

Do I Need an Export License?

Introduction to Export Controls
under the
Export Administration Regulations
(EAR, 15 CFR parts 730-774)



U.S. DEPARTMENT OF COMMERCE
BUREAU OF INDUSTRY AND SECURITY

Which Agencies Have Export Control Functions?



- State/DDTC administers defense articles export controls under the International Traffic in Arms Regulations (ITAR)
- Embassies conduct visa interviews



- BIS administers the Export Administration Regulations (EAR): dual-use and some munitions/military export controls



- Office of Foreign Assets Control (OFAC) for sanctions

Other agencies include the Nuclear Regulatory Commission and the Department of Energy.



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New to the EAR?

Start here at:

www.bis.doc.gov

Exporter Portal

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Where Industry and Security Intersect

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Classification information table
List provided by companies
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Forms FAQs ECCN

Basics of Licensing Requirements

What are
you
Exporting?

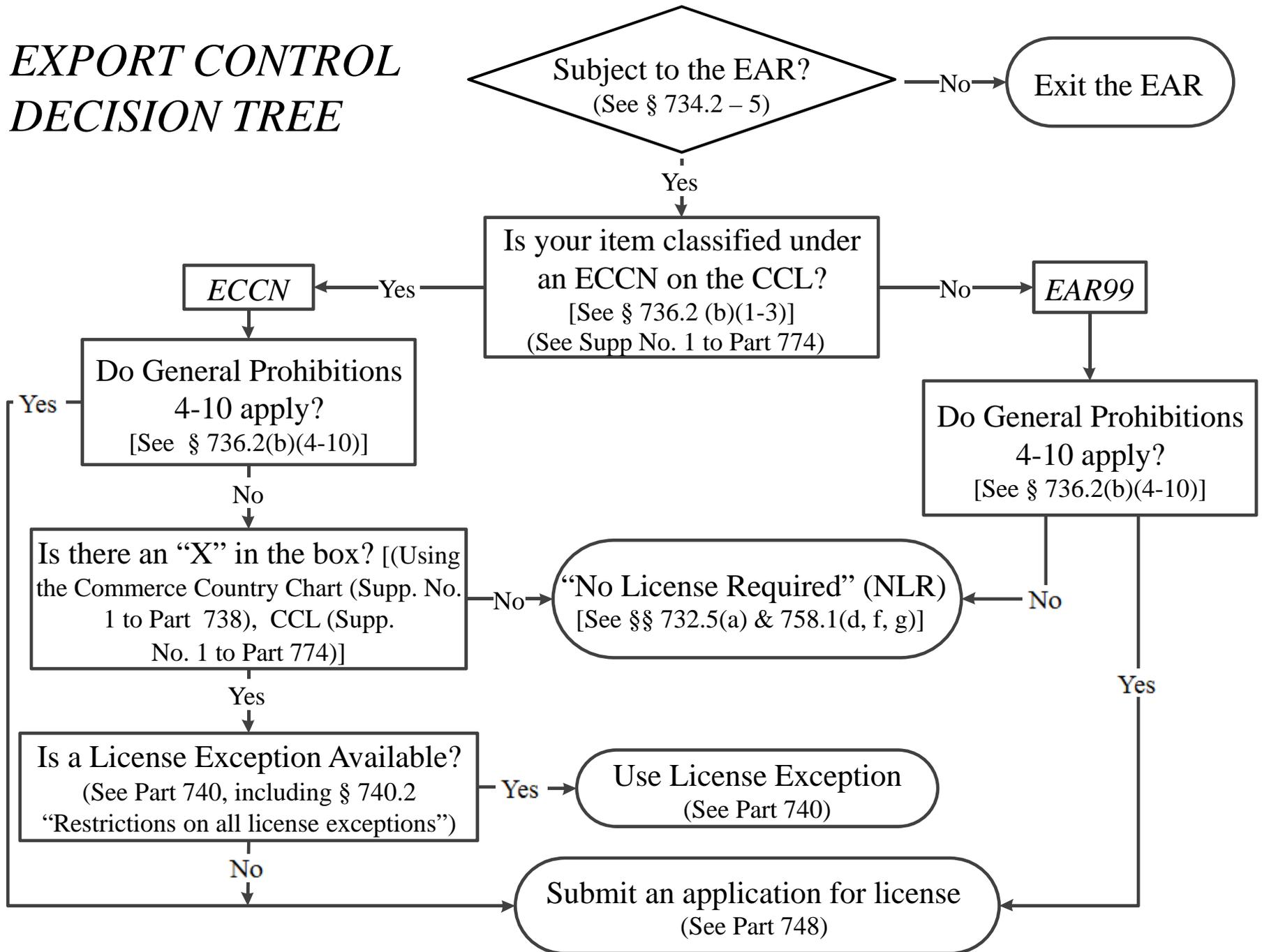
Where is it
Going?

Who is
Receiving
It?

What is
the End
Use?



EXPORT CONTROL DECISION TREE



What is an ECCN?

