



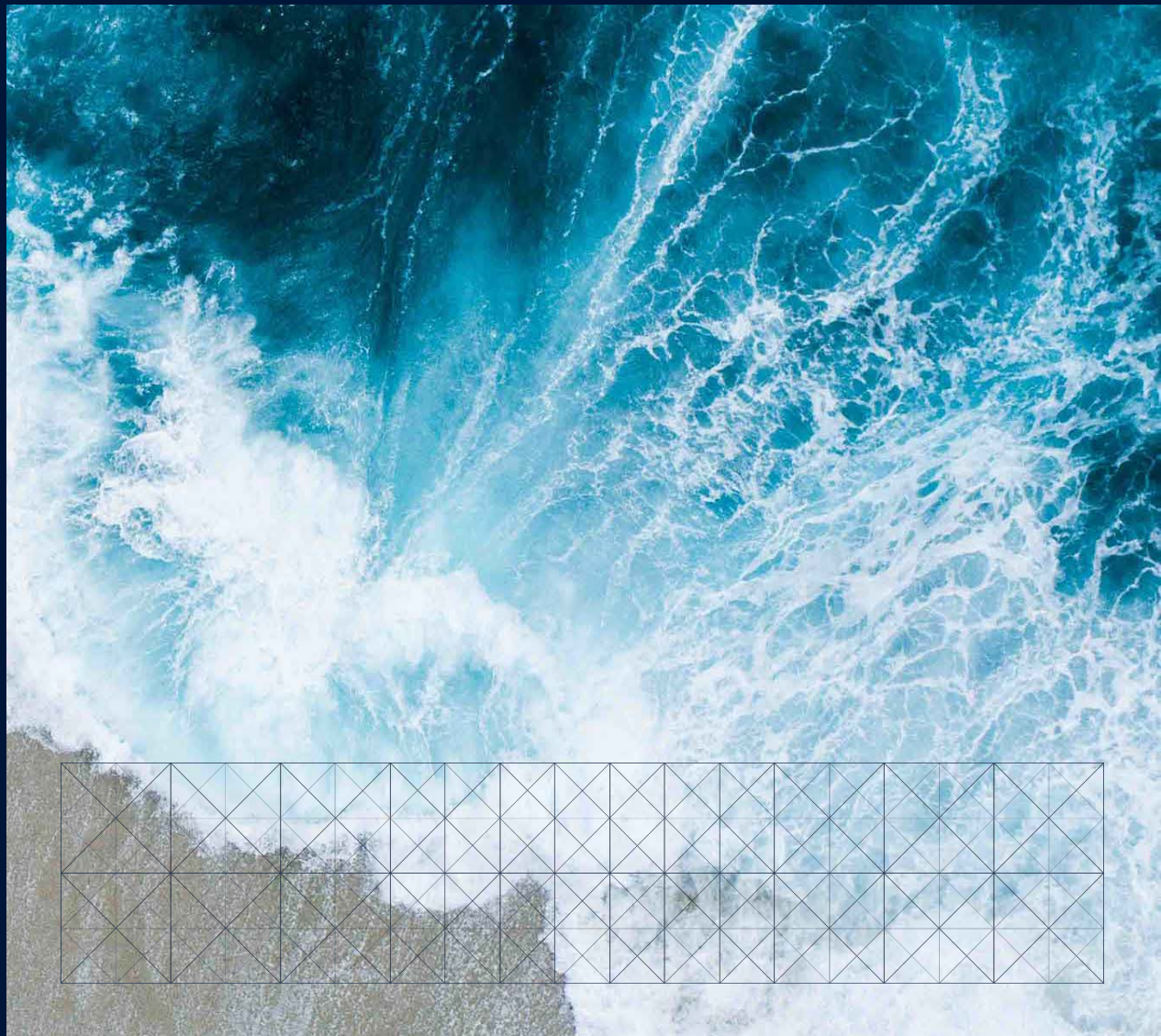
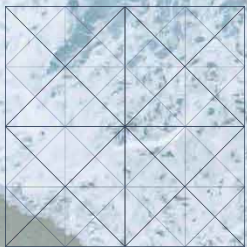
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FSI EKSPORTKONTROLLSEMINAR

HOLMEN FJORDHOTELL

Verktøy for etterlevelse av  
internasjonale regler.

