

# General Notice: International Shipments

University of Pittsburgh

Office of Export Controls Services – EChelp@pitt.edu



International shipments of items, technology and software are subject to numerous import and export obligations. Failure to apply for an export authorization or to file correct export documentation and shipping documents can result in personal fines, confiscation, and/or incarceration and may also result in loss of the item/material being shipped. The Office of Export Controls Services (OEC) at the University of Pittsburgh is available to help you comply with the U.S. Federal export regulations.

Please note that while the OEC provides assistance for evaluating and/or filing export authorizations and related documents, the OEC is not in charge of managing actual shipments, including Customs and shipping documentations. More specifically, the OEC can help the Pitt Community with the following:

- Completing Restricted Party Screening (RPS) of the persons and entities you intend to ship to<sup>1</sup>;
- Determining whether the export requires a license under the U.S. regulations;
- Evaluating whether a license exception can be used;
- Applying for a license with the relevant US Governmental agency;
- Keeping appropriate records for audit purposes in case of an export authorized to proceed without a license;
- Filing the additional documentations related to the export authorizations.

## A. Export authorizations (license)

The OEC has created a “decision-tree” to help you determine if a license is required or not for your export. **You shall follow the Pitt procedures described in the *International Shipments – Step-by-step Export Controls review*<sup>2</sup> document prior to shipping any items out of the U.S.**

Basically, everything that leaves the U.S. is an export. This includes tangible items (laptops, cell phones, equipment, samples, paper documents etc.) and intangible products (trainings, know-how, files, data etc.).

An export license is required when:

- The item will be **used in nuclear, missile, chemical/biological weapons activity**;
- The item will be exported to an **embargoed or restricted country**<sup>3</sup>
- The item’s **recipient appears on a restricted party list**<sup>4</sup>
- The item that will be shipped is **on the Commerce Control List (CCL)**<sup>5</sup> **or on the U.S. Munitions List (USML)**<sup>6</sup> and no license exception is available.

<sup>1</sup> **Restricted Parties Screenings (RPS) must be performed for every shipment:** domestic or international, to a U.S Person or to a Foreign Person. For more information, visit: [www.export.pitt.edu](http://www.export.pitt.edu)

<sup>2</sup> Available at : [www.export.pitt.edu](http://www.export.pitt.edu) – Manual and Guides

<sup>3</sup> Embargoed countries: **Cuba, Iran, North Korea, Sudan, and Syria**. For restricted countries, please consult:

- EAR Part 746: <http://www.bis.doc.gov/policiesandregulations/ear/index.htm>
- ITAR Part 126.1: [http://www.pmddtc.state.gov/regulations\\_laws/itar.html](http://www.pmddtc.state.gov/regulations_laws/itar.html)
- OFAC: <http://www.treasury.gov/resource-center/sanctions/Programs/Pages/Programs.aspx>

<sup>4</sup> RPS: [www.export.pitt.edu](http://www.export.pitt.edu)

<sup>5</sup> In the *Export Administration Regulations* (EAR), administered by the U.S Department of Commerce – Bureau of Industry and Security (BIS).

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Note that:

- Items controlled under the ITAR always require a license before being exported **and** imported.
- Items or equipment used in or resulting from Fundamental Research always require a license before shipping outside the US.

If any of these statements apply to your situation, you must contact the **OEC** at: [EChelp@pitt.edu](mailto:EChelp@pitt.edu). The OEC will assist you in preparing a license request for your export or temporary import. They will also assist you by providing special support documents<sup>7</sup>, when required.

The processing time for a license application and supporting documents depends on each situation. You should allow a minimum of 8 weeks to process your application if an actual export license is required.

If your export is eligible to use No License Required (NLR) or a license exemption, the OEC can review your export and ensure that you have the appropriate paperwork for justifying the exemption's use.

## **B. Export documentation**

When shipping items outside the U.S., some export documents are mandatory.

