



Federal Office for Economic Affairs  
and Export Control  
Division 223  
Frankfurter Straße 29 – 35  
65760 Eschborn  
Germany

# Declaration of the Chief Export Control Officer on the Assumption of Responsibility

## Annex AV2 – Please submit the original

With reference to No. 2 of the Federal Government's Principles for Evaluating the Reliability of Exporters of War Weapons and Arms-related Products of 25 July 2001 (BAnz. P. 17177), the chief export control officer declares:

|  |
|--|
| Chief export control officer                 |
| Undertaking                                  |
| EORI number(s)                               |
| In accordance with the nomination to BAFA on |

To assume liability and responsibility for the correctness of all export/transfer licence applications signed on his/her behalf. The attached explanation on the chief export control officer is a component part of this declaration ([http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/antragstellung/formulare\\_av/index.html](http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/antragstellung/formulare_av/index.html)).

|             |                                     |
|-------------|-------------------------------------|
| <b>Date</b> | <b>Chief export control officer</b> |
|             | Repeat in capital letters           |



This document is for your reference only.

Please do not submit to BAFA.

## Explanation regarding chief export control officer (person responsible for exports)

### Obligation to nominate a chief export control officer

Granting of export licences under foreign trade law may be made dependent on material and personal conditions of the applicant according to sect. 8 (2) AWG. The requirements to be met in order to be deemed reliable are defined in No. 2 of the Principles of the Federal Government for Evaluating the Reliability of Exporters of War Weapons and Arms-related Products of 25 July 2001 (BAnz. p. 17 177). The federal government requires the designation of a person responsible for exports (chief export control officer). Depending on the applicant's legal status, the chief export control officer must be a member of the board of management, a managing director or a representative shareholder who is personally responsible for exports and transfers. The chief export control officer must fulfil organisational obligations, is responsible for personnel selection and further training and has supervisory duties.

### Company's internal export control system

To meet his/her obligations the export control officer must establish a well-functioning internal compliance programme (ICP). It contains information about:

1. Personal and technical means for handling foreign trade transactions, particularly transfers and exports;
2. The organisational structure /chain of responsibility;
3. Internal audits /supervision;
4. Workflow management, internal processes and general awareness-raising in the company;
5. Physical and technical security;
6. Records / records keeping.

Details of these criteria may be found in BAFA's Information Leaflet "Internal Compliance Programmes (ICP)" which is an applicable document in addition to the nomination of the export control officer /declaration of export control officer on assumption of responsibility:

[http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/arbeitshilfen/merkblaetter/merkblatt\\_icp.pdf](http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/arbeitshilfen/merkblaetter/merkblatt_icp.pdf)

### Information

The signatories are informed that in case of a possible reliability audit they cannot plead ignorance or misunderstanding of foreign trade provisions. The signatories are also informed that doubts in the reliability of the chief export control officer may lead to consequences specified in No. 3 ff. of the above Principles of the Federal Government. In case of justified doubts in the applicant's reliability, BAFA may refrain from issuing export/transfer licences.

The signatories are informed that in case of a violation of foreign trade obligations – especially incorrect or incomplete data provided to BAFA – they cannot deny their responsibility under the above-mentioned principles by referring to the person in charge (the contact person in box 4a of the application form of export/transfer licence).

[http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/antragstellung/formulare\\_av/index.html](http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/antragstellung/formulare_av/index.html)

[http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/vorschriften/zuverlaessigkeit\\_ausfuhrverantwortlicher/index.html](http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/vorschriften/zuverlaessigkeit_ausfuhrverantwortlicher/index.html)

### Procedure

In general, the export control officer personally signs the application for export/transfer licences. In derogation from this provision, the declaration AV2 may be submitted to BAFA which must be indicated in the application form (box 37 of the export/transfer licence). The AV2 declaration is valid for a period of one year following submission. The date of receipt at BAFA is decisive. The applicant is responsible for ensuring that a valid AV2 declaration is available at BAFA, if required.

The delegation of the power to sign applications for export/transfer licences – as confirmed by AV2 declaration – does not touch the basic responsibility of the chief export control officer and excludes exculpation by referring to the responsible person (the contact person in box 4a of the application form for export/transfer licence).

The nomination of the chief export control officer shall remain valid until its written revocation to BAFA. In case of a personnel turnover, the bodies entitled to represent the undertaking are obliged to immediately inform BAFA about a change and to designate a new export control officer.



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**Please do not submit to BAFA.**

### Explanation of boxes in the application form

“Undertaking”: Please give the complete name as indicated in the commercial register. In case of the first-time nomination of the chief export control officer, please include an uncertified copy of the current extract from the commercial register.

“EORI number”: Please indicate the EORI number and all sub-numbers to which the nomination/declaration should apply (if necessary on a supplementary sheet).

“Represented by”: Please indicate the name of the person authorised to represent the undertaking.

### Examples

- For the GbR (society of civil right) with a general management the names of all shareholders/partners
- For the GbR with individual management the name of the shareholder authorised for management
- For the GmbH (private limited company) the name of the managing director
- For the KG (limited partnership) the name of the general partner
- For the GmbH &Co. KG the name of the managing director of the general partnership
- For the AG (public limited company) the name of the authorised member of the managing board
- **The designation of a person vested with general commercial power (Prokurist) is not permitted.**

### Please note

The box on the left side below (signature of company’s body entitled to represent) should not be signed by the chief export control officer but (if applicable) by at least one other member of the body entitled to represent the company. The co-signature of an authorised signatory (Prokurist) is not required. The nomination of the chief export control officer (AV1) shall be submitted to BAFA in the original. The same applies to the first declaration of the chief export control officer to assume responsibility. Subsequent declarations (AV2) of the same chief export control officer may be presented to BAFA as a copy or may be uploaded as application-related pdf.document via ELAN K2-Portal.

[http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/antragstellung/formulare\\_av/index.html](http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/antragstellung/formulare_av/index.html)

[http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/vorschriften/zuverlaessigkeit\\_ausfuhrverantwortlicher/index.html](http://www.ausfuhrkontrolle.info/ausfuhrkontrolle/de/vorschriften/zuverlaessigkeit_ausfuhrverantwortlicher/index.html)