13. mars 2019



Håkon Lindteigen, Vice President Corporate Compliance



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# Eksternt rammeverk

Utvalg av eksisterende veiledning

- Rammer
  - Norsk regelverk
  - EU
    - [ICT CERTIDER sertifisering](#)
  - Andre nasjonale lover
  - USA
    - ITAR
      - [Compliance Program Guidelines](#)
    - EAR
      - [Export Compliance Guidelines](#)
  - Wassenaar
    - [Best Practice Guidelines on Internal Compliance Programmes](#)



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# ITAR Compliance program

## Guidelines



Bureau of Political Military Affairs  
Directorate of Defense Trade Controls  
Office of Defense Trade Controls  
Compliance

### Compliance Program Guidelines

Comprehensive operational compliance programs include manuals that articulate the processes to be followed in implementing the company program. Important elements of effective manuals and programs include:

#### Organization Structure

- Organizational charts.
- Description (and flow charts, if appropriate) of company's defense trade functions.
- Description of any management and control structures for implementing and tracking compliance with U.S. export controls (including names, titles, and principal responsibilities of key officers).

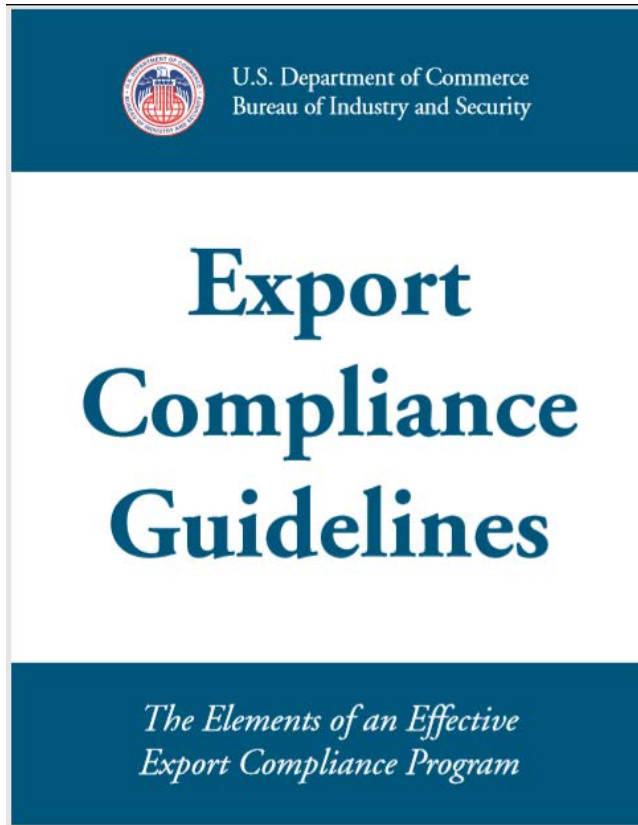
#### Corporate Commitment and Policy





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# EAR Guidelines



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# Wassenaar

## Best Practice Guidelines

### THE WASSENAAR ARRANGEMENT

On Export Controls for Conventional Arms and Dual-Use Goods and Technologies

#### Best Practice Guidelines on Internal Compliance Programmes for Dual-Use Goods and Technologies

(Agreed at the 2011 Plenary)

#### Annex

#### Elements of Internal Compliance Programmes For Dual-Use Items (Reference List)

Domestic export control authorities should, where appropriate, encourage their exporters to develop and implement Internal Compliance Programme (ICP), which may include the following elements.

An exporter may combine, the following basic and additional elements, as appropriate, to develop an ICP applicable to its structure, size, and other specific circumstances.

