Bureau of Industry and Security

Support Documentation

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US Department of Commerce
Topics of Discussion

• Who can apply?

• Required support documentation
Who may submit a commodity classification? §748.3

- Any person may submit a commodity classification
Who can apply for an export license?
§748.4(a)(1)

• Only a person in the U.S. can apply for a license to export from the United States

• Types of export transactions:
  – Standard export transaction
  – Routed export transaction
The Exporter

For more Information go to SNAPR Manual Page 5-18
Standard Export Transactions
§748.4(a)(1)

- **Exporter** - U.S. principal party in interest (USPPI)
  - Determine authority to export
  - Obtain license or other authorization
  - Comply with terms and conditions of the authorization

- **Forwarder or other agent**
  - May be hired to perform the first two tasks listed above
  - Does not relieve exporter of compliance for those tasks
  - Is responsible for compliance with the EAR
Routed Export Transaction
§748.4(a)(2)

- Exporter
  - USPPI or
  - U.S. agent of foreign principal party in interest (FPPI)

  - USPPI must obtain from the FPPI a writing if the FPPI takes responsibility for determining the license requirements for the export
  - agent must obtain written authorization from FPPI
Who can apply for a reexport license?
§748.4(a)(3)

• U.S. or foreign principal party in interest

• Other duly authorized U.S. agent of FPPI
  – agent must usually obtain written authorization from FPPI
The Reexporter

For more Information go to SNAPR Manual
Page 5-18
What support documentation do I need for my license application?
§748.9

- If you do not meet any of the exemptions under the EAR, your license application may need to be supported by various documents such as:
  - Import Certificate
  - End-User Statement
  - Statement by Ultimate Consignee and Purchaser
When are support documents not required?
§748.9(a)

- For most South and Central American countries (except for ECCNs 0A984, 0A986, 0A987)
- When ultimate consignee or purchaser is government or government agency, other than the PRC
- Software or technology
- Encryption items
When is an Import Certificate required?
§748.9

• Required for:
  – National Security (NS) controlled commodities (except 5A002, 5B002)
  – Countries listed in §748.9(b)(2)

• Issued by importing country’s government
  – Part 748, supplement 4

• The threshold dollar amount is $50,000 in most cases.

Please Remember to Include the Country & Number of the Import Certificate on Block 13 of the License Application
When is an End-User Statement required?
§748.10

- For all controlled items to the PRC, *not just NS controlled items*
- The threshold dollar amount is $50,000 in most cases.
- Issued by the PRC Ministry of Commerce (MOFCOM)

Please remember to include the Country (PRC) & Number of the End-User Statement on Block 13 of the License Application
When is a Statement by Ultimate Consignee and Purchaser required?

§748.11

- Use when Import Certificate or End-User Statement not required
- Form BIS 711(available on line) or letter
- Copy submitted with application for D:2, D:3 and D:4 countries
Supporting Documents

For more Information go to SNAPR Manual Page 5-16
What is the status of my license application?...

- Accepted
- Pending
  - with one of the agencies: DoD, DoE, State
- Returned Without Action (RWA)
- Approved/Denied
Summary: Support Documents

- Only a person in the United States may apply for an export license.
- Support document requirements are found in part 748 of the EAR (beginning with §748.9).