kazakhstan 140000						
<b>NEW CLIENT</b>	Yes		No	+			
If yes, for how many years have you been working with the client?	Five years						
<b>REQUIRED COMMODITIES</b>	Shell-and-tube heat exchanger "pipe in pipe" 2 pcs. (1450 kg), total 2900 kg +/- 0.3% (packaging)						
<b>CUSTOMER BUSINESS ACTIVITY:</b> (reseller, manufacturer, university, etc.)	manufacturer						
<b>• CHECK against THE DENIAL LIST:</b>							
Is the client listed in the Denial List?	Yes		No	+			
<b>• CHECK ON THE DIVERSION</b>							
Is it known or suspected that there is a risk of commodity diversion?	Yes		No	+			
<b>• VERIFICATION OF WMD (CW) ACTIVITIES</b>							
Is it known or suspected that a client is directly or indirectly involved in any activity on WMD (CW)?	Yes		No	+			

Appendix B

### CHECK LIST FOR OPERATIONS

Postcode		Operation number								
Reference number		Credit?	Yes		No	+				
Consignee	"AgrokhimPlus" Company									
<b>Check against the Denial List</b>										
Check date	16.10.20__	Date of notification								
<b>Check on non-proliferation of weapons of mass destruction</b>										
Check date	10.15.20__									
Nuclear	YES		NO	+	Missiles	Yes		No	+	
Chem/Biolog	YES		NO	+	High risk:	Yes		No	+	
Permit	YES	+	NO		Permit No.					
Classification No.	2B350d				License expiration date	12.29.20__				
Declared destination on order	Yes		No							
<b>Customs Export Declaration</b>										
Classification No.	2B350d				Permit:	Yes	+	No		
Insurance	Yes	+	No							
Conditions	on FOB terms				On SIF terms	Other				
<b>Repeated check against the Denial List:</b>										
Data	11.24.20__	Data (version) of Denial List	01.01.20__							
Are all documents filled in?	Yes	+	No							
Check completed					Data 01.10.20__					

**ATTACHMENT 3**  
**BIOLOGICAL SECTOR, examples**

**a) EXAMPLE OF BIOLOGICAL DUAL-USE EQUIPMENT IMPORT IN ACCORDANCE WITH ICP RULES**

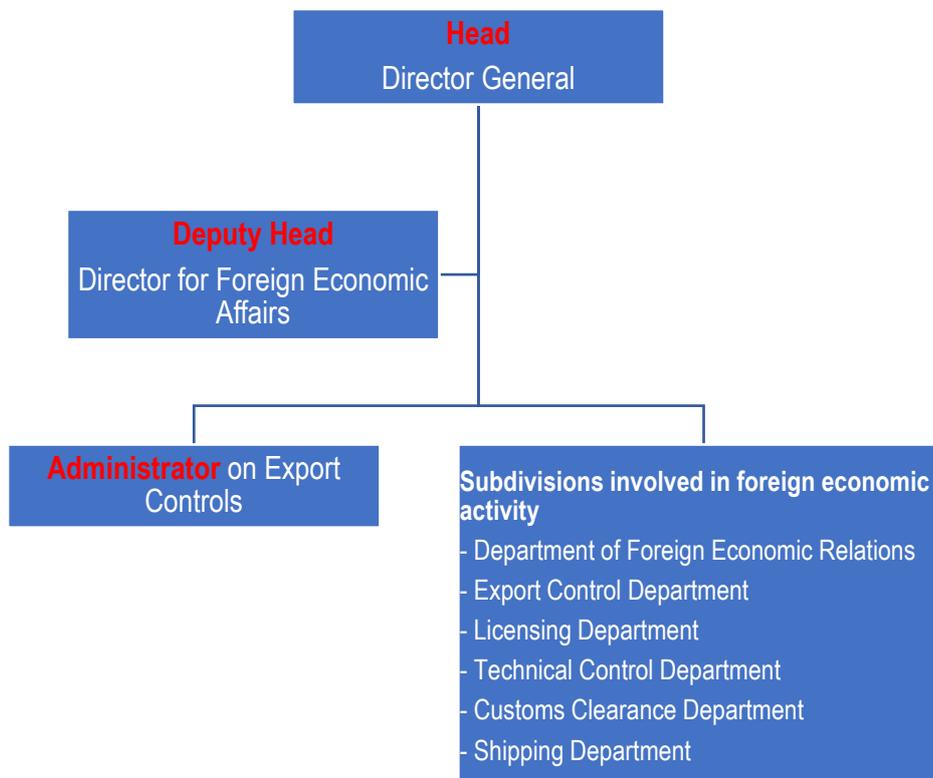
**EXAMPLE:** «AlfaBioTech» Company, Kazakhstan, has sent an application to International Company “Biorus”, Russian Federation, for the import of one (1) industrial Bioreactor (fermenter), Model BLBIO-100SJV.

It is assumed that «AlfaBioTech» has the ICP, i.e., at the Company:

1. an order has been issued defining the Company’s obligations to comply with export control requirements (see clauses 1 and 1.1 of this guide),
2. an action plan on the basis of which ICP is created, is working, and is revised has been developed (see clauses 2 and 2.1 of this guide),
3. Company organizational EC structure has been created and the staff has been appointed.

