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Technical specifications for export control and customs

**For suppliers of the Swiss entities of
Stadler Rail AG**

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1 Introduction

As an export-oriented nation, Switzerland have concluded an array of bilateral free trade agreement with their largest trade partners. One of the biggest advantages of this agreement is the possibility of duty-relieved or duty-free import of Swiss products (and other countries of origin mentioned in the agreement) abroad. The import facilitations are linked to the list rules to be fulfilled, which can be found in the appendices to the respective free trade agreements.

The international alignment of our supply chains entails various types of international transfer of goods, which makes customs necessary. Extensive information and additional details are required for these procedures.

We demand the respective information and proof from our suppliers in order to fulfil the list rules and obtain the preferential origin of our products, on the one hand, and, on the other hand, to submit the complete information for customs clearance. The suppliers are obliged to check the list rules for the respective agreements for each product delivered to Stadler Rail AG, make sure the limit values are achieved and verify the preferential origins in compliance with the law. The delivery of articles without preferential origin can result in you no longer being considered as a supplier in the future.

2 Mandatory information

The suppliers of Stadler Rail AG are obliged to provide us with all information for customs clearance and export control. The information and proof must be provided one day before the material is collected or dispatched.

2.1 Information of Swiss suppliers

We need the following additional customs-relevant information from our Swiss suppliers:

- Per document (delivery note, packing list, invoice)
 - Supplier declaration
- Per purchase order item or deliver item
 - Customs tariff number (8-digit)
 - Net weight per piece
 - Country of origin
 - Preference status
 - Goods-specific export licence requirements
 - CH/EU law: if "Yes", then EKN¹/AL² no.
 - US law (EAR/ITAR rules): if "Yes", then ECCN³ no.

¹ Export control number according to the goods control act and goods control ordinance of Switzerland

² Export control number according to the ordinance (EU) 2021/821 appendix 1

³ Export control classification number according to EAR Commerce Control List

2.2 Information of foreign suppliers

We need the following additional customs-relevant information from our foreign suppliers:

- Per document (delivery note, packing list, invoice)
 - Declaration on the origin
- Per purchase order item or deliver item
 - Customs tariff number (6-digit)
 - Net weight per piece
 - Country of origin
 - Preference status
 - Goods-specific export licence requirements
 - CH/EU law: if "Yes", then EKN¹/AL² no.
 - US law (EAR rules): if "Yes", then ECCN³ no.

3 Declarations of origin from foreign suppliers

The wording of the invoice declarations and possible additional documents (movement certificates) is defined precisely in the appendices to the free trade agreements. The validity of the proof depends on precise observance of the rules. If we incur additional costs because of incorrect proof, we reserve the right to charge you with them in addition to a processing fee.

3.1 Proof for PEM free trade partners (incl. EU) and UK suppliers

The PEM convention provides for the following means of proof for preferential origins (please note: transitional rules must not be applied):

3.1.1 Invoice declaration without customs authorization number

- Valid for an invoice amount of up to EUR 6 000 or CHF 10 300
- Stamped and signed original declaration
- **No deviation from the following wording possible**

"The exporter of the products, covered by this document declares that, except where otherwise clearly indicated, these products are of ...⁴ preferential origin.

Place, date, signature, name in block letters"

⁴ Enter the country of origin: EU states must be summarised with "EU" in the declaration. It is not permitted to name individual states. If the goods originate from several contractual states, they can be specified accordingly "(...) preferential EU/CH/MK original goods (...)"

3.1.2 Invoice declaration with customs authorization number

- Valid without maximum amount
- No original documents necessary
- No deviation from the following wording possible

"The exporter of the products covered by this document (customs authorization No. ...⁵) declares that, except where otherwise clearly indicated, these products are of ...⁶ preferential origin."

- ⁵ You must apply for your customs authorization number, which is directly assigned to you as company, at the customs authority responsible for you. (ATTENTION: no EORI or REX numbers!)
- ⁶ Enter the country of origin: EU states must be summarised with "EU" in the declaration. It is not permitted to name individual states. If the goods originate from several contractual states, they can be specified accordingly "(...) preferential EU/CH/MK original goods (...)"

