

Requirements for all Pratt and Whitney Kalisz Sp. z o.o.
suppliers on strategic and civil commodities.

Klasyfikacja Eksportowa /Export Controls Classification

Ten dokument nie zawiera danych technicznych podlegających kontroli eksportu. This document does not contain any export controlled technical data.

1. Definitions
2. Useful legal acts
3. Suppliers' obligations
4. Data encryption

1. Definitions

Export Control – an area of activities which aim at compliance with international trade regulations regarding commodities, technical data, technologies, services and software.

Concession – an administrative act issued by a conceding body on the request of an economic operator. Pursuant to 22 June 2001 Act on the implementation of business activity in the scope of production and trade of explosives, weapon, ammunition, products and technologies used by Armed Forces and Police (Journal of Laws of 2001, No 67, item 679 with subsequent amendments), the concession granted by the Ministry of Internal Affairs and Administration permits business operation in the scope of production and turnover of explosives, weapon, ammunition, products and technologies used by Armed Forces and Police only after having met the conditions stipulated in the above mentioned act.

ITAR - International Traffic in Arms Regulations – a collection of U.S. government regulations supervised by the Department of State with regards to export and import control of military, U.S.-origin commodities, technologies and services.

EAR – Export Administration Regulations – a collection of U.S. government regulations supervised by the Department of Commerce with regards to export and import control of military, dual-use, and civil commodities and technologies of U.S.-origin.

MLA – Manufacturing License Agreement – a license agreement for production of parts covered with ITAR regulations.

TAA – Technical Assistance Agreement – a license agreement for technical assistance with programs covered by the ITAR.

NDA – Non-Disclosure Agreement – required for any Supplier in a standard mode of cooperation and additionally, in the case of the ITAR, it constitutes a separate exhibit for an MLA agreement.

US - refers to export classification values attributable to Technical Data that is subject to the jurisdiction of the United States when located inside of the United States (replaces P-ECCN)

OUS - refers to export classification values attributable to Technical Data that is subject to the jurisdiction of the United States even when located outside of the United States (replaces ECCN)

ECL – Export Control List – the Canadian list of commodities and technologies.

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Technical data – information in any form essential for development, production, operation, modification or maintenance of Equipment, Materials, Software or processes relating to these activities. Financial, administrative data and information in public domain do not comprise technical data.

Examples of technical data:

- Technical drawings,
- Measurement analyses,
- 3D models,
- Technical instructions (e.g. technological processes),
- Technical reports,
- Research results,
- Assembly methods,
- Technical calculations,
- Material data,
- Graphs with technical parameters,
- Training materials,
- Calculation sheets,
- Test results.

Non-technical data – information not subject to export control. Examples of non-technical data:

- Financial data,
- Sales data,
- Schedules/delivery information/number of delivered engines,
- Parts numbers/parts lists/parts descriptions (without measurements),
- Pricing information,
- Invoices from clients containing information related to price, quality, reasons for maintenance work and general descriptions of materials repaired in engines,
- Number of engines in particular fleets,
- General information on functions and purpose of engines or parts,
- General descriptions of systems,
- Information relating to general, scientific, mathematical data or general engineering rules,
- Knowledge acquired from schools and universities,
- A general statement regarding causes of e.g. improper engine operation,
- General commercial terms and conditions.

Technology – information essential for development, production or operation of a product. Such information takes a form of technical data or technical assistance.

Information relating to technology in the form of technical data may be included, among other things, in the following documents:

- Technical drawings,
- Measurement analyses,
- 3D models,
- Technical instructions (e.g. technological processes),

- Technical reports,
- Research results,
- Assembly methodologies,
- Technical calculations,
- Material data,
- Graphs with technical parameters,
- Training materials,
- Calculation sheets and programs.

LU classification code – a code marking a controlled item according to the Polish Government Munitions List – 30 April 2013 Regulation of the Minister of Economy on the list of armaments which require a turnover permit (Journal of Laws of 2013, Item 194 with subsequent amendments).

Export Control Area – Export controlled departments/places with access only for authorized persons.

Strategic commodities – (Act of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security and on amendments in some acts (Journal of Laws of 28 December 2000, No. 119, Item 1250) – commodities of strategic significance for the security of the state and to maintaining international peace and security which are dual use or military products.

Products used by Armed Forces and Police – as stipulated in the 3 December 2001 Regulation of Minister of Economy (Journal of Laws.01.145.1625 with subsequent changes).

Export permit – Under the Polish law turnover of armaments and dual use products requires a permit for export, performance of brokering services, technical assistance and in the scope determined in the permit. A supplier is obligated to apply for a required permit, if applicable.