Suppose that the organizational structure of «AlfaBioTech» Company is as follows (see clause 3.2. of this guide):

**EC STRUCTURE**



Functions of export control officials are distributed as follows (see also clause 3.3. of this guide):

**JOB DISTRIBUTIONS**  
of «AlfaBioTech» Company officials on ICP issues

RESPONSIBLE PERSON		Export Control Functions	DEPUTY RESPONSIBLE PERSON	
Position, FULL NAME	Telephone		Position, FULL NAME	Telephone
Responsible representative of enterprise management on EC – <b>Administrator Karpin, Ivan</b>	12-35-12	1. The overall coordination of work on ICP issues. 2. Control over the foreign economic activity of enterprise subdivisions.	Head of Export Control Department <b>Serikova, K.Z.</b>	12-45-15
<b>Head of Export Control Department Serikova, K.Z.</b>	12-45-15	1. . Coordination of work on the ICP issues at the enterprise. 2. Set up and update ICP. 3. Organization of internal checks and control over deficiencies elimination. 4. Interaction with governmental bodies.	<b>Deputy Head of Export Control Department Naum, Oleg</b>	15-45-16
		5. Verification of purchase orders for the possibility of transfer, end user and end use checks.	<b>Head of FEA department Doran, Pavel</b>	15-48-10
<b>Head of Licensing Department Loza, Dmitry</b>	15-46-16	1. Preparation of documentation for receiving governmental authorities license or other permits. 2. Keeping records of export transactions.	<b>Chief specialist of licensing Department Mikhina, Elena</b>	15-46-20
		3. Control of commodities prepared for shipment on the compliance with the export item specified in the shipping documentation, license or another permit issued by the authorized state body	<b>Deputy Head of Licensing Department Mayra Ulich</b>	16-46-17
<b>Chief Specialist of Export Control Department Lukanin, Igor</b>	15-45-18	1. Conducting internal checks of ICP operation.	<b>Leading Specialist of Export Control Department Valuev, Victo</b>	15-45-18
<b>Leading Specialist of Export Control Department Kushko, Anatoliy</b>	15-45-19	1. Maintaining and amending the data bank on the regulatory legal framework in export controls 2. Informing enterprise services that participate in foreign economic activity on the specified issues.	<b>Leading Specialist of Export Control Department Lokova, Nonna</b>	15-45-19
<b>Head of Technical Department Isaev, Serik</b>	17-20-21	1. Commodities Identification	<b>Employee of Technical Department Krap, Anatoliy</b>	17-20-22

## EXPORT CONTROL PROCEDURES. Required actions in the order processing system.

The commodities purchase order processing procedure might be presented in the form of such a scheme:

### SCHEME Sequence of arrangements at the «AlfaBioTech» Company while commodities import

It. #	Name of element, actions	Performer	Regulatory document
1.	Application for commodities delivery	DEPARTMENT of Foreign Economic Relations	"Instructions for applications consideration"
	Request to the Export Control Administrator		"Job descriptions in accordance with ICP"
2.	<b>Verification (screening) of the foreign trade transaction:</b> <ul style="list-style-type: none"> <li>• identification (coding, classification) of a commodity, determining the type of permission,</li> <li>• checking the risk of import item diversion from the declared purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state export control authorities regarding the possibility of import.</li> </ul>	Export control DEPARTMENT	"Screening Instructions"
	Conclusion on the possibility of the purchase order execution		
3.	<b>Signing</b> of contract Receipt of assurances and end-user certificate, issued by the competent state authority of the recipient country.	DEPARTMENT of Foreign Economic Relations	"Instructions on contracts formalization"
4.	<b>Receiving permits</b> for commodities import at the authorized state bodies	Licensing DEPARTMENT	"Instructions for the preparation of documents to be submitted for obtaining licenses"
5.	<b>Preparation of import orders</b> , shipping documentation, organization of transportation, product insurance	Shipment DEPARTMENT	"Instructions for cargo preparation and shipment"
6.	<b>Customs clearance</b> of commodities for import	Customs Clearance DEPARTMENT	"Instructions for customs clearance"
7.	<b>Import shipments reporting</b> , maintaining a single list of commodities subject to export control	Export Control DEPARTMENT	"Instructions for preparing reports"

Since the moment the purchase order is sent and until the import of commodities, a screening process is carried out. The order is checked in accordance with the scheme of ICP check procedures:

- COMMODITY IDENTIFICATION

### ACT OF COMMODITY (SERVICE) IDENTIFICATION

«Approved»  
Administrator  
FULL NAME

«\_\_\_» \_\_\_\_\_ 20\_\_

Data.11.02.20\_\_

No. 1

<b>Name of commodity (service)</b>	Industrial bioreactor (fermenter)
<b>Designation</b>	<b>Model BLBIO-100SJV</b>
<b>CN FEA Code</b>	<b>8419 89 989 0; 8486 10 000 0; 8486 20 000 0; 8479 82 000 0</b>
<b>Main technical characteristics (technical specification)</b>	<p>Product – Industrial in situ sterilized bioreactor. Model <b>BLBIO-100SJV</b></p> <ul style="list-style-type: none"> <li>• Operating volume – more than 80 liters</li> <li>• Full volume - more than 100 liters</li> <li>• Stainless steel AISI 316 for all product contact surfaces. AISI 304 is for non-product contact surfaces</li> <li>• Ratio of diameter and height: 1: 2-2.2</li> <li>• Design pressure in the tank: 0.3 MPa, design pressure in the jacket: 0.35 MPa</li> <li>• Torospherical bottom, no stagnant zones</li> <li>• Operating temperature range - from room temperature + 8 ° C to + 60 ° C</li> </ul> <p>Measurement and control functions, sensors and ports:</p> <ul style="list-style-type: none"> <li>• Temperature - Pt100 temperature sensor, sanitary class</li> <li>• Stirring - stirrer rotation speed 50 - 350 rpm. (depending on volume)</li> <li>• Measurement and control of pH / ORP - new generation combined digital pH / ORP sensor, ISM technology</li> <li>• Measurement and control of dissolved oxygen, pO<sub>2</sub> - new generation digital pO<sub>2</sub> sensor, ISM technology</li> <li>• Air supply for ventilation - deep ventilation and air supply above the environment. Air consumption control - through a rotameter, as well as automatic control - through a flow meter (MassFlowControl)</li> <li>• 4 ports for adding components - for supplying alkali, acid, antifoam, make-up</li> <li>• Gas outlet - through the condenser, with cooling</li> <li>• Sampling - Keofitt sterilizable sampling valve and other specifications as per technical documentation.</li> </ul>
<b>Application</b>	<p>Industrial bioreactors (fermenters) Biorus are manufactured in accordance with international quality standards; all equipment meets the requirements of GMP and ASME BPE standards. The fermenter is a ready-made complex for the cultivation of microorganisms with automatic dosing of nutrients. The fermenter of this design is made in a hygienic design in a stainless-steel case and is distinguished by ease of maintenance, care and cleaning of all surfaces in situ.</p> <p><b>Applications in food, pharmaceutical, and microbiological industries:</b></p> <ul style="list-style-type: none"> <li>• Production of agricultural and veterinary drugs;</li> <li>• Serial and continuous cultivation of cell cultures;</li> <li>• Pharmaceutical production according to GMP and FDA standards;</li> <li>• Production of proteins and monoclonal antibodies;</li> </ul> <p><b>Equipment capabilities:</b></p> <ul style="list-style-type: none"> <li>• Cultivation in batches - batch;</li> <li>• Cultivation with replenishment - feed batch;</li> <li>• Continuous cultivation, chemostat mode - chemostat;</li> <li>• Cultivation on microcarriers;</li> </ul>

