

Customs and export conditions
Clarios - EMEA

Change history:

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I. Customs, origin of goods, preferences

1. The Supplier is obliged to notify Clarios of the customs tariff number, the preferential and the non-preferential origin of the delivered goods at the latest at the time of the first delivery.
2. EU-based Suppliers, provide proof of preferential and non-preferential origin by means of a long-term supplier's declaration in accordance with the current legal requirements. Clarios provides an information sheet for this purpose. The declaration is to be made free of charge for the respective Clarios Entity commissioning it. The country of origin is shown in the form of the ISO alpha country code. The declaration is usually valid for a calendar year.
3. The Supplier is responsible for renewing the declaration promptly on request before it expires, in accordance with the relevant legal regulations.
4. Individual supplier declarations or supplier declarations on commercial documents will not be accepted.
5. Clarios are to be notified in writing in a timely manner of changes to an issued declaration within the specified validity period.
6. Suppliers located outside the EU shall prove the preferential origin in accordance with the requirements of the relevant preferential agreement. The non-preferential or commercial origin by indicating the corresponding ISO alpha code on the invoice.
7. The Supplier is, at the request of Clarios, responsible for providing the originating status of the goods delivered in another way free of charge, if the usual documents are no longer available (manufacturer's declaration etc.). In specific cases it may be required – due to legal obligations – that Clarios is requesting the Supplier to provide an origin declaration, a CCI (long-term) supplier's declaration or a similar document to prove the non-preferential origin. Such document is to be provided by the Supplier upon request and free of charge.
8. The Supplier shall support Clarios with all necessary means to reduce or minimize the payment obligations of the Buyer with respect to customs duties.
9. The Supplier must contact the central customs department of Clarios EMEA (email: EMEA-CentralCustoms@clarios.com) for all questions and instructions relating to customs duties and declarations of origin.
10. For customs purposes, the Supplier shall attach to the accompanying documents a commercial invoice in the language of the receiving Clarios Entity or in English and in duplicate. Any deviation therefrom shall only be permitted with the prior written consent of the Buyer.

In the event of deliveries which are liable to duty, the following must also be listed separately in the invoice:

- costs not included in the price (e.g. commissions, broker fees, license fees, production material costs, customer provisions);
- costs included in the price (e. g. assembly and freight costs)
- the cost of repair services after material and labor costs.

Even for free deliveries, a declaration of value with the note „For Customs Purposes Only“ is required. The reason for the free delivery must be stated on the invoice (e. g. free sample pack). Unless otherwise agreed, the customs clearance is performed by the respective Clarios Entity. If the Supplier carries out the customs clearance without prior written permission from the customer, they must bear the costs incurred themselves.

II. Export control

1. If the delivered goods are subject to export control legislations, the Supplier is responsible for providing Clarios with the following information by the time of the first delivery at the latest.
 - Export Classification Number (ECN) in accordance to annex AL to the German Foreign Trade regulation (AWV) and/or in accordance to annex I of the EU dual use regulation and/or in accordance to the EU Common Military List (the current version).
 - For goods which are subject to the EAR or ITAR (falling under US-Export/Re-Export law) the following information must also be included too:
 - Are the goods subject to the Export Administration Regulations (EAR) or the International Traffic in Arms Regulations (ITAR)?
 - The Export Control Classification Number (ECCN) in accordance to EAR or ITAR
 - Was an export/Re-export license required for one of the previous deliveries?
 - Are goods which are subject to the EAR incorporated?
 - The US share is 10% or more the Supplier shall provide the client with full documentation of the De-Minimis calculation.
2. The requirements above apply mutatis mutandis to technology, software and services related to controlled goods. The Supplier provide all necessary documents needed for applying for an export/Re-export license and appoint a point of contact name for answering any question.
3. Upon request, the Supplier is required to provide all further foreign trade data for the goods and their components in writing and inform the customer of all changes to the existing data promptly (before the delivery of the affected items) in writing.
4. The obligations apply even after the business relationship has ended.

III. Authorized Economic Operator (AEO)

1. The supplier confirms that they have applied for or will apply for the status of an Authorized Economic Operator (AEO) via one of the following authorizations:
 - AEO authorization „customs simplifications“ (AEOC),
 - AEO authorization „security and safety“ (AEOS) or
 - AEO authorization „customs simplifications and security and safety“ (AEOC and AEOS / combined authorization)

2. Suppliers who do not currently fulfil the above requirements, undertake to fulfil the following requirements in the sense of the AEO:
 - Goods that are produced, stored or transported on behalf of the AEO or are delivered to the received by them
 - are produced, stored, handled, processed and loaded at secure business operations and at secure transshipment points
 - are protected against unauthorized access during production, storage, handling, processing, loading and transport
 - Only reliable personnel (e. g. according to the list of names in accordance with Regulations (EC) No. 2580/2001 and (EC) No. 881/2002 and (EU) No. 753/2011) are deployed for production, storage, handling, processing, loading, transport and receiving of such goods.
 - Business partners who act on my behalf have been informed they must also take suitable measures to safeguard the aforementioned supply chain.

IV. Dangerous Goods Shipments

The supplier declares that the content of each dangerous goods shipment are described by the correct shipping name, is classified, packed, marked, labeled and documented and is in full and proper compliance with international and national dangerous goods regulations. Supplier will provide all relevant documents, where applicable, such as safety data sheets, certificates or export reports.