I. The purpose of an awareness-raising guide

1. Since the chemical and biotechnology industries are targeted by proliferators as a source of materials for CBW programmes, awareness-raising is crucial to effective export control. The aim of this guide is to raise awareness among exporters as well as people who work with sensitive items of the risks associated with chemicals, biological agents, materials, biotechnology plants and components, software and expertise that are usually used for civilian purposes but could also be misused in CBW programmes or for terrorist activities. It is equally important to raise awareness of the danger that nationals from recipients suspected of proliferation might obtain expertise that could be used in CBW programmes.

2. Particular vigilance is required in the case of recipients suspected of being engaged in CBW programmes. Such recipients may not only seek to procure sensitive items or components directly but also attempt to procure them via third countries.

3. No reputable company wishes to be involved in the misuse of any goods it produces and/or supplies. This is not just a matter of export control but also in its own vital interest. Responsible corporate export control means that companies assess transactions on the basis of plausibility. Plausibility depends on the absence of any inconsistencies in the furnished data. The stated use is plausible when the item in question is appropriate in terms of its objective characteristics, when corporate information on the recipient/end-user confirms or is at least not inconsistent with the stated use and when this use is credible in view of all other circumstances (e.g. available expertise, technical and economic utility, order documents, end-use certificates).

4. The following parameters are intended to help companies assess whether there is any risk of becoming inadvertently involved in CBW programmes and in what cases they should seek further advice.

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5. This guide is only one of many ways of informing exporting companies about the risks associated with supplying goods that might be misused for CBW activities.

II. Detecting attempted procurement

6. Attempts involving chemicals, biological agents, plants and components. Anyone who passes on chemicals, biological agents, materials, plants and components may unintentionally be assisting in the planning or implementation of a CBW programme. Hence special vigilance is needed to detect attempts to acquire such items for suspect purposes, with particular attention being paid to any suspicious behaviour or business transactions relating to the supply of such items.

7. Suspicious customer behaviour generally inconsistent with normal business practice

i. Inquiries are received from unknown/first-time customers whose identity is not clear, who respond reluctantly to questions regarding their identity or connections, or whose credentials are unconvincing.

ii. The supposed customer appears to be non-existent, unknown to industry liaison bodies or company registration authorities and not listed in any telephone or trade directories, Internet websites or other sources of unclassified information.

iii. The customer appears to lack the capacity to process the quality/quantity of goods ordered or the nature of the customer's business is inconsistent with the order.

iv. The customer is reluctant to provide sufficient explanation or clear answers:
   - to questions about the intended use of plants, materials or components or about relevant commercial or technical aspects of the transaction,
   - to questions about a plant's location or the site where a plant is to be built or components or equipment are to be installed,
   - to commercial or technical questions which are routine in business negotiations or documents.

v. The customer demands unusual and excessive confidentiality concerning the final destinations or specifications of the products, materials or plant components to be supplied. Other grounds for suspicion may include:
   - demands for excessive security arrangements/measures in view of the stated use,
   - the customer's obvious unfamiliarity with normal security requirements for the handling of such materials or plant components,
   - denial of access for the contractor to plant areas outside those specified in the contract under circumstances which seem suspicious.

vi. The customer splits up a contract for plant construction or conversion without providing any satisfactory information about the full scope of the order and/or the final destination of the plant, or the customer requests completion of a project that has been partially installed by a different company.
vii. The country of destination is suspected of being engaged in WMD proliferation, including diversion activities, or is implausible given the nature of the goods to be supplied.

8. Suspicious orders

i. The description of the goods is vague or meaningless, or the goods appear to be manufactured to an unnecessarily high specification.

ii. The order itself is unusual in some way, e.g. the quantity or performance of the ordered spare parts significantly exceeds or falls short - without any satisfactory explanation being given - of the quantity or performance normally required for the stated end-use.

iii. The declared value of the goods is inconsistent with normal business practice.

iv. A plant or part of the equipment in an existing or planned facility is to be modified in a manner that would significantly change its production potential and enable chemical or biological weapons or precursors to be produced on the site.

v. The site at which plant components are to be installed is unusual given the type of equipment involved, or the site at which the equipment is to be installed is unusual given the type of plant involved.

9. Suspicious circumstances regarding the business environment

i. The circumstances of a transaction involving a middleman or final consignee are unusual and deviate from normal business practice, e.g. the exporter is an individual and the quantity of goods to be supplied suggests they are to be used for manufacturing purposes.

ii. The export documents do not match the information provided on the consignee or the description or quantity of goods to be supplied, or they are not of the company's usual standard. The export documents are not in the customary format or contain spelling errors or other simple mistakes.

iii. Unusual shipping or labelling arrangements are requested by the customer, or the packaging or parts thereof are inconsistent with the type of transport envisaged or the stated final destination.

iv. The packaging and handling arrangements do not match the stated use and/or final destination of the materials or components to be supplied, or similar suspicious arrangements.

v. Unusually favourable payment terms are offered such as a higher price, interest rates above normal market rates or lump-sum cash payment, or banking documents are not of the usual standard.

vi. The amount of insurance paid on the shipment is not in line with normal business practice (either too high or too low).
III. Attempts involving know-how transfer from companies, research institutes and universities

10. Some countries misuse scientific cooperation in order to acquire expertise that is then used to develop and produce CBW. Allowing scientists, students and technicians from countries engaged in proliferation access to universities and other scientific and technical institutions enables them to acquire a sound grasp of advanced technologies.