In most cases, a filing of the **Electronic Export Information (EEI)** via the Automated Export System (AES)<sup>8</sup> is required for all shipments from the U.S.<sup>9</sup>. More specifically, you must complete the EEI form online when the shipment:

- includes a defense article controlled under the ITAR; or,
- includes a dual-use or commercial items:
  - enumerated in paragraph a. through x. of a "600 series"; or,
  - destined to a country in Country Group E1 (Cuba, Iran, North Korea, Sudan, Syria); or,
  - exported under a BIS license or license exception; or,
  - whose value classified under a single Schedule B Number (or Harmonized Tariff Schedule number) is over \$2,500.

This document is used for purposes of foreign trade statistics and export compliance. Data on the EEI records goes to the Census Bureau, the Department of Commerce-BIS or the Department of State-DDTC, and to Customs.

**All EEI information must be filed prior to export. The lead-time varies depending on the method of transportation of the export<sup>10</sup>.** Although certain carriers will automatically file AES for you via their shipping software, it is your responsibility to make sure that this requirement has been completed.

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<sup>6</sup> In the *International Traffic in Arms Regulations* (ITAR), administered by the U.S Department of States – Directorate Defense Trade Controls (DDTC).

<sup>7</sup> The EAR Part 748-9 and 748-10 required, for instance, either a *Foreign Government Issued Documents* (International Import Certificate or PRC End-User Certificate) or a *BIS 711 Statement of Ultimate Consignee and Purchaser* for certain activities and destinations. The ITAR Part 123.22 named different administrative requirements depending on the type of export (hardware, technical data and defense services), the means of export (physical, electronic, post etc.) and the type of export authorization (license, temporary license, exemption or agreement).

<sup>8</sup> AESdirect.gov for filing directly at no charge.

<sup>9</sup> EAR Part 758 and ITAR 123.22.

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This list is non-exhaustive. Other export documentations may be required depending on the type of export.

## C. Shipping documents

When exporting and importing, shipping documents can be numerous and may include an airway bill, a bill of lading, or a truck bill of lading; a commercial invoice; a certificate of origin; an insurance certificate; a packing list; or other documents required to clear customs. **The OEC works in tandem with other Pitt departments to help evaluate shipping requirements.**

For example, the OEC can review and correct when necessary specific export controls language that appears in the *commercial invoice* and the *bill of lading*<sup>11</sup>.

Another way the OEC can assist is to help faculty and staff understand tax filing requirements. **Before exporting any item to a foreign country, it is strongly advised that you become familiar with the tax requirements of the destination country.** For shipments from the U.S. to most countries (including E.U, Canada, Mexico), the Value Added Tax (VAT) applies. The VAT is a tax on consumer spending for goods and services. In European countries, the VAT varies from 15 to 25%. To prevent the VAT from being collected on temporary exports, the University of Pittsburgh recommends use of the *ATA Carnet*, also known as the *Merchandise Passport*. This carnet is an international customs document that expedites temporary exports into foreign countries and can be used only when the item is being returned to the U.S. It has the advantage to both exempt items from the VAT and to simplify reentry into the U.S. by serving as a U.S. Customs Registration.

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<sup>10</sup> Lead-time for EAR items:

Vessels: File EEI and provide filing citation or exemption legend to exporting carrier 24 hours prior to loading the cargo on the vessel at the port;

Air: File EEI and provide filing citation or exemption legend to exporting carrier 2 hours prior to scheduled departure time of aircraft;

Truck: File EEI and provide filing citation or exemption legend to exporting carrier 1 hour prior to the arrival of the truck at the U.S. border;

Rail: File EEI and provide filing citation or exemption legend to exporting carrier 2 hours prior to the time the cargo arrives at the U.S. border;

Mail and Cargo shipped other methods: File EEI and provide filing citation or exemption legend to exporting carrier 2 hours prior to exportation;

Pipeline: File EEI and provide filing citation or exemption legend to the operator of the pipeline within 4 days following the end of each calendar month.

<sup>11</sup> E.g.:

The EAR Part 758.6 required a *Destination Control Statement (DCS)* for all exports from the United States of all items on the Commerce Control List not classified as EAR99. This DCS is a warning that the items are subject to the US controls. It goes on all copies of commercial invoice and bill of lading or airway bill.

The ITAR 123.9 (b) stated that, for hardware exports, the *“No Diversion Clause”* must be included on all copies of the invoice and the airway bill or bill of lading. This ITAR clause is different from the DCS. The *“No diversion Clause”* informs on the ultimate country of destination and the end-user, and forbid reexport/retransfer without approval of the Department of State.

