

Guideline: Impact of U.S. legislation and U.S. nationality (July 2017)

Due to the extraterritorial effect of the sanctions administered by the U.S. Office of Foreign Assets Control (OFAC), Rabobank employees who hold United States citizenship must ensure they do not become directly or indirectly involved in any activities (within Rabobank) which could potentially conflict with the OFAC regulations¹.

Rabobank intends to protect its employees from the potential consequences of such actions at all times while at the same time guarding the organization's reputation.

If you are a U.S. national, you must report this to your manager, so that you (assisted by your Local Compliance Officer (LCO), if necessary) can check whether your position is impacted by U.S. legislation. Further details are provided in this Guideline.

Unauthorized activities

U.S. law prohibits any interference or involvement on the part of U.S. persons which could potentially conflict with the OFAC regulations. 'U.S. persons' include:

- Employees (regardless of nationality) of entities established under U.S. law and their international divisions or subsidiaries
- Individual and entities physically located in the United States
- Citizens and permanent residents of the United States (valid "Green Card" holders), irrespective of their temporary or permanent place of residence or activities
- For purpose of sanctions targeting Cuba and Iran: all entities owned or controlled by the above-mentioned examples of 'U.S. persons'

Potential conflicts with U.S. law are related to the facilitation of the conduct of business with a sanctioned entity, individual or jurisdiction;

Specific examples of "facilitation" include (list is not exhaustive):

- Approving business, trade and/or transactions
- Negotiating, drafting and reviewing contracts, offers, terms and conditions, etc.
- Work involving issuing, advising, confirming and negotiating of LC/letters of credit, etc.
- Processing/clearing/settlement of transactions
- Referral of business to non-U.S. persons (i.e. referral of trade or business to colleagues)
- Certain forms of IT support/access
- Strategy development, trade and activities for/with companies
- Amending policies or procedures in order to enable transactions

Personal responsibility

U.S. persons must refrain from participating in order to prevent conflicts with, and violations of, the sanction-related transactions (both directly and indirectly). This means that no U.S. person may be involved in any of the

¹ The Office of Foreign Assets Control (OFAC) is an entity of the U.S. Treasury and administers and enforces financial, economic and trade sanctions based on foreign policy and national security of the United States. <https://www.treasury.gov/resource-center/sanctions/Pages/default.aspx>

above-mentioned activities relating to sanction-related transactions or activities. In such cases, a non-U.S. person must assume the duties of the U.S. person.

However, U.S. persons are not authorized to delegate their power or authorize a non-U.S. person to fulfill their role (i.e. grant them a power of attorney). U.S. persons are permitted to merely receive sanction-related information, provided they refrain from taking any further action.

Employee and manager analyze the role together (advised by Compliance if necessary)

If you are a U.S. person and involved in any manner in facilitating trade or transactions, as describe above:

1. You must contact your manager as soon as possible, so that the two of you may determine the potential impact and scope of the OFAC guidelines on your position (and personal situation). For many positions, this need not necessarily result in restrictions, and you should be able to go about your business as usual. However, if your work corresponds to any of the examples of “facilitation” listed above, specific control measures may be necessary. This may also require for specific duties and responsibilities associated with the role to be modified.
2. Your manager may choose to seek advice from your Local Compliance Officer (LCO), by submitting your analysis for review to the LCO or by involving the LCO in the analysis. The LCO also has the option to consult Global Compliance AML & Sanctions Expertise if necessary.
3. Finally, if it turns out to be necessary to modify your work activities, the HR Manager will be enlisted, in order to ensure that all information is carefully recorded in the interest of both the employer and the employee.

I, undersigned, understand the content of this document and my obligations relative to the U.S. Person’s status.

Name and surname:

Staff number:

Position:

Signature: _____

Date: _____