EXPORT CONTROLS AND REGULATIONS

All U.S. exports (goods and services) are regulated by the U.S. Federal Government. In order to comply with federal law, your company must determine which government agency has jurisdiction over your exports and whether your exports need an export license. Any item that is sent from the U.S. to a foreign destination is an export, including commodities, software, and technology (such as blueprints or technical information). While a relatively small percentage of exports and re-exports require a license, it is the exporter's responsibility to determine whether the export requires a license. License requirements are dependent upon, among other things, an item's technical characteristics, the destination, the end-user, and the end-use.

Your company must determine which regulations apply to its exports. Most exports are regulated by either U.S. Department of Commerce - Export Administration Regulations (EAR) or U.S. Department of State - International Traffic in Arms Regulations (ITAR). Certain exports, such as those related to nuclear technology, are regulated by other U.S. agencies. The following is general information on the category of products regulated by the EAR or ITAR. You should always consult with your legal counsel or the agency itself to confirm you have the most current information on the regulations.

EXPORT ADMINISTRATION REGULATIONS (EAR)	INTERNATIONAL TRAFFIC IN ARMS REGULATIONS (ITAR)
BUREAU OF INDUSTRY AND SECURITY, U.S. DEPT. OF COMMERCE	**DIRECTORATE OF DEFENSE TRADE CONTROLS, U.S. DEPT. OF STATE**
EAR regulates the export of: • Most commercial goods • Dual use items with civilian and military applications involving national security, foreign policy, short-supply, nuclear non-proliferation, missile technology, chemical and biological weapons, regional stability, crime control, or terrorist concerns.	ITAR regulates the export of: • Items specifically designed, developed, or adapted for a military application—regardless of intended use • Technical data/software or services related to any item controlled by ITAR
While some of these items require an export license under EAR, many fall under the designation EAR 99, which refers to items that can be shipped without a license to most destinations under most circumstances.	An export is regulated by ITAR if it is listed on the U.S. Munitions List, or if it is technical data/software or a service related to an item on the U.S. Munitions List.

Your company should work with a legal or other expert in export laws and regulations to develop an export compliance strategy. That strategy may include:

- A customized export compliance manual/program for your company and ensure its adoption by utilizing the EMCP Self-Assessment Tool.

- Screening requirements for each customer and export transaction for prohibited end users

- Tools to raise awareness of and reporting on "red flags," such as a customer's unwillingness to disclose an item's end use (Export Screening Video)

- Records retention requirements on all export transactions, administrative elements and compliance efforts for 5 years

Additional export considerations to be aware of include Anti-Boycott Compliance, Foreign Corrupt Practices Act (FCPA), Foreign Trade Embargoes/Sanctions, as well as Deemed Exports.

Informed, voluntary compliance with U.S. export controls by the export trade community is an important contribution to U.S. National Security. All parties to U.S. export transactions must ensure their exports fully comply with all statutory and regulatory requirements. Compliance not only involves controlled goods and technologies, but also restrictions on shipping to certain countries, companies, organizations, and/or individuals.

For more information, please contact:

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