	<ul style="list-style-type: none"> <li>• Stirring with air - airlift;</li> <li>• Control of dissolved methanol in the culture liquid;</li> <li>• Measurement of optical density;</li> <li>• Measurement of vitality of Incyte cells;</li> <li>• Control of dissolved oxygen in the culture liquid;</li> <li>• pH and temperature control</li> <li>• Measuring the mass of the vessel - weight cells;</li> <li>• Gravimetric make-up mode by weight.</li> </ul>
<b>Name of the Control List, the number of the List position</b>	List of products subject to export control in the Republic of Kazakhstan, <b>2B352. b</b>
<b>Main technical characteristics (technical specification) in accordance with the Control List (restrictive criteria)</b>	Subject to control: Fermenters that can be used for the continuous cultivation of pathogenic "microorganisms", viruses or toxins without the risk of aerosols creation; have total volume 20 liters or more. <i>Technical Note:</i> Fermenters include bioreactors, chemostats and continuous flow systems.
<b>Potential end use in areas related to non-proliferation (catch all control)</b>	It might be used as equipment for cultivation of pathogenic microorganisms and toxins for BW development; it is included into the AG-DN Bio 1.2 of EU Control List of dual-use commodities and technologies export, EU - 2B352 (b) and also into Kazakhstan Product Nomenclature subject to export control, Resolution of Kazakhstan Government No. 104, 2008 (with amendments and additions as of May 14, 2018).
<b>Special requirements for licensing</b>	Licensed
<b>Information about the performer of identification</b>	
<b>The name of the subdivision</b>	Technical Control Department
<b>Position</b>	Head of the Department
<b>FULL NAME</b>	Aset Rakhatov
<b>Telephone</b>	93-25-41
<b>Signature</b>	
<b>Date</b>	11.02.20__

• CHECK for RISK of EXPORT ITEM DIVERSION from the STATED PURPOSES:

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_

## REPORT

about check on the risk of export item diversion from the stated purposes  
under the export license No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_

Date 10.12.20\_\_

No. 1

<b>Name of foreign transaction item</b>	Industrial bioreactor (fermenter) <b>BLBIO-100SJV</b>
<b>Contract Number and Date</b>	
<b>Quantity</b>	1 PC. (350 kg) with control system accessories, +/- 0.5% (packing) Size (L * W * H): 160 * 80 * 210cm
<b>CN FEA Code</b>	<b>8419 89 989 0; 8486 10 000 0; 8486 20 000 0; 8479 82 000 0</b>
<b>Title of the Control List, position number</b>	List of products subject to export control in the Republic of Kazakhstan, <b>2B352. B</b>
<b>Catch all control (yes, no)</b>	Yes
<b>Name of the importer company, address</b>	Alfa BioTech LLP, Ensk, 1, PO Box 1814, Country: Republic of Kazakhstan, 050000
<b>End user Company name, address</b>	Alfa BioTech LLP, Ensk, 1, PO Box 1814, Country: Republic of Kazakhstan, 050000
<b>Identification Expertise Act (No., date, by whom it was carried out)</b>	No. 1, 11.02.20__ by A. Rakhatov

### Check results of buyers, purchasing commodities, subject to export control in the Country

Content of "red" indicators (flags)	Answer		Note
	"Yes"	"No"	
1	2	3	4
The customer refuses to provide information regarding the end use or end user of the product.		+	
The customer does not want to give clear answers to commercial or technical questions that are usually asked during negotiations.		+	
The characteristics and purpose of the requested commodities do not correspond to the declared purposes for their use or the scope of activities of the customer (end users).		+	
The volume and nomenclature of the requested commodities do not correspond to the nature and technical level of the end user production capacity available.		+	
The customer's company has recently appeared on the market and information about it is very limited.		+	
The customer offered to pay for the commodities in cash at inflated prices.		+	
The customer is unfamiliar with the parameters and capabilities of the product, but wants to get it		+	
The customer disclaims established practice of commissioning and maintenance		+	

by specialists of the exporting party.			
The customer asks for modification of the requested commodities, making them more suitable for the use in creating weapons of mass destruction, missile delivery means, and other most dangerous types of weapons.		+	
The customer imposes excessive confidentiality requirements on the final destination, end users or details of the products ordered.		+	
The freight carrier is specified by the customer in the contract as the final addressee of the commodities.		+	
The customer uses the mailbox as the address for correspondence.		+	
The delivery route is not typical for the product and the addressee.		+	
Product packaging does not comply with the claimed method of transportation.		+	
It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or proliferation of nuclear, chemical, biological weapons and missiles technology.		+	

**CONCLUSION:** Analysis of “red flags” list indicates the reliability of the client.

*(possibility of exporting products (services), the need to check other signs of diversion,*

**However, it’s necessary to check for other signs of diversion.**

*obtaining additional materials, checking information, etc.)*

Check is conducted by  
Export Control Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikova K.Z.  
Surname, Initials

If any “Red Flags” are detected, additional requests must be made. And, if they do not resolve the doubts, then the consideration of the possibility of this transaction should be stopped.

