

# EXPORT COMPLIANCE REGISTER EU-ECR

## Investigation and treatment of complaints procedure

### Step 1: Submitting a complaint

1. Complaints may be submitted by completing a standard form on the website of the register. That form contains information about the Registrant being complained about, the name and contact details of the complainant and details about the complaint, including, in principle, documents or other materials supporting the complaint. Anonymous complaints shall not be considered.
2. The complaint shall specify one or more clauses of the Code of Conduct - Export Compliance Commitment which the complainant alleges have been breached. Complaints about information entered in the register are treated as allegations of infringement of point (d) of the code of conduct 1.
3. Complainants must in principle provide documents and/or other materials supporting their complaint.

### Step 2: Decision on admissibility

1. The EIFEC Register Secretariat shall:
  - verify that sufficient evidence is adduced to support the complaint, whether this takes the form of documents, other materials or personal statements; to be admissible, material evidence should in principle be sourced either from the registrant complained about or from a document issued by a third party;
  - on the basis of such verification, decide on the admissibility of the complaint;
  - if it deems the complaint admissible, register the complaint and fix a deadline (20 working days) for the decision on the validity of the complaint.
2. If the complaint is deemed inadmissible, the complainant shall be informed by letter, which shall state the reasons for the decision. If the complaint is deemed admissible, it shall be investigated in accordance with the procedure set out below.

### Step 3: Investigation

After registering the complaint, the EIFEC Register Secretariat shall inform the Registrant/Member in writing of the complaint made against that Registrant and the content of that complaint, and shall invite the registrant to present explanations, arguments or other elements of defence within 10 working days.

All information collected during the investigation shall be examined by the EIFEC Register Secretariat.

#### **Step 4: Decision on the complaint**

If the investigation shows the complaint to be unfounded, the EIFEC Register Secretariat shall inform both parties of the decision to that effect. If the complaint is upheld, the Registrant may be temporarily suspended from the EU-ECR Register pending the taking of steps to address the problem (see paragraphs 11 to 14 below) or may be subject to measures ranging from long-term suspension from the Register to removal from the Register and withdrawal, where applicable, of EIFEC Registration Number (ERN) and right of use EIFEC logo and EU-CECO Logo. (see stages 6 and 7 below).

#### **Step 5: Measures in the event of non-compliance with the Code of Conduct - Export Compliance Commitment**

The measures which may be applied in the event of non-compliance with the Code of Conduct - Export Compliance Commitment shall range from temporary suspension to removal from the register (see the table below).

If it is established that information entered in the EU-ECR Register is incorrect or incomplete, the Registrant/Member shall be requested to correct that information within 1 week, during which period the registration of that registrant shall be suspended.

If the Registrant rectifies the information and is satisfactory to the EIFEC Register Secretariat within the period of 1 week specified in paragraph 11, the registration pertaining to that registrant shall be reactivated. If the Registrant does not act within the period of 1 week specified in paragraph above, a measure may be imposed.

If the registrant requests more time to rectify the information in accordance with paragraph above, and gives sufficient reasons for that request, the period of suspension may be extended.

In the event of non-compliance with the Code of Conduct - Export Compliance Commitment on other grounds, the registration of the Registrant/Member in question shall be suspended for a period of eight weeks, during which time the EIFEC Registrar Secretariat shall take the final decision on the measure or measures, if any, to be imposed.

Any decision to remove a Registrant from the EU-ECR register shall include a ban on future registration for a period of one or two years.

## Step 6: Decision on the measure to be applied

A draft decision on the measure to be applied shall be prepared by the EIFEC Technical Committee and forwarded for final decision to the Governors Council.

The EIFEC Register Secretariat shall immediately inform both parties (the complainant and the registrant against which the complaint was made) of the measure decided upon, and shall implement that measure.

### Table of measures available in the event of non-compliance with the Code of Conduct - Export Compliance Commitment

	Type of non-compliance	Measure	Mention of measure in the register
1	Unintentional non-compliance, immediately corrected	Written notification acknowledging the facts and their correction	NO
2	Deliberate non-compliance with the code, necessitating a change of behaviour or rectification of information in the EU-ECR register within the deadline laid down	Temporary suspension for up to six months or until such time as the corrective action requested is completed within the deadline set	Yes during the suspension period No
3	Persistent non-compliance with the code – no change of behaviour – failure to correct information within the deadline laid down	Removal from the EU-ECR register for one year	YES
4	Serious, deliberate non-compliance with the code	Removal from the register for two years	YES

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