Export Control Classification Number on the Commerce Control List

1

C

350

1

- Category

C

- Product Group

350

- Type of Control

Subject to the EAR but not listed on the CCL = EAR99



Decision Tree Tools

<http://www.bis.doc.gov/index.php/2012-03-30-17-54-11/2013-02-15-13-50->



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Reform

- Reform
- Export.Gov
- ECR Teleconference
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Decision Tree Tools

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Details

CCL Order of Review

The CCL Order of Review Decision Tool will assist users in understanding the steps to follow in reviewing the Commerce Control List when determining the classification of their item. (See Supplement No. 4 to part 774 of the EAR)

Specially Designed

The "Specially Designed" Decision Tool will assist users in determining if an item is "specially designed" under the Export Administration Regulations. (See § 772.1 of the EAR)

STA

The Strategic Trade Authorization (STA) tool will help you determine if your item is eligible for License Exception STA (§ 740.20 of the EAR) and if you are prepared to meet the compliance requirements of License Exception STA.

Note: The STA tool is now updated for the 600 series and 9x515 ECCNs.

De minimis & Direct Product Rules

This tool will help you determine if your non-U.S.-made item, which is located outside the U.S., is subject to the EAR.

Licensing Requirements due to a Country Sanction

- Comprehensive Embargo
 - Iran – § 746.7 & § 742.8
 - Cuba – § 746.2
- Sanctioned
 - Sudan – § 742.10
 - Syria – § 746.9 & Supp. No. 1 to part 736
 - N. Korea – § 746.4 & § 742.19
 - Russian Industry Sector Sanctions – § 746.5
 - Crimea region of Ukraine – § 746.6
- UN Arms Embargo – § 746.1(b)
- Iraq – § 746.3

General Prohibition 6, part 736



Know Your Customer: Screen

export.gov
Helping U.S. Companies Export

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Areas of Reform

- ▶ Export Control List
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- ▶ IT System Modernization
- ▶ Export Control Enforcement

For Exporters

- ▶ [Consolidated Screening List](#)
- ▶ Export Licensing
- ▶ Decision Tree Tools
- ▶ Export Enforcement Coordination Center (E2C2)
- ▶ [Weekly Teleconference](#)

Provide Input

- ▶ Website Feedback

Consolidated Screening List

Below is a link to a downloadable file that consolidates export screening lists of the Departments of Commerce, State and the Treasury into one spreadsheet as an aide to industry in conducting electronic screens of potential parties to regulated transactions. In the event that a company, entity or person on the list appears to match a party potentially involved in your export transaction, additional due diligence should be conducted before proceeding. There may be a strict export prohibition, requirement for seeking a license application, evaluation of the end-use or user to ensure it does not result in an activity prohibited by any U.S. export regulations, or other restriction.

Prior to taking any further actions, users are to consult the requirements of the specific list on which the company, entity or person is identified by reviewing the webpage of the agency responsible for such list. The links below will connect you to the specific webpage where additional information about how to use each specific list is contained. These links are also embedded into the file for each listed entity to direct you to the proper website for information about how to resolve the issue. Note that the column on the attached file, which is titled "Source List", indicates which specific consolidated screening list is the source for each entry on the spreadsheet. Blank data fields in the file are not applicable to the consolidated screening list in the "Source List" column.

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- [Denied Persons List](#) - Individuals and entities that have been denied export privileges. Any dealings with a party on this list that would violate the terms of its denial order are prohibited.
- [Unverified List](#) - End-users who BIS has been unable to verify in prior transactions. The presence of a party on this list in a transaction is a "Red Flag" that should be resolved before proceeding with the transaction.
- [Entity List](#) - Parties whose presence in a transaction can trigger a license requirement supplemental to those elsewhere in the Export Administration Regulations (EAR). The list specifies the license requirements and policy that apply to each listed party.

export.gov/ecr

Licensing Requirements due to end use/end user controls

- End-use/end-user controls are in part 744 of the EAR.
 - Prohibited end-uses
 - Restrictions on certain ‘military end uses’ in the PRC or for a ‘military end use’ or ‘military end user’ in Russia or Venezuela (§ 744.21)
 - Supplement No. 2 to part 744 – List of Items Subject to the Military End-Use License Requirement of § 744.21

General Prohibition 5, part 736



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Tips for the Commerce Control List

- The Order of Review requires you to first confirm your item is not controlled under the International Traffic in Arms Regulations (ITAR).
- There is an Alphabetical Index to the Commerce Control List (CCL) – only on the BIS website; not exhaustive
- Licensing requirements beyond the CCL: based on destinations, parties to the transaction, activities, and knowledge of the end-use/end-user.
 - Check licensing requirements for sanctioned countries: General Prohibition 6, EAR part 736.
 - See “Know Your Customer” and “Red Flags” guidance (EAR part 732, Supplement 3)
 - Check licensing requirements based on end-use/end-user: General Prohibition 5, EAR part 736 and part 744.



Contact Information

- Office of Exporter Services:

Washington, D.C.

Counseling: (202) 482-4811

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Western Regional Office, Irvine, CA

Counseling: (949) 660-0144

Northern California Branch, San Jose, CA

Counseling: (408) 998-8806

- Encryption Help Line: (202) 482-0707
- Export Enforcement Hotline: 1-800-424-2980

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