Basic Elements	Additional Elements	Notes
<u>1. Commitment to Compliance</u>	<u>1. Commitment to Compliance</u>	
<u>1.1.</u> Written statement by a senior representative, such as the CEO, that the exporter is aware of all domestic Export control laws and regulations, and complies with them.		
<u>1.2.</u> To make all employees and officers aware of the statement provided in para 1.1.		
<u>2. Structure and Responsibility</u>	<u>2. Structure and Responsibility</u>	
<u>2.1.</u> Establish an internal organizational structure, responsible for export control, either as a stand-alone unit or as an additional task for an appropriate unit.	<u>2.1.</u> It should be independent from the sales department or any other export oriented units.	



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# Fagansvar



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Kongsberg Gruppen ASA  
Mandate for Corporate Compliance Officer  
KOG-GOV-0016

Rev.	Date	Reason for issue	Author, dept. and name	Authorizing dept., name, sig <sup>a</sup>	Security Level /IPR
-	18JAN2011	First issue	Gerhardsen		
A	18JAN2011	Update	CCO/L.Svenne	CEO/ W. Qvam	
B	06FEB2018	Update	CCO/L.Svenne	CEO/ Geir Håøy	Public

KOG-GOV-0016 Mandate for Compliance Officer Rev B 6FEB2018

### 3. Non-financial compliance discipline responsibility

KONGSBERG has established a compliance system to comply with laws and regulations for the areas described in our CoEBC. We refer to these as ‘non-financial’ compliance, ref. KOG-GOV-0013 Code of Governance art 4.4.2. The table below illustrates the areas, and the discipline responsible.

Non-financial compliance area	Disipline Responsible in KOG
Anti-corruption*	CCO
Sustainability and corporate social responsibility	CCO
Export and trade regulations	CCO
Notification of alleged misconduct (Whistleblowing)	CCO
Competition law	Legal Dept.
HSE	KOG HR
Professional secrecy/Security (incl protection of information and confidentiality)	CAO
Insider trading	Investor Relations
Anti-money laundering	CFO
Data Privacy	CCO/CPO
Responsible Tax	CFO

The above non-financial compliance issues not defined as CCO’s discipline responsibility shall be included in the non-financial compliance reporting, but the follow up of compliance will follow the line responsibility for the specific area.

\* The forms of corruption covered here are:

- Bribery, in particular passive bribery associated with awarding contracts
- Trading in influence
- Nepotism, favouritism, cronyism and patronage
- Conflicts of interest (where it leads to corruption)
- Fraud



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# Internt rammeverk, oppfølging

- KONGSBERG GRUPPEN ASA
  - KOG-GOV-0011 Code of Ethics and Business Conduct
  - KOG-DIR-0006 Corporate approval significant offers
  - KOG-DIR-0017 Compliance Due Diligence Business Partners

## 5.4 Trade Regulations

KONGSBERG is committed to complying with all applicable export, import, transit and trade compliance laws in all countries in which KONGSBERG does business. These laws include embargoes, sanctions, customs, product/country of origin marking, and anti-boycott laws. In conducting business, employees must be aware of and follow these laws and regulations.

Particular focus is placed on export of weapon systems and other military equipment, related technology and services. In Norway, and most other countries where KONGSBERG operates, export controlled equipment, services or technology, may only be exported based on a Governmental export license. Sanctions may apply regardless of the export classification and therefore we shall check the customer, and parties involved in the transaction against sanction and embargo lists.

Failure to comply, or failure to report any possible deviations, can cause severe penalties and restrictions on our business in the future.

### Compliance / reputation

	Yes	No
Does the Offer include conditions and/or terms that are not in compliance with the Code of Business Conduct and Compliance? (the BA's assessment shall be confirmed by the Compliance Officer in respective BA. Bids that shall be approved by the BoD shall be confirmed by the Corporate Compliance Officer)		
Are all agreement(s) with Market Representatives (including agents and consultants) related to the bid, in compliance with the Code of Business Conduct and Compliance and the Directive for entering into and follow up of agreements with Market Representatives? (the BA's assessment shall be confirmed by the Compliance Officer in respective BA. Bids that shall be approved by the BoD shall be confirmed by the Corporate Compliance Officer)		
Does the Offer address areas that must be considered to have a high reputation risk, including risk of political and military situations and crises? (the BA's assessment shall, if in doubt and/or borderline situation, be confirmed by the EVP Public Affairs)		





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