3.1.3 Movement certificate EUR. 1

- Valid without maximum amount
- The original document must be submitted
- It must be certified by the responsible customs office
- For invoice amounts above the maximum amount (EUR 6 000 or CHF 10 300) and suppliers without the "approved exporter" status

3.2 Proof from suppliers from developing countries

Switzerland grants developing countries one-sided preference within the general preference system (APS/GSP). This enables the duty-free or duty-relieved import of products from the respective countries.

In this case the invoice declaration with the following wording is the only proof for the origin:

"The exporter ...⁷ (Number of Registered Exporter ...⁸) of the products covered by this document declares that, except where otherwise clearly indicated, these products are of ...⁹ preferential origin according to the rules of origin of the Generalised System of Preferences of Switzerland and that the origin criterion met is ...¹⁰"

- ⁷ Instead of entering the name and complete address, these details can be referred to at a different place on the commercial document.
- ⁸ Entry of the registration number (REX number)
- ⁹ The origin of the goods is to be entered, i.e. the Swiss origin or that of the developing country.
- ¹⁰ For wholly obtained or manufactured products: enter the letter "P"; for products processed in a sufficient amount: enter the letter "W", followed by the correct item of the harmonised system (e.g. "W" 9618). The entry made above may have to be supplemented by one of the following entries:
 - a) In the event of bilateral cumulation: "Switzerland cumulation" or "Cumul Suisse";
 - b) In the event of cumulation with the EU or Norway: "Cumul UE", "EU cumulation", "Cumul Norvège", "Norway cumulation", "TR cumulation" or "Cumul TR"
 - c) In the event of regional cumulation: "cumul regional" oder "regional cumulation"

4 Supplier declarations from Swiss suppliers

As a large number of our products are from local origins in Switzerland, we require supplier declarations from our suppliers to document the preferential origin of the materials. These materials are produced on our suppliers' or sub-suppliers' premises. It is not possible for Stadler to determine the preference of these products by means of customs documents or a preference calculation. For this reason, our suppliers in Switzerland are obliged to issue individual supplier declarations or general supplier declarations.

4.1 Supplier declaration (individual declaration)

It is mandatory for individual declarations to be printed on the delivery documents. As the invoice is usually not available when the goods are received, in these cases suppliers are obliged to print the supplier declarations and customs-relevant additional information on the delivery notes and also on the invoices. If additional costs are incurred (customs, customs clearance corrections, busses, etc.) due to contradictory information between the customs data and supplier declarations on the delivery notes and those on the invoices, the suppliers shall be charged with them in addition to a processing fee. The exact wording of the supplier declaration is specified by the Federal Office for Customs und Border Security:

"Der Unterzeichner erklärt, dass die in diesem Dokument aufgeführten Waren¹¹ Ursprungserzeugnisse der Schweiz¹² sind und den Ursprungsregeln im Präferenzverkehr mit allen Freihandelspartnern der Schweiz/EFTA¹³ entsprechen."

- ¹¹ If only some of the listed goods are concerned, they must be marked clearly.
- ¹² "Switzerland" or other country or area (e.g. EU) with which free trade agreements exist and from where the goods originate. If the individual goods originate from different countries of origin, they must be identified clearly.
- ¹³ Country, countries or area(s). Several free trade partners can be specified if applicable, possibly also "all free trade partners of Switzerland/EFTA". If, in the case of PEM free trade partners, the origin has been obtained because of the application of the revised rules of origin, the note "Übergangsregeln" or "transitional rules" must be applied for the respective countries or areas.

4.2 General supplier declaration

It is possible to issue a general supplier declaration, which is valid for a maximum of 2 years, instead of individual supplier declarations. This has the advantage that new declarations do not have to be issued for each goods delivery.

"Der Unterzeichner erklärt, dass die nachstehend aufgeführten Waren ...¹⁴, die regelmässig an ...²⁷ geliefert werden Ursprungserzeugnisse der Schweiz¹² sind und den Ursprungsregeln im Präferenzverkehr mit allen Freihandelspartnern der Schweiz/EFTA¹⁰ entsprechen."

Diese Erklärung gilt für alle Sendungen, welche zwischen... und...¹⁵ geliefert werden. Der Unterzeichner verpflichtet sich, den Empfänger umgehend zu unterrichten, wenn die Erklärung ihre Geltung verliert.

