



# EXPORT COMPLIANCE PROGRAM (ECP)



## PURPOSE OF AN EXPORT COMPLIANCE PROGRAM

To create procedures that help organizations execute their export activities in accordance with the Export Administration Regulations (EAR), and if required, incorporate other regulations into your ECP. Having an effective ECP helps organizations integrate requirements from export controls with their business operations. This minimizes risks of violating the EAR and streamlines export operations.

If this is your first time building an ECP, start with Element 8 first. In that element, you'll learn how to build a team, evaluate your needs, and start framing your ECP. Then go through Elements 1-7.

Do you have or are you prepared to create these elements of an ECP	YES	NO
<p><b>1. MANAGEMENT COMMITMENT</b></p> <p>NOTES:</p>           <p>Senior Management commitment is the most important factor in the success of an ECP. With that support, the ECP is more likely to be fully embraced by the organization and integrated in the company's daily operations. Every effective ECP is a top-down process with the organizations senior management giving significance and legitimacy to the program by: Publicly supporting compliance policies and procedures : Providing sufficient resources : and Supporting export compliance training and training sessions</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>2. RISK ASSESSMENT</b></p> <p>NOTES:</p>           <p>Risks in export compliance are threats that can negatively affect your organization's reputation and export business, if ignored. The goal of this element is to identify preventable risks your company may face and then build safeguards to control for these risks.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>3. EXPORT AUTHORIZATION</b></p> <p>NOTES:</p>           <p>If your exports include items on the Commerce Control List (CCL) other than EAR99 items, then Element 3 may be the bulk of your ECP. Even if you only export items classified as EAR99, the screening portion of this element is crucial for you. The goal is to build procedures, processes, process flows, and decision tables to help guide employees to make consistent and correct export decisions. There are four parts to this element: Jurisdiction: Classification: License Determination: and Screening.</p>	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
<p><b>4. RECORD KEEPING</b> NOTES:</p> <p>There are some documents that may not be required by regulation; however, it may be in your best interest to maintain these. For example: Internal documentation that describes the technical decision to classify one of your items with a specific ECCN and who made these decisions, would be extremely critical to maintain in your export control records. Another example would be disputes of due diligence between you and your freight forwarder or screening that was conducted for your customers. These documents will help prove and support your due diligence.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>5. TRAINING</b> NOTES:</p> <p>A good training program is critical to having an effective compliance program. Employees are often consumed with their day-to-day tasks and have little extra time devoted to export compliance. Export compliance managers need to get their employees attention and cooperation. In designing the training program, look to tailor the message as specifically as possible to help various staff members understand their role and how they need to contribute.</p> <p>Characteristics of a good training program: Provides job-specific knowledge based on need: Communicates the export responsibilities for each employee: and holds employees accountable for export training through assessments</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>6. AUDITS</b> NOTES:</p> <p>Audits are used to assess the effectiveness of current processes and to check for inconsistencies between these and the day-to-day operations. The export compliance manager should assemble a team to assist in conducting the audit. Based on available resources, this team will then need to decide what type of audit to conduct and the scope of the audit. The audit team should be given complete autonomy and flexibility to identify compliance deficiencies, potential areas of risk, and then make recommendations to address them appropriately.</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>7. EXPORT VIOLATIONS AND CORRECTIVE ACTIONS</b> NOTES:</p> <p>Detect and Act Early: An essential part of an organization's export compliance program are the procedures which provide clear guidance to all employees concerning what actions to take in the event of suspected incidents of export-related noncompliance. This is an area that is not often thought of or included in export compliance programs because management feels like they have a good system in place and the organization would or could never have an infraction of export control regulations. Early detection and fast responses to resolve any noncompliance issue is key to minimizing your organization's exposure.</p>	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
<b>8. BUILD AND MAINTAIN YOUR ECP</b>	<input type="checkbox"/>	<input type="checkbox"/>
NOTES:		
An organizational official is charged with ECP oversight and ongoing commitment to the program.	<input type="checkbox"/>	<input type="checkbox"/>
Written procedures clearly describe detailed step-by-step processes that employees are expected to follow, and contingencies are addressed.	<input type="checkbox"/>	<input type="checkbox"/>
The written ECP is developed and maintained with input from all the corporate stakeholders in the export process.	<input type="checkbox"/>	<input type="checkbox"/>
Consistent written and operational procedures exist.	<input type="checkbox"/>	<input type="checkbox"/>
All ECP tasks are clearly summarized and consistent with detailed information in other corresponding elements	<input type="checkbox"/>	<input type="checkbox"/>
Written procedures describe how information will flow among all the elements to help ensure ECP effectiveness and accountability.	<input type="checkbox"/>	<input type="checkbox"/>
The written procedures are reviewed for update at least annually and when significant changes occur	<input type="checkbox"/>	<input type="checkbox"/>
Management is directly involved through regularly scheduled meetings with the various units responsible for roles within the ECP.	<input type="checkbox"/>	<input type="checkbox"/>
Management has implemented a team of ECP managers who meet frequently to review challenges, procedures, and processes and who also serve as the liaison with those who perform the ECP responsibilities.	<input type="checkbox"/>	<input type="checkbox"/>
If the primary responsible persons are unable to perform the assigned responsibilities, a secondary person is designated to back-up the primary designees.	<input type="checkbox"/>	<input type="checkbox"/>
A table/list identifies individuals, their positions, addresses, telephone numbers, e-mail addresses, and their respective export transaction and compliance responsibilities for both domestic and international sites.	<input type="checkbox"/>	<input type="checkbox"/>
Responsible persons understand the interconnection of their roles with other ECP processes and where they fit in the overall export compliance system	<input type="checkbox"/>	<input type="checkbox"/>
Adequate resources (time, money, people) are dedicated to the implementation and maintenance of the ECP.	<input type="checkbox"/>	<input type="checkbox"/>
The ECP is available and easily accessible for both employees and managers.	<input type="checkbox"/>	<input type="checkbox"/>

Tailor your ECP to your specific organization's needs: The list or number of elements that your organization utilizes may be longer but needs to reflect the unique export operations and re-export activities of your organization. Factors that will impact your ECP:

- size of your organization
- strategic nature of items and possible end-uses or end-users
- geographic location of organization, subsidiaries, and customers
- relationships with business partners
- volume of exports
- complexity of internal export processes