2. Useful legal acts

Polish legal acts:

- Act of 29 November 2000 on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security and on amendments in some acts (Journal of Laws of 28 December 2000, No. 119, Item 1250 with subsequent amendments),
- Act of 25 May 2012 on amending the act on foreign trade in goods, technologies and services of strategic importance to the security of the State and to maintaining international peace and security and on amendments in some acts (Journal of Laws of 2012, Item 707 with subsequent amendments),
- Act of 22 June 2001 on the implementation of business activity in the scope of production and trade of explosives, weapon, ammunition, products and technologies used by Armed

Forces and Police (Journal of Laws of 2001, No 67, item 679 with subsequent amendments),

- 8 May 2014 Regulation of the Minister of Economy on the list of armaments which require a turnover permit (Journal of Laws of 2014, No. 0, Item 627 with subsequent changes),
- 12 August 2014 Regulation of the Minister of Economy amending the Regulation on the list of armaments which require a turnover permit (Journal of Laws 2014, Item 1113),
- 29 May 2013, item 619 Regulation of the Minister of Economy on turnover of strategic goods (Journal of Laws of 2013, Item 194 with subsequent amendments).

European legal acts:

- 29 May 2013, item 619 Regulation of the Minister of Economy on turnover of strategic goods (Journal of Laws of 2013, Item 194 with subsequent amendments),
- Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology,
NOTICE: Council Regulation (EC) No 1334/2000 is superior to legal acts of Member States.
- Regulation (EU) No 388/2012 Of The European Parliament And Of The Council of 19 April 2012 amending Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items.

3. Requirements

with entry into PWK premises – not applicable to contracts	without entry into PWK premises – not applicable to contracts
<p>a) During performance of obligations, especially those carried out within PWK premises, the Supplier (including any individuals acting on its behalf) shall fully comply with applicable export, import and customs laws (taking into account Polish, European Union and US export laws), which also comprises an obligation to comply with any related PWK internal regulations as indicated below.</p> <p>b) Where performance of obligations requires Supplier’s activities at PWK premises, a written list of individuals to be used by the Supplier shall be provided to the Buyer minimum 3 days in advance. The list shall contain names of the individuals to be used by the Supplier, citizenship(s).</p> <p>c) Any violation by the individuals mentioned in b) above of the export control rules shall be considered by PWK as a gross infringement of the commitment.</p> <p>d) PWK may deny access to perform any activities related to performance of the obligation by any</p>	<p>a) During performance of obligations the Supplier (including any individuals acting on its behalf) shall fully comply with applicable export, import and customs laws (taking into account Polish, European Union and US export laws).</p> <p>b) The Supplier certifies that none of the products or related technical data are controlled by US International Traffic in Arms Regulations International Traffic in Arms Regulations (ITAR).</p> <p>c) The Supplier certifies that none of the products or related technical data are controlled by US Export Administration Regulations (EAR) to the extent they would need a license issued by US Department of Commerce.</p>

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<p>individuals used by the Supplier when it is necessitated by export control requirements.</p> <p>e) Such denial shall be written and will not constitute a breach of PWK's obligations to serve the Supplier as a basis to terminate the agreement.</p> <p>f) In the event Supplier's vehicles need to enter PWK's premises, the Supplier shall notify PWK of such vehicle's make and registration number minimum 2 days in advance.</p> <p>g) Any changes to the said list of individuals employed by the Supplier mentioned in b) and to the vehicles mentioned in f) above shall be notified in writing to PWK minimum 2 days in advance.</p> <p>h) In emergency situations when circumstances prevent terms set forth in the obligation from being kept, the individuals employed by the Supplier are allowed to enter PWK's premises only upon proving necessary details required by PWK. Furthermore, the Supplier shall complete such details within three days of such event, at latest.</p> <p>i) The Supplier certifies that none of the products or related technical data are controlled by US International Traffic in Arms Regulations (ITAR).</p> <p>j) The Supplier certifies that none of the products or related technical data are controlled by US Export Administration Regulations (EAR) to the extent they would need a license issued by US Department of Commerce.</p> <p>k) In the event of violation of the export control rules, the Supplier shall pay PWK a contractual penalty of PLN 3,000 for each such violation. PWK shall be entitled to claim damages exceeding the established contractual penalty under general Civil Code provisions.</p>	<p>d) In the event of violation of the export control rules, the Supplier shall pay PWK a contractual penalty of PLN 3,000 for each such violation. PWK shall be entitled to claim damages exceeding the established contractual penalty under general Civil Code provisions.</p>
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4. Data encryption

When sending technical data electronically, the data must be first encrypted. It is preferred to transfer the password through a different means of communication. If, for instance, the encrypted file is sent as an e-mail, the password can be given on the phone. If, however, e-mail is the only possible way to contact the receiver, then the password must be sent in a separate, later e-mail.

The obligation to encrypt data with WinZip concerns:

- Information property of Pratt and Whitney Kalisz Sp. z o.o. / UTC,
- Proprietary data (commercial, financial, statistical secrets), etc.,
- Export controlled technical data.

Sending **technical controlled data** by e-mail to PWK is prohibited. Technical controlled data may be exchanged between a Supplier and PWK only by means of PWK approved systems such as MFT (Managed File Transfer).