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## Import and Export Licenses

*The information below is intended to give general guidance to exporters in identifying the products and circumstances under which an export license is required. License requirements are subject to change, so please check with the responsible agency for complete details. This is not an exhaustive list of products requiring licensing or of the requirements themselves. USCIB may not be held responsible for the information provided below.*

An ATA Carnet is a customs document. Export/Import licenses are mandated and governed by various federal agencies, but are enforced by USCBP. Obtaining an ATA Carnet for temporary export neither waives nor replaces import or export licenses. The following is a brief description of different licenses and the agencies that enforce them.

**Export Administration Regulations (EAR):** regulate the export and re-export of commercial items that have both commercial and military or proliferation applications. Purely commercial items without an obvious military use are also subject to the EAR. The Bureau of Industry and Security (BIS) are responsible for implementing and enforcing the EAR. A relatively small percentage of total US exports and re-exports require a license under EAR. License requirements are dependent upon an item's technical characteristics, the destination, the end-user, and the end-use. The exporter must determine whether his/her export requires a license based on the following:

1. **What is** being exported is determined based on the Export Control Classification Number (ECCN), which are all listed on the Commerce Control List (CCL). If the item falls under US Department of Commerce jurisdiction and is not listed on the CCL, it is designated as EAR99. These items generally consist of low-technology consumer goods, and do not require a license in most situations. However, if the proposed export of an EAR99 item is to an embargoed country, to an end-user of concern or in support of a prohibited end-use, a license may be required.
2. **Where is** it being exported is based on comparing the ECCN with the Commerce Country Chart. The ECCNs and the Commerce Country Chart, taken together, define the items subject to export controls based solely on the technical parameters of the item and the country of ultimate destination.
3. **Who** receives the export also affects the requirement of a license. Certain individuals and organizations are prohibited from receiving US exports, and others may only receive goods if they have been licensed, even items that do not normally require a license based on the ECCN and Commerce Country Chart or based on an EAR99 designation. The following lists are the determinates: Entity List (EAR Part 744), Treasury Departments Specially Designated Nationals and Blocked Persons list (EAR Part 764), the Unverified List (BIS), and the Denied Persons (BIS).
4. **End-use** what will the item be used for is controlled by BIS as well. Some end-uses are prohibited while others may require a license. EAR part 744.

BIS website is: <http://www.bis.doc.gov/index.htm>

EAR website is: <http://www.access.gpo.gov/bis/index.html>

**Endangered Species:** The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement between governments that covers endangered species and potentially threatened species. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. CITES covers items with fur, seashells, elephant hair, and certain endangered leathers, to name a few. This link has the listed species <http://www.fws.gov/permits/specieslists/specieslists.shtml>. The US Fish and Wildlife Service's International Management Authority is responsible for administering CITES for the United States [www.fws.gov/le](http://www.fws.gov/le). Most persons who import and export wildlife must file a special declaration and may be required to have certain documents from foreign governments as well. In most cases, anyone importing or exporting wildlife or wildlife products must file a US Fish and Wildlife Service form 3-177, which is the Declaration for Importation or Exportation of Fish and Wildlife.

**Live Animals and Plants:** US Department of Agriculture Animal and Plant Health Service regulate the export and import of live animals, and animal products. The export requirement that needs to be met prior to export is providing proof that the importing country's regulations have been satisfied. The USDA Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) has created the International Animal Product Export Regulations (IREGS) to provide exporters with the best understanding of importing countries requirements for certain animal-origin products. The requirements for re-importing of live animals into the US are based on the countries visited, and the length of stay in each country. This information can be found on USDA's website [http://www.aphis.usda.gov/import\\_export/](http://www.aphis.usda.gov/import_export/)

**Arms:** International Traffic in Arms Regulation (ITAR) controls the export and import of defense-related articles and services on the United States Munitions List. ([http://www.access.gpo.gov/nara/cfr/waisidx\\_99/22cfr121\\_99.html](http://www.access.gpo.gov/nara/cfr/waisidx_99/22cfr121_99.html)). ITAR implements the provisions of the Arms Export Control Act, which is interpreted and enforced by the Department of State's Directorate of Defense Trade Controls (DDTC). Its goal is to advance national strategic objectives and US foreign policy via trade controls. For practical purposes, ITAR regulations dictate that information and material pertaining to defense and military related technologies may only be shared with US persons unless approval from the Department of State is received or a special exemption is used. These protected items range from military defense weapons to designs, test data, processes, software code and commercial satellites. Any person who engages in the US in the business of either manufacturing or exporting defense articles, defense services or related technical data is required to register with DDTC. Registration does not confer any export rights or privileges, but it is a precondition to the issuance of any license or other approval for export. To register or renew a registration complete a form DS-2032. The DDTC may issue a license for the temporary export of unclassified defense articles. Such licenses are valid only if:

- i. The article will be exported for a period less than four years and will be returned to the US.
- ii. Transfer of title will not occur during the period of temporary export

To apply for the temporary export license the exporter will need to complete an application with the DDTC, (DSP-73). An original import authorization comprised of either an original permit or an original certificate issued by the foreign government authorizing the import of specified items, must accompany each application. This is not to be confused with a business license issued by the foreign government to firearms dealers or with a government authorization for

individuals to own or carry a firearm. The ITAR provides for certain exemptions relative to the licensing of firearms and ammunition:

- i. Obsolete firearms and models: non-automatic firearms that were manufactured in or before 1898, as well as replicas of such firearms
- ii. Temporary export of firearms and ammunition for personal use: US persons may export temporarily not more than three non-automatic firearms and not more than 1,000 cartridges of ammunition provided that this is for the person's exclusive use and not for re-export or other transfer of ownership
- iii. Minor components: components and parts for Category I firearms are exempt from licensing requirements when the total value does not exceed \$100 wholesale in any single transaction. Barrels, cylinders, receivers (frame), or complete breech mechanisms require a license
- iv. Firearms for personal use for members of the US armed forces and civilian employees of the US government: non-automatic weapons may be exported for personal use and not for resale or transfer of ownership if the firearms are accompanied by written authorization from the commanding officer or Chief of the US Diplomatic Mission
- v. Canadian and Mexico border shipments: a shipment originating in Canada or Mexico that incidentally transits the US en route to a delivery point in that same country is exempt from the requirement for an in-transit license

**Nuclear Materials:** Nuclear Regulatory Commission is the US licensing authority for exports and imports of nuclear materials and equipment. The commodities under NRC export licensing authority can be found at the following website: <http://www.nrc.gov/about-nrc/ip/export-import.html> The NRC import/export licenses are granted depending on what is being exported, quantity and destination.

**Diamonds:** Kimberly Process Certificate: US Census bureau requires faxed copies of this certificate upon export. This certificate can be found at [www.kimberlyprocess.com](http://www.kimberlyprocess.com). For exports of rough diamonds it is imperative to include the country of destination along with the importer's name.