Ort und Datum

Unterschrift"

- ¹⁴ List of all Stadler supplier article numbers and names (A list can also be inserted between the paragraphs referred to)
- ²⁷ Mention ordering Stadler entity (e.g. Stadler Rheintal AG)
- ¹⁵ Period of validity: maximum 2 years

5 Intra-Community deliveries

Our complex supply chains sometimes entail deliveries within one or several EU states. In these cases, our suppliers are obliged to verify the origin in the form of an EU supplier declaration (issued by the EU goods shipper to the EU goods receiver).

5.1 EU supplier declaration (individual declaration)

It is mandatory for individual declarations to be printed on the delivery documents. As the goods delivered in the EU are invoiced to Stadler Rail AG and a supplier declaration from the EU to Switzerland is not provided for, the issue of a supplier declaration to the EU recipient is the only way to prove the preferential origin. The wording of the individual supplier declarations for goods with preferential origin in accordance with the implementing regulation (EU) 2015/2247 for the delivery of goods within the European Union is as follows:

"I, the undersigned, declare that the goods listed on this document ...¹⁶ originate in ...¹⁷ and satisfy the rules of origin governing preferential trade with ...¹⁸:

I declare that¹⁹:

- Cumulation applied with ... (name of the country/countries)*
- no cumulation applied*

I undertake to make available to the customs authorities any further supporting they require:

_____ ²⁰
 _____ ²¹
 _____ ²² "

- ¹⁶ If only some of the listed goods are concerned, they must be marked clearly with the following note:
 "(...) that the goods specified in this document and indicated with ... are original products (...)"
- ¹⁷ European Union, country, group of countries or area from where the goods originate
- ¹⁸ Country, country group or area
- ¹⁹ To be filled in only if necessary
- ²⁰ Place and date
- ²¹ Name and position at the company
- ²² Signature

5.2 EU long-term supplier declaration

It is possible to issue a long-term supplier declaration, which is valid for a maximum of 2 years, instead of individual supplier declarations. This has the advantage that new declarations do not have to be issued for each goods delivery. The wording of the long-term supplier declaration for goods with preferential origin in accordance with the implementing regulation (EU) 2015/2247 for the delivery of goods within the European Union is as follows:

"I, the undersigned, declare that the goods described below:

_____ ²³

_____ ²⁴

which are regularly supplied to ...²⁵ originate in ...¹⁷ and satisfy the rules of origin governing preferential trade with ...¹⁸.

I declare that¹⁹:

- Cumulation applied with ... (name of the country/countries)*
- No cumulation applied*

This declaration is valid for all shipments of these products dispatched from: ... to ...²⁵.

I undertake to inform ...²⁶ immediately if this declaration is no longer valid.

I undertake to make available to the customs authorities any further supporting documents they require.

_____ ²⁰

_____ ²¹

_____ ^{22 "}

²³ Designation

²⁴ Commercial designation on invoices including Stadler article number

²⁵ Specification of the initial date and the date of expiry. The validity period must not exceed 24 months

²⁶ Company name of the goods recipient in the EU (not Stadler Rail AG)

6 Final provisions

Stadler reserve the right to adapt these technical specifications at any time to the legal basis if it changes. The requirements from these technical specifications are part of our terms and conditions of purchase and it is essential that they are observed. The supplier alone is responsible for complying with the legal provisions for the creation of the required declarations.

6.1 Contact information

In the event of queries, please contact in writing:

Stadler Bussnang AG (STAG)	gts.schweiz@stadlerrail.com
Stadler Rheintal AG (STAR)	gts.schweiz@stadlerrail.com
Stadler Service AG (SRSCH)	gts.schweiz@stadlerrail.com
Stadler Signalling AG (SSIG)	gts.schweiz@stadlerrail.com
Stadler Winterthur AG (STAWI)	stawi-versand@stadlerrail.com

6.2 More information

Further information and regulations on the topics of origin and preference, customs tariff numbers, etc. can be found on the websites of the customs authorities.

CH	Federal Office for Customs and Border Security Swiss customs tariff State Secretariat for Economic Affairs (export control law)	www.bazg.admin.ch www.tares.ch www.seco.admin.ch
EU	General Customs Directorate DE Taric Federal Office for Economic Affairs and Export Control	www.zoll.de ec.europa.eu/taxation_customs www.bafa.de
UK	HM Revenue & Customs UK Trade Tariff UK strategic export controls	www.gov.uk www.gov.uk/trade-tariff www.gov.uk
US	Bureau of Industry and Security	www.bis.doc.gov