• **CHECK against the DENIAL LIST:**

**REPORT  
on check against the Denial List**

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_.

**Results of check**

Date.11.09.20\_\_

No. 1

Presence in the "List of Denials"	Answer		Note
	"Yes"	"No"	
1	2	3	4
Alfa BioTech LLP		+	Method based on verification of export transactions is selected
Company owner, Mr. Abiev A.O.		+	
Other supplies related Alfa BioTech LLP		+	

**CONCLUSION:**

The company and the owner do not appear in the Denial List.

**Verification is conducted by:**

Export Control Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikova K.Z.  
(Surname, Initials)

In accordance with the "Screening Instructions", the Head of the Export Control Department collects all the ACTS and CONCLUSIONS and, after completing analysis, draws up a general conclusion about the possibility of fulfilling the purchase order. The conclusion is made in the form of a decision sent for approval to EC Administrator, and then for review and approval by the enterprise management.

**RESOLUTION**

The following documents were considered: the act of commodity identification # 1 dated 11.02.20\_\_, the check report on the risk of export item diversion from the stated purposes No. 1 dated 10.12.20 \_\_, the check report on belonging to the Denial List # 1 dated 11.09.20 \_\_. Based on the reviewed materials and conclusions, I propose to accept the order from "AlfaBioTech" LLP.

Head of EC Department

\_\_\_\_\_  
(Signature)

Serikova K.Z.

Information provided by the client, as well as collected from various open sources, is summarized in the tables below and entered into the database of the enterprise (*organization, company*):

Appendix A

### THE CUSTOMER PROFILE CHECK

<b>CLIENT NAME</b>	AlfaBioTech LLP			
<b>CLIENT ADDRESS</b>	Alfa BioTech LLP, Ensk City, 1, PO Box 1814, Country: Republic of Kazakhstan, 050000			
<b>NEW CLIENT</b>	<b>YES</b>		<b>NO</b>	<b>+</b>
If yes, how many years have you been working with the client?				
<b>REQUIRED COMMODITIES</b>	1 PC. (350 kg) with control system accessories, +/- 0.5% (package)			
<b>CUSTOMER BUSINESS ACTIVITY: (reseller, manufacturer, university, etc.)</b>	manufacturer			
<b>• CHECK AGAINST THE DENIAL LIST:</b>				
Is the client listed in the Denial List?	<b>Yes</b>		<b>No</b>	<b>+</b>
<b>• CHECK ON THE DIVERSION</b>				
Is it known or suspected that there is a risk of commodities diversion	<b>Yes</b>		<b>No</b>	<b>+</b>
<b>• VERIFICATION OF MDW (BW) ACTIVITIES</b>				
Is it known or suspected that a client is directly or indirectly involved in any activity with MDW (CW)?	<b>Yes</b>		<b>No</b>	<b>+</b>

Appendix B

### CHECK LIST FOR OPERATIONS

Postcode		Operation number							
Reference number		Credit?	<b>Yes</b>		<b>No</b>		<b>+</b>		
Consignee:	AlfaBioTech LLP								
<b>Check against the Denial List:</b>									
Check date	11.03.20__	Date of notification							
<b>Check on non-proliferation of weapons of mass destruction</b>									
Check date	11. 05. 20__								
Nuclear	<b>Yes</b>		<b>No</b>	<b>+</b>	Missiles	<b>Yes</b>		<b>No</b>	<b>+</b>
Chem/Biolog.	<b>Yes</b>		<b>No</b>	<b>+</b>	High risk	<b>Yes</b>		<b>No</b>	<b>+</b>
Permit	<b>Yes</b>		<b>No</b>	<b>+</b>	Permit #				
Classification number #	<b>2B350. b</b>				License expiration date	12.10.20__			
Declared destination on order		<b>Yes</b>		<b>No</b>	<b>+</b>				
<b>Customs Export Declaration</b>									
Classification #.	<b>2B350. b</b>				Permit	<b>Yes</b>		<b>No</b>	<b>+</b>
Insurance	<b>Yes</b>		<b>No</b>	<b>+</b>					
Conditions	on FOB terms				On SIF terms		Other		
<b>Repeated check against the Denial List:</b>									
Date	12.07.20__	Date (version) of Denial List	01.01.20__						
Are all documents filled in?		<b>Yes</b>	<b>+</b>	<b>No</b>					
Check completed		Date	12.10.20__						