11. The knowledge thus obtained may be used not only for civil programmes but for CBW activities as well.

12. Know-how transfer may occur through national and international conferences, trade fairs, special exhibitions, workshops, meetings, symposia, joint research and development projects as well as training and education programmes. Such events are also an opportunity to establish personal contacts that enable expertise to be obtained on an ongoing informal basis that does not arouse suspicion.

13. One type of know-how transfer are scientific and academic exchanges between industrialized countries and countries suspected of proliferation. Professional associations, technology centres and private and cultural initiatives also offer plentiful opportunities for contacts and information-sharing. Another way of obtaining expertise is to directly approach experts and/or technical personnel involved e.g. in the assembly or maintenance of production facilities. Know-how transfer is something that happens in every area of technology.

14. The following parameters may be useful in assessing whether the expertise being sought might be used for CBW activities. Special vigilance is recommended in the case of micro-organism cultivation and with regard to the handling, properties and storage conditions of pathogens or toxins. Particular caution is advised in all cases of unusual contacts and suspicious conduct.

15. In addition to those examples listed in Section I., suspicious behaviour generally deviating from normal practice includes:

   A. the failure to make any request for the expert assistance or training usually required to install or operate plants or plant components;

   B. requests for unusual and excessive confidentiality, e.g. reluctance to disclose information about the site of a (research) plant or the location where the contracted service is to be rendered;

   C. in connection with sensitive chemicals or biological agents:

      i. inquiries from nationals of countries suspected of proliferation about enrolling as students or seeking employment on research projects,
      ii. requests from nationals of such countries to attend conferences and seminars,
      iii. requests from unknown individuals, institutions and companies for help and advice in a specific area of technology and/or technical process;
iv. requests relating to matters on which scientists, experts, research institute
and laboratory staff etc. would not normally seek advice or information
and for which unconvincing reasons or evasive explanations are given;
v. the failure
  v.i to explain or give convincing reasons why the
technology/know-how transfer and training is being sought,
v.ii to explain or give convincing answers to questions
regarding relevant commercial or technical aspects of a
contract, or
v.iii to demonstrate that the requesting party possesses the
expertise normally required for such projects;
vi. arrangements which appear excessive in view of the nature of the services
to be rendered or which demonstrate that the requesting party is clearly
unfamiliar with the usual security requirements for such contracts.

IV. Attempts linked to CBW terrorism

16. In a series of resolutions the United Nations Security Council has adopted specific
measures aimed at combating terrorist activities by certain named persons and organizations.
These resolutions impose a ban on providing technical consultancy, assistance or training to any
listed natural and legal persons, groups or organizations in connection with military activities as
well as on participating in the production or maintenance of any items for use as weapons and
related purposes. These measures are targeted primarily but not exclusively at certain countries
suspected of or known to be seeking to procure goods and technical know-how for WMD
development and production and CBW terrorism. In supplying any goods or technical know-how
to natural or legal persons listed in the relevant UN Security Council resolutions, companies
should be aware of this background and apply appropriate corporate export control procedures.

17. In addition to the parameters listed in Sections I. and II. regarding export transactions and
know-how transfer, companies should be aware of certain factors of specific relevance to
preventing terrorism and take appropriate action.

18. They should be suspicious of requests and orders - especially those received from
unknown parties - in which:

   A. the party's identity remains unclear because e.g. their letterheads are incomplete or have
      been copied into letters,

   B. the party gives evasive answers to questions regarding their identity or can
      provide no convincing credentials,

   C. the information provided about transport routes makes no geographical or
      economic sense,

   D. the party is clearly not familiar with or ignores the security arrangements that are
      technically necessary for the handling or transport of chemicals or biological agents,
E. the party clearly lacks the know-how or facilities that are necessary or recommended for secure storage or use, especially in the field of highly sensitive technologies or technical processes.

V. Information / contact points

19. In case of any doubt or questions concerning this guide, please contact the following official body responsible for export control in Germany:

Federal Office of Economics and Export Control
(Bundesamt für Wirtschaft und Ausfuhrkontrolle)
Frankfurter Str. 29-35, 65760 Eschborn
Phone: +49 6196 / 908-0; Fax: +49 6196 / 908-800
E-mail: poststelle@bafa.de
Internet: www.bafa.de
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