Collaboration between major Aerospace & Defense companies and government agencies is critical today. Yet sharing information between organizations and across borders can be increasingly complicated due to complex Export Control regulations, which vary by country. Furthermore, legislation among some countries is similar, yet implementation and enforcement of these regulations varies. In order to remain competitive, maintain compliance, avoid violations and fines which can damage business reputation, and protect sensitive information, A&D companies are increasingly challenged to find solutions that allow them to grow their markets internationally.

In an attempt to minimize risk of violations of export control regulations and to provide a framework that provides protection for sensitive information, TSCP is working to establish a compliant and logical framework for collaboration environments utilized by the A&D industry and governmental agencies around the world.

Export Controls in a nutshell

Export controls have been around for centuries, regulating the movement of goods between countries due to protective foreign trade policies, global division of (economic) power and the need to ensure national security. The current anti-piracy naval operations along the coast of East Africa are an example of the very traditional enforcement of export controls.

Export control regulations have changed in character and objectives over time. Not that long ago, the use of certain encryption techniques that today are part of the TSCP solution for Secure Email could not be used as a consequence of U.S. export control regulations. As we live in an interconnected digital world today, most regulations also include controls of intangible items such as software, data-access or even a verbal transfer of information. Also, specific aspects of export such as onward transfer to third parties, transit across a country or export brokering services are part of Export Control regulations.

TSCP Export Control Working Group

These recent developments that moved export controls into the digital world as well as the specific and complex Export Controls that are enforced on military and dual-use articles have led to the TSCP ECWG initiative. The ECWG’s objective is to collectively develop Export Control-compliant methods for secure collaboration, including acceptance of these methods with policy authorities and our supply chains.

To achieve initial compliance with export regulations and to keep things in control, it is necessary to analyze the Export Control requirements. The TSCP ECWG has reviewed these requirements from various export regulations and included best practices for implementation in their review.

More than a license

This analysis resulted in a generic process flow (figure 1) that can serve as a best practice schema for anyone dealing with implementation and quality assurance on Export Control compliance.

Any need to export is usually followed up with a first process to make sure the correct authorizations are acquired and valid for the intended export. The export authorization, usually a license, can be obtained from the local export control Policy Authority. Most companies also have internal policies that set additional requirements when dealing with export control or pose other requirements (i.e., security or archiving regulations) to enable the export. This leads to a business authorization to export if it does not conflict with the license requirements.

The setup and implementation of a Control Plan is a very common second process to ensure systemic and organizational configuration in order to get and stay in control. Such a control plan is often written per program, but contains more than simple IT system configuration settings. A Control Plan may require detailed action...
on the investment of powers and responsibilities within an organization and within their supply chain.

Prior to export, a third process takes place to ensure the export item gets labeled and packaged and, ideally, also passes a systemic inspection.

Finally, the export can take place and is registered according to applicable recordkeeping requirements. Both the process end results and the registries will be audited frequently. Findings -if any- will impact the Control Plan and Company policies.

**Benefits of the ECWG**

The ECWG has reviewed five different Export Control regimes relevant to the A&D industry.

Benefits:

- Export Control is often dealt with from a legal perspective (liability, valid licenses). IT support was usually limited to maintenance of standalone export logs. The ECWG extended this with their insights in the way modern collaborative capabilities can assist in ensuring compliance to Export Control.
- Finding Subject Matter Experts (SMEs) who could bias between legal, business and IT was not easy, but eventually resulted in an international peer network of Export Control SMEs who can form a common strategy on export control issues.
- The commonalities and differences among the various export control regulations, authority systems and national and company implementations have been identified, which has led to well thought-out requirements and recommendations to TSCP Architects and to the different policy authorities.

**About the TSCP Export Control Working Group (ECWG)**

The ECWG is a group of Export Control Subject Matter Experts (SMEs) assembled by the TSCP Platinum companies and government organizations, working to ensure that TSCP technical solutions meet diversified export requirements of various countries.

The requirements defined by the ECWG incorporate company best practices for the release, handling, access, recordkeeping, auditing and labeling of sensitive data.

The ECWG team has developed a comprehensive set of specifications and guidance that mitigates the risk that an electronic collaboration solution will not properly protect export controlled information and assists solution architects to better understand these business requirements.

The Group also strives to involve governmental export control and regulatory agencies for their input and guidance when necessary to assure TSCP solutions are acceptable to countries in which TSCP companies do business.

The ECWG was formed in 2010 with a focus on gathering requirements related to the U.S. Department of State’s International Traffic in Arms Regulations (ITAR), the U.S. military and space export law. Once completed, the team went on to gather U.S. Department of Commerce dual-use requirements from the Export Administration Regulations (EAR). The group then expanded their scope to include European SMEs in order to document UK, Dutch and Europe dual-use export licensing and control requirements. At the end of 2012, a review will begin on French export control requirements. In addition, work is now underway to combine those requirements into a single, consolidated ECWG requirements document to be used by the TSCP architects to build export compliant solutions.