## b) EXAMPLE OF BIOMATERIAL EXPORT IN ACCORDANCE WITH ICP RULES

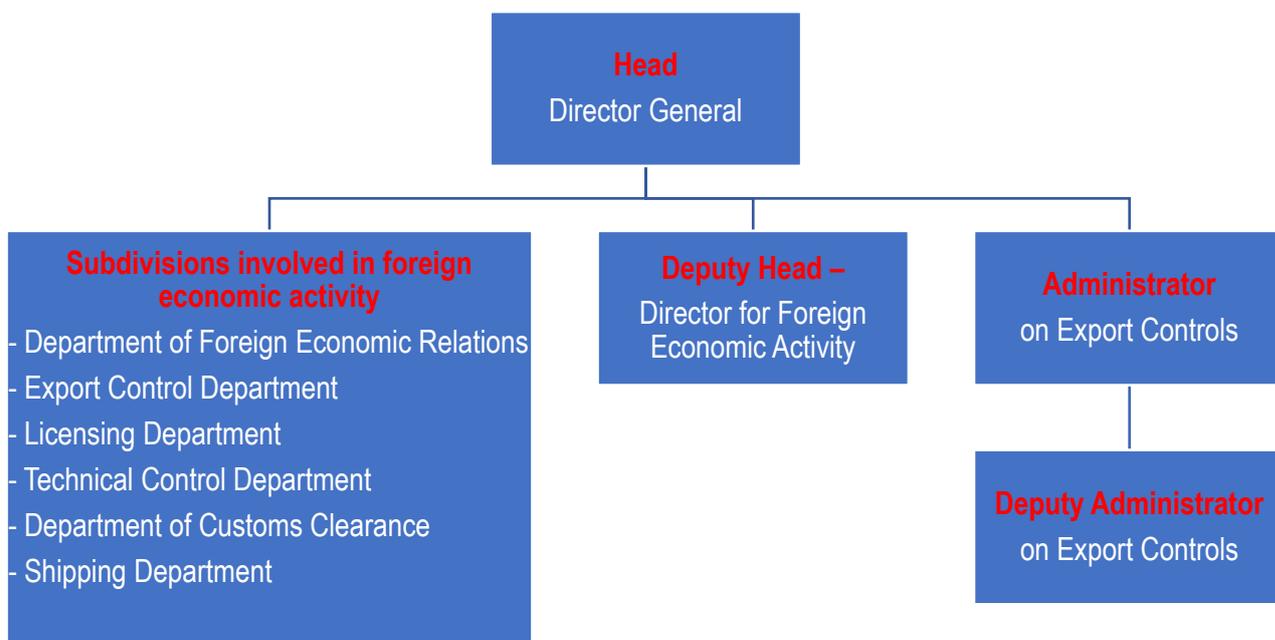
**EXAMPLE:** JSC “BioMed-Collection”, Kazakhstan has received an application for export of lyophilized preparations of plague isolated culture (*Yersinia pestis*) in the amount of 10 packages (each package - 10 ampoules of 2 ml), 0.150 kg \* / - 0.01%). Application came from the “TestGenService” Company, Russian Federation.

It is assumed that JSC "BioMed-Collection" has an ICP, i.e. at the enterprise:

1. an order has been issued defining the enterprise obligations to comply with export control requirements (see clauses 1 and 1.1 of this guide),
2. there is an action plan on the basis of which ICP is created, is working, and is revised (see clauses 2 and 2.1 of this guide),
3. organizational structure of the enterprise has been created and the staff has been appointed.

Suppose that the organizational structure of BioMed-Collection JSC is as follows (see clause 3.2. of this guide):

### EC STRUCTURE



The functions of export control officials are distributed as follows (see also clause 3.3. of this guide):

**JOB DISTRIBUTIONS**  
of the JSC “BioMed-Collection” officials on ICP issues

RESPONSIBLE PERSON		<i>Export Control Functions</i>	DEPUTY RESPONSIBLE PERSON	
Position, FULL NAME	Telephone		Position, FULL NAME	Telephone
Responsible representative of enterprise management on EC – <b>Administrator Karpin, Ivan</b>	12-35-12	<ol style="list-style-type: none"> <li>1. The overall coordination of work on ICP issues.</li> <li>2. Control over the foreign economic activity of enterprise subdivisions.</li> </ol>	Head of Export Control Department <b>Serikov, K</b>	12-45-15
<b>Head of Export Control Department Serikov, K</b>	12-45-15	<ol style="list-style-type: none"> <li>1. Coordination of work on the ICP issues at the enterprise.</li> <li>2. Set up and update ICP.</li> <li>3. Organization of internal checks and control over deficiencies elimination.</li> <li>4. Interaction with governmental bodies.</li> </ol>	<b>Deputy Head of Export Control Department Naum, Oleg</b>	15-45-16
		<ol style="list-style-type: none"> <li>5. Verification of purchase orders for the possibility of transfer, end user and end use checks.</li> </ol>	<b>Head of FEA department Doran, Pavel</b>	15-48-10
<b>Head of Licensing Department Loza, Dmitry</b>	15-46-16	<ol style="list-style-type: none"> <li>1. Preparation of documentation for receiving governmental authorities license or other permits.</li> <li>2. Keeping records of export transactions.</li> </ol>	<b>Chief specialist of licensing Department Mikhina, Elena</b>	15-46-20
		<ol style="list-style-type: none"> <li>3. Control of commodities prepared for shipment on the compliance with the export item specified in the shipping documentation, license or another permit issued by the authorized state body</li> </ol>	<b>Deputy Head of Licensing Department Mayra Ulich</b>	16-46-17
<b>Chief Specialist of Export Control Department Lukanin, Igor</b>	15-45-18	<ol style="list-style-type: none"> <li>1. Conducting internal checks of ICP operation.</li> </ol>	<b>Leading Specialist of Export Control Department Valuev, Victo</b>	15-45-18
<b>Leading Specialist of Export Control Department Kushko, Anatoliy</b>	15-45-19	<ol style="list-style-type: none"> <li>1. Maintaining and amending the data bank on the regulatory legal framework in export controls</li> <li>2. Informing enterprise services that participate in foreign economic activity on the specified issues.</li> </ol>	<b>Leading Specialist of Export Control Department Lokova, Nonna</b>	15-45-19
<b>Head of Technical Department FULL NAME</b>	17-20-21	<ol style="list-style-type: none"> <li>1. Commodities Identification</li> </ol>	<b>Employee of Technical Department Krap, Anatoliy</b>	17-20-22

