

Export Control and the Export Control Officer

Export control, as understood by the **Federal Office for Economic Affairs and Export Control (BAFA Germany)**, essentially consists of four subsectors:

- I. **Goods**-specific Export Control
- II. **Consignee**-specific Export Control (Sanction Lists)
- III. **Country**-specific Export Control (Embargoes)
- IV. **Application**-specific Export Control

The principle of Freedom of Foreign Trade is limited by approvals and bans.

Each exporting company is independently responsible for ensuring that the relevant Export Control Regulations continue to apply.

In order to fulfill these duties, the Company Management must appoint an **Export Control Officer** who has to ensure the export control in cooperation with the project planning department within the company from a technical and organizational point of view, taking into account National and European legislation.

The Export Control Officer must supervise the **export** (to outside the EU), **shipment** (within the EU) and **transit** (through the EU) of "critical" goods and other relevant transactions, in particular *technical assistance*. The Export Control Officer is also responsible for ensuring compliance with sanctions lists.

Talking about the special role of management:

The management is responsible for the legally flawless execution of exports with regard to the requirements of the **Foreign Trade Act** and the **Foreign Trade Regulations**, the **Dual-Use Regulation (VO (EU) No. 2021/821)** as well as the respective **Sanction and Embargo Regulations** of the European Union in their current version. Management has four basic responsibilities:

1. Duty to organize
2. Duty to supervise
3. Duty to select personnel
4. Duty to train

The Export Control Officer, equipped with a comprehensive **stop and instruction function**, is responsible for ensuring technical and organizational export control within the company and for evaluating and monitoring business transactions with regard to their relevance to export control laws and regulations.

The Export Control Officer is responsible for reporting to top management on the export control process on a regular basis.

Export Control Monitoring:

Regular audits in the form of **internal AEO audits** shall be carried out to ensure compliance with the **export control process instructions** and management's compliance with its monitoring obligations. The audits shall be documented as planned and the results reported to top management.

Export control must be established as a **staff function** (reporting directly to management) and be **visible on the organization chart**.

Other responsibilities of the Export Control Officer include periodic review of potential dual-use changes and periodic review of customs tariff numbers.

Requirements for effective export control screening:

Complete, correct and customs compliant data according to the guidelines of the German customs administration, the information sheet for customs declarations, summary declarations and re-export notifications / edition 2026 and the ATLAS procedural instructions for the ATLAS IT procedure / February 2024.

If there is any ambiguity in the company, we are happy to offer our help as part of our CCT services.

If your company does not have its own **working and organizational instructions for export control**, we will be happy to provide you with a generally valid, tried-and-tested template, which we will work with you and your export team to adapt to your company's circumstances, of course in compliance with customs and BAFA regulations.

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