

## Terms on Export Control and Electronically Order Processing

Status: January 2018

### 1 Compliance with Export Control Regulations

- 1.1 If Customer transfers Deliverables (hardware and/ or software and/ or technology as well as corresponding documentation and/ or works and services, regardless of the mode of provision, and/ or including all kinds of technical support) provided by FLENDER to a third party worldwide, Customer shall comply with all applicable national and international (re-) export control regulations. In any event Customer shall comply with the (re-) export control regulations of the Federal Republic of Germany, of the European Union and of the United States of America.
- 1.2 If required to conduct export control checks, Customer, upon request by FLENDER, shall promptly provide FLENDER with all information pertaining to particular end customer, destination and intended use of Deliverables provided by FLENDER, as well as any export control restrictions existing.

### 2 Reservation Clause

FLENDER shall not be obligated to fulfill this agreement if such fulfillment is prevented by any impediments arising out of national or international foreign trade or customs requirements or any embargos or other sanctions.

### 3 Destination Control Statements (DCS)

Deliverables are controlled by the U.S. Government (when labeled with "ECCN" unequal "N") and authorized for export only to the country of ultimate destination for use by the ultimate consignee or end-user(s) herein identified. They may not be resold, transferred, or otherwise disposed of, to any other country or to any person other than the authorized ultimate consignee or end-user(s), either in their original form or after being incorporated into other items, without first obtaining approval from the U.S. Government or as otherwise authorized by U.S. law and regulations. Deliverables labeled with "AL" unequal "N" are subject to European / national export authorization. Deliverables without label, with label "AL:N" / "ECCN:N" or label "AL:9X9999" / "ECCN: 9X9999" may require authorization from responsible authorities depending on the final end-use, or the destination.

### 4 Meaning of Free Choice Text

If Customer has within the scope of the electronic order process, the ability to insert a "free choice text" (F), statements of Customer inserted into this text (F) are solely for the purpose of internal purchase order processing of Customer. Statements of Customer inserted into this text (F) are not reviewed or taken into consideration by FLENDER, are transferred as is without changes and are reproduced on the purchase order documents solely for the purpose internal purchase order processing of Customer. Therefore, the information provided does not affect the contractual relationship and is not legally binding.