## EXPORT CONTROL PROCEDURES. Required actions in the order processing system.

The commodities purchase order processing procedure might be presented in the form of such a scheme:

### SCHEME

#### Sequence of arrangements at LLP "BioMed-Collection" Company while commodities export

It. #	Name of element, actions	Performer	Regulatory document
1.	Application for commodities delivery	DEPARTMENT of Foreign Economic Relations	"Instructions for applications consideration"
	Request to the Export Control Administrator		"Job descriptions in accordance with ICP"
2.	<b>Verification (screening) of the foreign trade transaction:</b> <ul style="list-style-type: none"> <li>• identification (coding, classification) of a commodity, determining the type of permission,</li> <li>• checking the risk of export item diversion from the declared purposes,</li> <li>• verification of the customer against the Denial List,</li> <li>• end-use verification,</li> <li>• request to the competent state export control authorities regarding the possibility of export.</li> </ul>	Export control DEPARTMENT	"Screening Instructions"
	Conclusion on the possibility of the purchase order execution		
3.	<b>Signing</b> of contract Receipt of assurances and end-user certificate, issued by the competent state authority of the recipient country.	DEPARTMENT of Foreign Economic Relations	"Instructions on contracts formalization"
4.	Receiving permits for commodities export at the authorized state bodies	Licensing DEPARTMENT	"Instructions for the preparation of documents to be submitted for obtaining licenses"
5.	Preparation of export orders, shipping documentation, organization of transportation, product insurance	Shipment DEPARTMENT	"Instructions for cargo preparation and shipment"
6.	Customs clearance of commodities for export	Customs Clearance DEPARTMENT	"Instructions for customs clearance"
7.	Export shipments reporting, maintaining a single list of commodities subject to export control	Export Control DEPARTMENT	"Instructions for preparing reports"

Since the moment the order is received and till the export of the commodity a screening process is carried out. The order is checked in accordance with the scheme of checks identified in the ICP.

• **COMMODITY IDENTIFICATION**

**ACT  
OF COMMODITY (SERVICE) IDENTIFICATION:**

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_.

Date 09.14.20\_\_

**No. 9**

<b>Name of commodity (service)</b>	<b>Isolated plague culture (biomaterial)</b>
<b>Designation</b>	Plague live dry crop
<b>CN FEA Code</b>	<b>3002 90 500 0</b> - Pathogens dangerous to humans and animals, zoonoses and toxins
<b>Main technical characteristics (technical specification)</b>	Strain of the plague microbe EV of the NIIEG line of the oceanic variety Yersinia pestis of the Enterobacteriaceae family, in the R-form. It is a suspension of live bacteria of the vaccine strain of the plague microbe EV of the NIIEG line, lyophilized in a sucrose-gelatin medium with sodium glutamic acid, thiourea and peptone. Two-layer sealed cardboard package, supplied with absorbent packing material, quantity 10 pcs. Each package contains 10 glass-sealed 2 ml ampoules of live dry suspension of an isolated plague culture. There is a label with a sample number, a label for an infectious substance of category A, a list of the ampoule content. Available are Declarations for the transportation of dangerous goods of category A, hazard class 6.0 - infectious substance, UN 2814 and 2900.
<b>Application</b>	An isolated plague culture (Yersinia pestis) - a dry drug, when viewed with the naked eye, looks like a grayish-white or yellowish porous mass. This is a purified substance for the production of vaccines, test systems for plague infection in the presence of plague epizootics among rodents or the possibility of importing an infection by a sick person. It can be used as a biological material (substance) in the pharmaceutical industry, medicine, research practice.
<b>Name of Control List, List item number</b>	Kazakhstan Control List item number, <b>1C351c.13</b>
<b>Main technical characteristics (technical specification) in accordance with the Control List (restrictive criteria)</b>	Biological pathogen dangerous to humans and animals. Bacteria, naturally occurring or altered in the form of an "isolated culture" or as material, including culture media, intentionally contaminated with these bacteria are controlled
<b>Potential end use in areas related to non-proliferation (catch all control)</b>	Isolated plague culture (live dry) can be used as a biological pathogenic agent for biological weapons creation, the spread of infection by direct infection and/or transmissible through biological carriers, is included into AG, EU and Kazakhstan Control Lists, Resolution of Kazakhstan Government No. 104, 2008 (with amendments and additions as of May 14, 2018)
<b>Special requirements for licensing</b>	Licensed
<b>Information about the performer of identification</b>	
<b>Department name</b>	Technical Control Department
<b>Position</b>	Head of the Department
<b>FULL NAME</b>	Anikov A.T.
<b>Telephone number</b>	372-60-52
<b>Signature</b>	
<b>Date</b>	09.14.20__

- CHECK for RISK of EXPORT ITEM DIVERSION from the STATED PURPOSES:

«Approved»  
Administrator  
FULL NAME

«\_\_\_» \_\_\_\_\_ 20\_\_

## REPORT

about check on the risk of export item diversion from the stated purposes  
under the export license No. \_\_\_\_\_ dated \_\_\_\_\_ 20\_\_

Date 09.17. 20\_\_

No. 5

<b>Name of foreign transaction item</b>	<b>Isolated plague culture (biomaterial)</b>
<b>Contract Number and Date</b>	
<b>CN FEA Code</b>	<b>3002 90 500 0</b>
<b>Title of the Control List, position number</b>	List of commodities subject to export control in the Republic of Kazakhstan, <b>1C351.c.13</b>
<b>Manufacturing plant</b>	
<b>Catch all control (yes, no)</b>	Yes
<b>Name of the importer company, address</b>	“TestGenService” company, Zavodskoy village, PO Box 774, Turgai city, Kazakhstan 170000
<b>End user Company name, address</b>	“TestGenService” company, Zavodskoy village, PO Box 774, Turgai city, Kazakhstan 170000
<b>Identification Expertise Act (#, date, by whom it was carried out)</b>	# 9, 09.17.20__ A.T. Anikov

