

*The International
Trade Compliance
And Operations
Experts for over
130 years!*

Copyright© 2010
Unz & Co., Middlesex, NJ.
No part of this publication may be
reproduced or used in any form or
by any means – graphic, electronic,
or mechanical including
photocopying, recording, taping,
or information storage and
retrieval systems – without
permission of the publisher.

March 2010

Do U.S. Export Controls Apply to Me?

The very simple but accurate answer is YES! Export controls apply to every person or company which causes any commodity, technology or software to leave the United States destined to another country; even if the intention of the export is a temporary one. The key word here is “any”. Another way to make the point is by asking the question “What is controlled at export from the U.S.?” Once again, a simple but accurate answer is EVERYTHING!

Yes, everything... with only one single exception. The U.S. Government does not seek to control the export of technical data that is within the public domain (meaning, anything freely accessed by anyone in a public library or on the Internet, which may be available and/or accessed without cost or at a very nominal cost (e.g. a photocopy)).

One typically thinks that an “export” needs to take the form of something inside a carton, crate or on a pallet. But it can also be smaller and shipped inside an express envelope or small package. Such exports are absolutely subject to export control laws and regulations.

What you may not consider at all is that what is also subject to those same laws and regulations are “exports” which may be hand-carried by a sales representative or technician, a plan/drawing/schematic attached to an Email, a technical proposal uploaded to an FTP site for downloading by a prospective foreign buyer, a tour and technical presentation conducted within your domestic facility to foreign nationals who are visiting you. **These are intangible exports subject to U.S. export controls.**

Let’s say that your company does not make or sell a product. What you do is provide a service. You have highly trained technicians whom you send to a foreign customer’s locations to service, repair, and recalibrate, etc., things that were actually made by someone else. This is an export. It is an intangible export; it is subject to U.S. export controls.

As mentioned previously, everything, with but one exception, is subject to U.S. export controls. You look at the products your company makes or sells and think that they are not the kinds of things that terrorists would

Continued...

*The International
Trade Compliance
And Operations
Experts for over
130 years!*

Do U.S. Export Controls Apply to Me? (cont.)

need or use, they can't be used with or as weapons of mass destruction, and they certainly would not impact our national security. So, maybe, you don't need to be all that concerned about export controls. Once again, we refer you back to the word "everything". **You are subject to U.S. export controls.**

The manner in which the United States applies its export controls may be characterized as a matter of degree; how much control, over what, to which destination, for what end-use, to what end-user. Here is where an exporter of whatever commodity, technology or software needs to wrap its head around the concept and application of U.S. export controls... They *do* apply to you.

As with any law or regulation put in effect by the U.S. Government, ignorance is not a valid excuse if a violation occurs. It's all downhill if an exporter explains that a violation happened because it didn't believe that the law applied to what it was exporting or worse, if the exporter was totally ignorant of the law's existence.

As a U.S. person or company who provides products, services, technology, technical data or software to any foreign person, you have a legal obligation to know of, understand, and apply U.S. export control laws and regulations to the conduct of your business with foreign persons, companies, or governments.

Copyright© 2010
Unz & Co., Middlesex, NJ.
No part of this publication may be reproduced or used in any form or by any means – graphic, electronic, or mechanical including photocopying, recording, taping, or information storage and retrieval systems – without permission of the publisher.

March 2010