

## **Trade Compliance Guidance**

Energistics Consortium, Inc. ("Energistics") has adopted the following trade compliance guidance to avoid inadvertent violations of the United States of America ("US") and the European Union ("EU") sanctions against the Islamic Republic of Iran ("Iran") by virtue of participation of Energistics as a member of the International Organization for Standardization ("ISO") Project Teams. These guidelines have been adopted because Energistics understands that the ISO Project Teams may include representatives of the government of Iran and/or a political subdivision, agency or instrumentality thereof (the "Government of Iran").

- 1. NO TECHNOLOGY CONTROLLED UNDER THE US EXPORT ADMINISTRATION REGULATIONS ("EAR") MAY BE RELEASED TO ISO PROJECT TEAMS.**

**Compliance Guidance:** All papers, reports, comments or other information of a technical nature must be posted on the Energistics website prior to release to the ISO Project Team. Authors are advised to err on the side of publication on the Energistics' website, including publishing information which the author believes is well-known or even in the public domain. Information of a technical nature includes, without limitation, information related to the development, production or use of any item.

**Compliance Justification:** By publishing the document on the Energistics' website, the document is made available to the public at no or nominal cost (only the cost of accessing the Internet and printing the document). As such, the document is "published information" under section 734.7 of the EAR and is, therefore, not deemed to be "technology" under the EAR. Further, "published information" is deemed "information and informational materials" under section 560.315 of the U.S. Iranian Transaction Regulations ("ITR"). As such, under section 560.210 of the ITR, the release (or export) of such information is exempt from the US sanctions imposed on Iran.

- 2. NO SERVICES MAY BE PERFORMED FOR, ON BEHALF OF OR FOR THE BENEFIT OF IRAN OR THE GOVERNMENT OF IRAN.**

**Compliance Guidance:** Energistics will not address or comment on (i) specific questions related to the Iranian oil and gas industry, (ii) specific questions raised by or for the Iranian delegates, or (iii) matters that are specifically for the benefit of Iran, the Iranian oil and gas industry or the Government of Iran. This restriction is not intended to chill discussions or comments which may *incidentally* benefit Iran, the Iranian oil and gas industry or the Government of Iran, but which were raised for reasons other than specifically to serve an Iranian interest.

**Compliance Justification:** The ITR prohibit U.S. persons from exporting any goods, technology or services to Iran or the Government of Iran (or to a third country for subsequent supply to Iran) (sections 560.201 and 560.204). Further, U.S. Executive Order 13590 prohibits both U.S. and non-U.S. persons from providing goods, services, technology, information or support that could "directly and significantly" contribute to Iran's development of its petroleum resources, Iran's refined petroleum products industry, Iran's ability to import refined petroleum products, or Iran's domestic production of petrochemical products.

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Similarly, the EU Iran embargo (Council Regulation (EU) 267/2012 concerning restrictive measures against Iran and repealing Regulation (EC) o 961/2010) prohibits the direct or indirect provision of technical assistance related to certain key equipment and technology for the oil and gas industry in Iran (Article 8 and 9). The controlled key equipment and technology relate to the following sectors/industries: (i) exploration of crude oil and natural gas; (ii) production of crude oil and natural gas; (iii) refining; (iv) liquefaction of natural gas; (v) the petrochemical industry (certain exemptions for contracts before 24 March 2012 and 23 January 2012 respectively).

While the first guideline is intended to avoid the inadvertent release of technology to Iran, this second guideline is intended to avoid the export of services to Iran or the Government of Iran. The guidance draws a distinction between assistance to the ISO Project Teams, which is permissible, and assistance to Iran or the Government of Iran, which is prohibited unless authorized by a license.