**Check results of buyers, purchasing commodities,  
subject to export control in the Country**

Content of "red indicators" (flags)	Answer		Note
	"Yes"	"No"	
1	2	3	4
The customer refuses to provide information regarding the end use or end user of the product.	+		Refuses to give an answer, perhaps does not know
The customer does not want to give clear answers to commercial or technical questions that are usually asked during negotiations.	+		Not competent enough
The characteristics and purpose of the ordered products do not correspond to the declared purposes of its use or the scope of customer activities (end users).			
The volume and range of products ordered do not correspond to the nature and technical level of production capacity available to the end user.			
The customer company has recently appeared on the market and information about it is very limited.	+		Exists for 2 years, little experience in the market and information is limited
The customer offered to pay for goods in cash for overpriced purposes.		+	
The customer is unfamiliar with the parameters and capabilities of the product, but wants to get it		+	
The customer refuses the established practice of commissioning and servicing by specialists of the exporting party.		+	
The customer asks for a modification of the ordered products, making it more suitable for use in creating weapons of mass destruction, missile delivery means and other most dangerous weapons.		+	
The customer imposes excessive confidentiality requirements on the final destination, end users or details of the products ordered.	+		
The freight carrier is specified by the customer in the contract as the final addressee of the goods.		+	
The customer uses the mailbox as the address for correspondence.	+		
The delivery route is not typical for the product and the addressee.		+	
Product packaging does not comply with the claimed method of transportation.		+	
It is known or suspected that the client is directly or indirectly involved in any activity related to the development, production or distribution of nuclear, chemical, biological weapons and missiles technology.			Not yet known

**CONCLUSION:** Analysis of "red flags" list indicates the need for additional verification.

*(possibility of exporting products (services), the need to check other signs of diversion,*

*It's necessary to check for other signs of diversion.*

*obtaining additional materials, checking information, etc.)*

Check is conducted by

Export Control Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikov, K.  
Surname, initials

If any "Red Flags" are detected, additional requests must be made. And, if they do not resolve the doubts, then the consideration of the possibility of this transaction should be stopped.

- CHECK against the DENIAL LIST:

«Approved»  
Administrator  
FULL NAME

« \_\_\_ » \_\_\_\_\_ 20\_\_

**REPORT**  
**on check against the Denial List**

**Results of check**

Data 09.21.20\_\_

**No. 6**

Presence in the "Denial List"	Answer		Note
	"Yes"	"No"	
1	2	3	4
"TestGenService" company		+	Method based on the verification of export transactions is selected
Company owner, Mr. Ivanov, Aidar		+	
Other supplies related to the "TestGenService" Company		+	

**CONCLUSION:**

The company and the owner are not present in the Denial List.

Verification is conducted by:

Export Control Department  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikov, K.  
(Surname, Initials)

In accordance with the "Screening Instructions", the Head of the Export Control Department collects all the acts and conclusions and, after completing analysis, draws up a general conclusion about the possibility of fulfilling the purchase order. The conclusion is made in the form of a decision sent for approval to Administrator, and then for review and approval by the enterprise management.

**RESOLUTION**

The Act of commodity identification **No.9**, dated 09.14. 20\_\_, the check report on the risk of export item diversion from the stated purposes **No.5**, dated 09.17. 20\_\_, the check report on belonging to the Denial List **No 6** dated 09.21.20\_\_ were considered. Based on the reviewed materials and conclusions, I propose to postpone the consideration of the order until the details of the history of the company "TestGenService" origin and its partners are clarified.

**Head of Export Control Department**  
(Name of subdivision, position)

\_\_\_\_\_  
(Signature)

Serikov, K.  
(Surname, Initials)

Information provided by the client, as well as collected from various open sources, is summarized in the tables below and entered into the database of the enterprise (organization, company):

Appendix A

### THE CUSTOMER PROFILE CHECK

<b>CLIENT NAME</b>	"TestGenService" company									
<b>CLIENT ADDRESS</b>	Russian Federation									
<b>NEW CLIENT</b>	<b>Yes</b>	<b>+</b>	<b>No</b>							
If yes, for how many years have you been working with the client?							-			
<b>REQUIRED COMMODITIES</b>	Isolated plague culture (biomaterial), cardboard packaging in the amount of 10 pcs. (Each package - 10 ampoules of 2 ml) 0.150 kg */ - 0.01%.									
<b>CUSTOMER BUSINESS ACTIVITY:</b> (reseller, manufacturer, university, etc.)							manufacturer			
<ul style="list-style-type: none"> <li><b>CHECK against THE DENIAL LIST:</b></li> </ul>										
Is the client listed in the Denial List?							<b>Yes</b>		<b>No</b>	<b>+</b>
<ul style="list-style-type: none"> <li><b>CHECK ON THE DIVERSION</b></li> </ul>										
Is it known or suspected that there is a risk of commodity diversion?							<b>Yes</b>		<b>No</b>	<b>+</b>
<ul style="list-style-type: none"> <li><b>VERIFICATION OF WMD (CW) ACTIVITIES</b></li> </ul>										
Is it known or suspected that a client is directly or indirectly involved in any activity on WMD (BW)?							<b>Yes</b>		<b>No</b>	<b>+</b>

