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Customs and foreign trade law conditions of MAN Truck & Bus AG

The English Translation is for information only. If the English meaning in the courtesy translation differs from the German legal meaning of this conditions, the German meaning shall apply.

I. Customs, origin of goods, preferences

1. The contractor is required to inform MAN Truck & Bus AG of the customs tariff number and the preferential and non-preferential origin of the items by the time of the first delivery at the latest.
2. The preferential and non-preferential origin is to be compiled by means of a long-term supplier declaration in accordance with the current legal requirements. MAN Truck & Bus AG has a form available for this. The declaration is to be made free of charge for MAN Truck & Bus AG and MAN Trucks SP. z o.o. (Poland) and includes the MAN vendor number and the MAN item number(s). 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 contractor 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. MAN Truck & Bus AG are to be notified in writing in a timely manner of changes to an issued declaration within the specified validity period.
6. The contractor is, at the request of MAN Truck & Bus AG, responsible for proving 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.)
7. The contractor is to support MAN Truck & Bus AG by all means required to reduce or minimise the customer's payment obligations in terms of customs.
8. The contractor must get in touch with the MAN Truck & Bus AG customs department if they have any questions or instructions in relation to customs or declarations of origin.
9. The seller must include two copies of a commercial invoice in German or English with the shipping documents for customs purposes. Any departure from this is only permitted with the prior written consent of the customer.

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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, licence 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 labour costs.

A declaration of value with the note "For Customs Purposes Only" is also required for free deliveries. The reason for the free delivery must be stated on the invoice or delivery note (e.g. free sample pack). Unless otherwise agreed, the customs clearance is performed by MAN Truck & Bus AG. If the contractor 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 the issue of an export permit or export control legislation, the contractor is responsible for providing MAN Truck & Bus AG with the following information by the time of the first delivery at the latest:
 - Export list number in accordance with the German Foreign Trade and Payments Ordinance, list number in accordance with the annex to EU dual use regulation, list number of the EU Common Military List (the current version)
 - The following information must also be included for US goods in accordance with US law:
 - 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 with EAR or ITAR
 - Was an export licence required for one of the previous deliveries?
 - Are parts subject to authorisation included?
 - Is the value of the US parts over 10% or 25%? If so, the contractor makes all the documentation of the de minimis calculation available to the customer.
 - The requirements listed above apply to technology, software and services which relate to controlled goods.
2. The contractor must make all necessary documents for an authorisation application available to the customer and name a contact responsible for answering queries.
3. Upon request, the contractor 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 goods) in writing.
4. The obligations apply even after the business relationship has ended.



III. Authorised Economic Operator (AEO)

1. The supplier confirms that they have, have applied for or will apply for the status of an Authorised Economic Operator (AEO) via one of the following authorisations:
 - AEO authorisation "customs simplifications" (AEOC),
 - AEO authorisation "security and safety" (AEOS) or
 - AEO authorisation "customs simplifications and security and safety" (AEOC and AEOS) (combined authorisation)

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 or received by them
 - are produced, stored, handled, processed and loaded at secure business operations and at secure transshipment points
 - are protected against unauthorised access during production, storage, handling, processing, loading and transport
 - Only reliable personnel (e.g. according to the lists 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.