



EXPORT LICENSING (ITAR & EAR)

Export Controls are Relevant to Your Business

An export license from the U.S. government may be needed if your business intends to export items with defense- or national security-related applications (see ITAR below). Additionally, an export license may be needed for “dual-use” items that have both commercial and military functions (see EAR below). Violating U.S. Export Control Regulations can lead to fines, imprisonment and the denial of future export licenses. While a small percentage of products require a license, it is up to the exporter to determine whether the product requires a license in each specific case.

Knowledge of export licensing requirements can assist you in determining if your product requires a license, and provide assistance in obtaining one if necessary.

The International Traffic in Arms Regulations (ITAR)

The International Traffic in Arms Regulations (ITAR) is a set of United States Government regulations on the export and import of defense-related articles and services. In a global marketplace, many U.S. prime contractors are requiring their suppliers to be “ITAR compliant.” In order to be ITAR compliant, *you must register with the Directorate of Defense Trade Controls (DDTC).*

All manufacturers, exporters and distributors of defense articles, related technical data and defense services as defined by ITAR are required to register with the DDTC. By registering with the DDTC you are confirming that you understand your organization’s requirements to comply with ITAR. To determine if your product falls under the jurisdiction of ITAR and the U.S. Department of State, please refer to the United States Munitions List (USML found at website below). There is a specific section of this list for space-related products, services and technologies.

To Learn More About ITAR:

Directorate of Defense Trade Controls (DDTC) Response Team:

(202) 663-1282

DDTCResponseTeam@state.gov

ITAR Overview:

<http://www.pmdrtc.state.gov/regulationslaws/itar.html>

ITAR Registration:

<http://pmdrtc.state.gov/registration/index.html>

The Export Administration Regulations

(EAR)

The Export Administration Regulations (EAR) is a set of United States government regulations on the export and import of most commercial items. The U.S. Department of Commerce is responsible for implementing and enforcing EAR. Many of these items are “dual-use” items, meaning that they have both commercial and military functions.

To determine if your product falls under the jurisdiction of EAR, please refer to the Commerce Control List (CCL). An item’s Export Control Classification Number (ECCN) can also be found on the CCL. A relatively small percentage of total U.S. exports and reimports require a license. License requirements are dependent upon an item’s technical characteristics, the destination, the end-user and the end-use.

To Learn More About EAR:

U.S. Department of Commerce, Bureau of Industry and Security

Office of Exporter Services:

Washington DC: (202) 482-4811

Western Regional Office (California): (949) 660-0144

Overview of Export Basics:

<http://www.bis.doc.gov/licensing/exportingbasics.htm>

EAR Policies and Regulations:

<http://www.bis.doc.gov/policiesandregulations/ear/index.htm>

The President’s Export Control Reform Initiative

In August 2009, the President directed a broad-based interagency review of the U.S. export control system. Following the review, the Administration launched the Export Control Reform Initiative (ECR Initiative), which will fundamentally reform the U.S. export control system.

The Administration is currently implementing the reform in three phases. Phases I and II reconcile various definitions, regulations and policies for export controls, all the while building toward Phase III, which will create a single control list, single licensing agency, unified information technology system and enforcement coordination center.

For additional background information on ECR, please visit <http://export.gov/ecr>