



# Internal Compliance Program – Series (15) – Organisational, human and technical resources

Today, in the fifteenth article in the hands-on practical advice series on Internal Compliance Programs for Export Control:

## Part 15: Organisational, human and technical resources

Sufficient organisational, human and technical resources are essential for effectively developing and implementing compliance procedures. Without a clear organisation structure and well-defined responsibilities, any ICP risks suffering from lack of oversight and undefined roles. On the contrary, having a strong structure helps organisations work out problems when they arise and prevent unauthorised transactions from occurring.

The level of sophistication of a company's internal compliance controls will depend on the nature and scale of the business, and the risk level as defined in the ICP. What is essential is that policies, procedures and controls be carefully thought out, clearly set down in writing, and effectively communicated to all employees, agents and business partners.

Consider the following when setting up an appropriate compliance structure and the relevant chapter in the ICP:

- Determine the number of trade control staff, taking into account legal and technical aspects which need to be covered.
- Set down the internal organisational structure in writing (for instance in an organisational chart which clearly identifies, defines and assigns all compliance related functions, duties and responsibilities)
- Identify and appoint the person(s) with the overall responsibility to ensure the corporate compliance commitments. The ICP should demonstrate that the Export Control Compliance Officer (or a person with a similar function) has a direct line of communication to the Board of Directors and Senior Management, is knowledgeable concerning the applicable international and national regulations and has a good working understanding of the company's products, services, technologies, suppliers and customer base. He or she should have full authority to look into all compliance-related matters and put together a project team to address and resolve problems when they arise.

- Ensure that an equally qualified substitute can assume the task in case of absence (such as sickness, holiday and so on).
- Define assign and connect all compliance related functions, duties and responsibilities in an order that ensures the management that the company conducts overall compliance.
- Staff all export control related business areas with employees who demonstrably have the required skills. At least one person in the company is (not necessarily exclusively) entrusted with a trade control function. If national legislation is not opposing, this function can be shared between corporate entities within the EU as long as an appropriate level of controls is maintained.
- Define the knowledge and skills needed by legal and technical dual-use trade control staff. Include individual compliance responsibilities in job descriptions and performance evaluations of personnel, as appropriate.
- Include portrait pictures, detailed job descriptions (in the main document) and curriculum vitae (in attachment) of your compliance team, with a focus on studies, qualifications and trainings in the field of trade control management.
- If trade control duties are being outsourced, organize and describe the interface to and the communication with the company.

