

## **INTERNATIONAL TRADE COMPLIANCE**

Nobles Worldwide, Inc and its suppliers are obligated to comply with the legal requirements of the United States Export Control and Customs at all times, and to ensure their correct and cost-effective implementation. For this reason, Nobles Worldwide expects its suppliers to provide export control and foreign trade data in a professional and timely manner, and to implement appropriate standards for security in the supply chain in the framework of global customs security programs. In addition to these basic requirements, further requirements are to be taken into account, e.g., due to national or product-specific requirements, which must be evaluated on a case-by-case basis.

All suppliers must certify and adhere to the following International Traffic in Arms Regulations (ITAR) related requirements when supplying any supplies or services to Nobles Worldwide.

1. The supplier is a "U.S. Person" as defined in the ITAR or the supplier possesses the appropriate licenses and/or exemptions from the U.S. Government to receive Nobles Worldwide furnished technical data.
2. The supplier will not transfer any technical data or defense articles directly or indirectly to any third person or firm, country or countries, unless in compliance with all applicable laws and regulations and having obtained specific written authorization from Nobles Worldwide in advance to effect such a transfer.
3. The supplier will not permit any employee access to furnished technical data nor permit any employee to perform services under this purchase order (PO) unless such employee qualifies as a "U.S. person," and is not a dual national as described in the (ITAR)
4. The supplier will limit delivery of any defense articles to be produced only to a person in the U.S. and employed by a U.S. company not controlled by any Foreign Parent company or to an agency of the U.S. government, and the delivery of only the technical data to a foreign supplier necessary to enable the foreign manufacturer to build to print.
5. The supplier will limit the use of any technical data authorized and transferred by Nobles Worldwide to the manufacture of the specified defense articles.
6. The supplier is prohibited in disclosing any technical data without the prior approval of the U.S. Department of State.
7. The supplier shall protect and will prohibit any transfer of technical data to any foreign person who is not authorized to receive by the U.S. Department of State.

### **Technical Data**

Some of the information disclosed to you by Nobles Worldwide may contain technical data that is categorized on either (i) the United States Munitions List and, as such, is subject to the International Traffic in Arms Regulations (ITAR, 22 CFR 120-130), and/or (ii) the Commerce Control List and, as such, is subject to the Export Administration Regulations (EAR, 15 CFR 730-799). Technical data that is controlled by the ITAR or the EAR may not be communicated or transferred to a foreign person (including foreign corporations or foreign corporations who have incorporated within the laws of the US but still under the control and influence of the foreign parent company) by a U.S. person unless and until the U.S. person has obtained the appropriate export license and/or approvals from the U.S. Government.

Technical data is defined as all unclassified and classified data/information related to military equipment. It includes information required for the design, development, production, manufacture,

assembly, operation, repair, testing, maintenance or modification of military equipment, but does not include basic marketing information on function or purpose or general system description.

### **State Department Registration**

As provided in Section 122.1(a) of the ITAR, “any person who engages in the United States in the business of either manufacturing or exporting defense articles or furnishing defense services is required to register with the State Department Directorate of Defense and Trade Controls (DDTC). Registration is primarily a means to provide the U.S. Government with necessary information on who is involved in certain manufacturing and exporting activities. Registration does not confer any export rights or privileges, but is a precondition for the issuance of any license or other approval for export.” For purposes of Section 122.1(a), “engaging in the business of manufacturing or exporting defense articles or furnishing defense services requires only one occasion of manufacturing or exporting a defense article or furnishing a defense service. Manufacturers who do not engage in exporting must nevertheless register.”

### **U.S./Canada Joint Certification Program**

The U.S./Canada Joint Certification Program (JCP) established the eligibility of a U.S. or Canadian contractor to receive technical data governed, in the U.S., by DOD Directive 5230.25 and, in Canada, by the Technical Data Control Regulations (TDCR). A certification is required by U.S. or Canadian contractors that wish to obtain access to unclassified technical data disclosing military critical technology that is under the control of, or in the possession of the U.S. Department of Defense (DOD) or the Canadian Department of National Defense (DND). In order to obtain a JCP number, Contractors must submit a DD Form 2345 to the U.S./Canada Joint Certification Office, along with a copy of the company’s State/Provincial License, Incorporation Certificate, Sales Tax Identification Form or other documentation which verifies the legitimacy of the company.