Appendix B

### CHECK LIST FOR OPERATIONS

Postcode					Operation number				
Reference number					Credit?	<b>Yes</b>		<b>No</b>	<b>+</b>
Consignee	"TestGenService" Company, Russian Federation								
<b>Check against the Denial List</b>									
Check date	16.10.20__				Date of notification				
<b>Check on non-proliferation of weapons of mass destruction</b>									
Check date	10.15.20__								
Nuclear	<b>YES</b>		<b>NO</b>	<b>+</b>	Missiles	<b>Yes</b>		<b>No</b>	<b>+</b>
Chem/Biolog	<b>YES</b>		<b>NO</b>	<b>+</b>	High risk:	<b>Yes</b>		<b>No</b>	<b>+</b>
Permit	<b>YES</b>	<b>+</b>	<b>NO</b>		Permit No.				
Classification No.	<b>1C351.c.13</b>				License expiration date	12.10.20__			
Declared destination on order					<b>Yes</b>		<b>No</b>		
<b>Customs Export Declaration</b>									
Classification No.	<b>1C351.c.13</b>				Permit:	<b>Yes</b>	<b>+</b>	<b>No</b>	
Insurance	<b>Yes</b>	<b>+</b>	<b>No</b>						
Conditions	on FOB terms				On SIF terms	Other			
<b>Repeated check against the Denial List:</b>									
Data	08.10.20__				Data (version) of Denial List	01.01.20__			
Are all documents filled in?					<b>Yes</b>	<b>+</b>	<b>No</b>		
Check completed					Data 01.10.20__				

**ATTACHMENT 4**  
**RADIOLOGICAL SECTOR, examples**

## ATTACHMENT 5

### Comparison of ICPs

#### International Examples of Internal Compliance Programs

Two of the main sources of information on Internal Compliance Programs (ICPs) are the European Commission Recommendation (EU) 2019/1318 of 30 July 2019 on internal compliance programmes for dual-use trade under Council Regulation (EC) No 428/2009 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019H1318>), and the U.S. Department of State's Export Control and Border Security (EXBS) program (<https://icp.acis.state.gov/index.php/navigating-and-using-the-site/overview-of-the-icp-guide>). The following are several examples of such programs along with links to website for additional information.

The EU and U.S. work together closely on export controls and the documents largely cover the same information, but that information may be grouped somewhat differently. The table below indicates some differences between the two approaches.

#### Core Elements of an ICP

ELEMENT	EU	US
1	Top-Level management commitment to compliance	Management Commitment to Compliance
2	Organisation structure, responsibilities and resources	Organizational Structure and Responsibilities
3	Training and awareness raising	Transaction Screening Process and Procedures (EU 4)
4	Transaction screening process and procedures (includes shipment control)	Shipment Control
5	Performance review, audits, reporting and corrective action	Auditing and Internal Review
6	Recordkeeping and documentation	Training and Education (EU 3)
7	Physical and information security	Recordkeeping and Documentation
8	n/a	Reporting and Corrective Action (included in EU 5)

The one element that is included in the EU list that is not in the US list is Physical and Information Security, which should be considered to ensure that a set of internal procedures are designed to prevent unauthorised access to or removal of dual-use items or information by employees, contractors, suppliers, or visitors.

In addition, other countries also have made important progress to develop ICPs. The Japanese Ministry of Economy, Trade and Industry (METI) is responsible for the transfer/export of controlled technologies/goods to foreign countries.

METI does not require ICPs, but strongly urges companies and academic institutions to implement them. Additional information can be found at:

- <https://www.meti.go.jp/policy/anpo/englishpage/icp.pdf>
- [https://supportoffice.jp/outreach/2013/malaysia/S1-2\\_Mr.Aotsuka.pdf](https://supportoffice.jp/outreach/2013/malaysia/S1-2_Mr.Aotsuka.pdf)

The Stockholm International Peace Research Institute (SIPRI) has also produced a number of reports that are relevant, particularly for those interested in specific sector analysis or the application of ICPs to academia and research institutes.

<u>Publication title</u>	<u>Author(s)/Editor(s)</u>	<u>Year of publication</u> <u>Sort ascending</u>
<u><i>Detecting, Investigating and Prosecuting Export Control Violations: European Perspectives on Key Challenges and Good Practices</i></u>	<u>Dr Sibylle Bauer and Mark Bromley</u>	2019 - December
<u><i>The Challenge of Emerging Technologies to Non-proliferation Efforts: Controlling Additive Manufacturing and Intangible Transfers of Technology</i></u>	<u>Kolja Brockmann and Robert Kelley</u>	2018 - April
<u><i>The Challenge of Software and Technology Transfers to Non-proliferation Efforts: Implementing and Complying with Export Controls</i></u>	<u>Mark Bromley and Giovanna Maletta</u>	2018 - April
<u><i>Challenges and good practices in the implementation of the EU's arms and dual-use export controls: A cross-sector analysis</i></u>	<u>Dr Sibylle Bauer, Kolja Brockmann, Mark Bromley and Giovanna Maletta</u>	2017 - July
<u><i>Internal compliance and export control guidance documents for actors from academia and research</i></u>	<u>Dr Sibylle Bauer, Kolja Brockmann, Mark Bromley and Giovanna Maletta</u>	2017 - July
<u><i>Internal compliance and export control guidance documents for the defence and aerospace sector</i></u>	<u>Dr Sibylle Bauer, Kolja Brockmann, Mark Bromley and Giovanna Maletta</u>	2017 - July
<u><i>Internal compliance and export control guidance documents for the information and communications technology sector</i></u>	<u>Dr Sibylle Bauer, Kolja Brockmann, Mark Bromley and Giovanna Maletta</u>	2017 - July
<u><i>Internal compliance and export control guidance documents for the nuclear sector</i></u>	<u>Dr Sibylle Bauer, Kolja Brockmann, Mark Bromley and Giovanna Maletta</u>	2017 - July