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WORLDWIDE

# GLOBAL VIEW

## Notes



## Export Regulations for International Exhibitors

By Michelle Bruno

**A**s the economy improves, more U.S. companies will opt to participate in overseas trade shows. Export regulations may affect what kinds of products can be exported and the lead time required to prepare them for shipment. Some types of equipment, information, and software are subject to export control procedures and/or licensing. Shippers are subject to fines, imprisonment and the denial of export privileges if they do not comply with federal regulations. Because international exhibitions are prime scenarios for displaying cutting edge products and technology, exhibitors must be particularly vigilant about checking with the appropriate regulatory agencies before shipping to the show.

### Products subject to export control

Most of the products under scrutiny fall into the categories of military, nuclear, high technology, chemical, or security:

- Remote sensing, imaging and reconnaissance (some high definition cameras)
- Sensors and sensor technology
- Munitions
- Laser and directed energy systems
- Navigation, avionics, and flight control
- Propulsion system and unmanned air vehicle subsystems
- Chemical, biotechnology, and biomedical engineering
- Marine technology
- Materials technology
- Nuclear technology
- Advanced computer/microelectronic technology
- Information security/encryption
- Telecommunications/networking
- Robotics
- Rocket systems and satellites

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## Additional criteria for restricted shipments

The product type is only one of the criteria for determining whether or not specific items are subject to export control or licensing. Exhibitors should ask three additional questions when determining whether or not their products can be exported or require export licenses:

1. **Where** is the exhibition?
2. **Who** will receive the goods?
3. **What** is the product used for?

Equipment, information, and software may not be exhibited in or transferred to a country that is considered a “State Sponsor of Terrorism.” According to ITAR (International Traffic in Arms) regulations, information and material pertaining to defense and military-related technologies (items listed on the U.S. Munitions List) may only be shared with U.S. Persons unless authorization from the Department of State is received or a special exemption is obtained. Items listed on the CCL (Commerce Control List) of the Export Administration Regulations also require licenses. Some products, although not intended for military use, may contain regulated components such as circuitry or sensors. **In all cases, it is the shipper’s responsibility, not the freight forwarder’s, to meet export requirements.**

## Obtaining an export license

Export licenses are obtained through the online D-Trade System (U.S. State Department) or the Bureau of Industry and Security (BIS) of the U.S. Department of Commerce. It takes between 24 hours and six weeks to obtain an export license. Different licenses are required based on the specific criteria that the products meet. A General License does not require a specific application. If an Individually Validated License is required, the U.S. exporter must prepare a Form

BXA-622P, “Application for Export License,” and submit it to BIS for approval.

## Other regulated items

A number of other commodities require permits and/or special handling prior to export:

- U.S. Customs must sign out (manually clear) an ATA Carnet at the port of exit.
- Temporary imports (TIB) or trade fair entries for goods imported for a U.S. trade show must be cancelled within the prescribed time period. U.S. Customs may require an inspection of the goods or waive inspection.
- Vehicle shipments may require permits or special handling.
- Fish and wildlife must be exported from a designated port of export and receive clearance before being loaded onto any vehicle unless otherwise instructed by authorities.
- Drugs and chemicals subject to Drug Enforcement Administration (DEA) regulation require an export permit or a permit exception.
- Exports of alcohol and tobacco may require an export certificate from the U.S. Alcohol and Tobacco Bureau.

In reality, a small percentage of exhibition goods require export licenses. For those that do, the consequences for non-compliant shippers are severe. Violations of export control regulations can lead to significant **civil** and **criminal** penalties. Depending on the regulations involved, fines may be levied for willful violations by the company of up to the greater of **\$1,000,000** or 5 times the value of the exports for each violation, and against the individual involved of up to **\$1,000,000** or **imprisonment for up to 10 years**, or both, for each violation. Close consultation with a qualified freight forwarder can help exhibitors avoid committing any violations.

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1550 E. Higgins Road, Suite 106

Elk Grove Village, IL 60007

**Contact:**

Jeanette Mucha, LCB

Director National Sales

Tel: (847) 806-9200

Mobile: (847) 970-8017

[jmucha@rerogers.com](mailto:jmuch@rerogers.com)

**Editor:**

Michelle Bruno,

CMP, CEM

**Tel:** (801) 520-0797

[michelle@brunogroup.com](mailto:michelle@brunogroup.com)

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