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This list of shipping documents is non-exhaustive as requirements vary widely based on specifics of the items being sent and the destination. For more information about shipments, consult the webpage of the [Pitt Mail Services](#).

As an additional resource, the University of Pittsburgh recently signed a contract with a full service logistics provider called Priority Worldwide Services (PWS). They are knowledgeable in overseas shipments and have expertise in import and export requirements. The OEC, Purchasing Services, and Pitt's Mail Services can request their services in situations that require greater assistance with any shipping costs to be charged to the University department making the export.

## **D. Other requirements**

### **1. Permits**

International shipments may also require other permits for entering or leaving the United States.

All shipments entering the United States are processed by the U.S. Bureau of Customs and Border Protection (CBP).

An import permit may be required to deliver the package here in the U.S. even if the originating country does not require a permit.

When exporting a package from the United States, depending on the nature of the shipment, a U.S. export permit may be required. Additionally, an import permit may be required in the destination country where the package is being shipped. If the shipment requires an export permit, it must be completed and approved by the appropriate government agency prior to shipment. The entity you are shipping items to may be able to provide you with information about any permits required in the country receiving the shipment.

Some examples of permits:

- **U.S. DHHS/CDC Permits** (42CFR, Part 71.54)

<http://www.cdc.gov/od/eaipp/>

The *Etiologic Agent Import Permit Program* (EAIPP) of the CDC requires an import permit for all etiologic agents, biological materials, and hosts and/or vectors entering the U.S.

- **USDA Animal and Plant Health Inspection Service (APHIS) Permits**

[http://www.aphis.usda.gov/plant\\_health/permits/index.shtml](http://www.aphis.usda.gov/plant_health/permits/index.shtml)

Animal and Plant Health Inspection Service (APHIS) permits are required to import, domestically transfer or export a plant pest, plant, biological agents or other material.

- **U.S. Fish & Wildlife Service Permits** (50 CFR, Part 13)

<http://www.fws.gov/>

Fish & Wildlife Service Permits cover a wide range of import/export regulations including the trapping, buying, selling, and trading of live animals (non-agricultural), preserved animal trophies, animal hides, and animal tissues.

- **Food and Drug Administration (FDA)**

<http://www.fda.gov/ForIndustry/ImportProgram/default.htm>

The Food and Drug Administration controls most food and other products that enter the U.S.

Foods, drugs (human, animal and biological), cosmetics, medical devices and radiation emitting devices, etc. offered for entry into the United States require a permit or registration.

- **Canadian Import Regulations**

<http://www.tc.gc.ca/eng/tdg/clear-tofc-211.htm>

Shipments of human, animal, or plant pathogens to Canada will require a Canadian import permit.

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## 2. Shipments of hazardous and restricted materials

The following categories of items have restrictions when importing into the U.S.:

- Biological specimens
- Certain fish and wildlife, and products made from them
- Fruits, vegetables, plants, seeds, soil
- Items from embargoed countries

Some items are considered hazardous, and for shipping purposes, need to be packaged and labeled appropriately. These would include:

- Biological products
- Chemicals
- Batteries and fuel cells
- Radioactive items

For more information regarding export and import requirements, consult the University of Pittsburgh - [Environmental Health & Safety Department](#) website.

### E. Records and liability

Export authorizations and export documents must be kept for 5 years from their date of expiration. This includes all export/shipping records regardless of the party who completes the forms on your behalf (carrier, customs broker or freight forwarder).

Please be aware that if a forwarder is acting as your agent on your behalf, you will still be responsible for any violations that are committed.

**Export License.** It takes approximately 6 to 8 weeks to obtain an Export License (official authorization) from the U.S. Government.

**Documentations/records.** Export documents must be kept for 5 years from their date of expiration.

**Learn more.** <http://www.export.pitt.edu>

**Training.** Pitt employees involved with international shipments are instructed to complete the CITI Export Controls modules: <http://www.citi.pitt.edu/citi/>

**Get Help.** [EChelp@pitt.edu](mailto:EChelp@pitt.edu)

DOCUMENT HISTORY AND VERSION CONTROLS		
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