

# Step-by-Step Instructions for Exporters

## International Transfers & Shipments

### 1. DATA ACCUMULATION: Collect all pertinent information regarding the export including the following:

- What will be transferred or shipped to the international destination?
- Who will be receiving or using the exported items or information?
- Where will the items or information be going (i.e., institution/company/organization, city and country)?
- Why are the items or information being exported (i.e. what will they be used)?
- How long will the items be out of the United States? *Note: All exports of information are treated as permanent exports.*
- Who does the information or item belong to and is their permission required for export? *Note: This may be specified in the terms and conditions of the grant, contract, non-disclosure or material transfer agreement under which it was provided.*

### 2. EXPORT ASSESSMENT: You have two choices:

- Ask the Office of Export Controls (OEC) for an Export Assessment - best done by submitting the request form ([http://www.virginia.edu/sponsoredprograms/forms/Export\\_Assessment\\_Request\\_distributed.pdf](http://www.virginia.edu/sponsoredprograms/forms/Export_Assessment_Request_distributed.pdf)); or
- Perform the export assessment yourself by following steps A-H, below.

#### A) Restricted Party Screening: Are any of the parties to the export on a US export restriction or denial list? *Note: The parties to the export include, but are not limited to, the exporter, recipient institution/entity, shipping company, freight forwarder, consolidator, end-user and any transport company.*

##### Methods:

- Visual Compliance (any time before the day of export) – contact OEC for an account and training in the use of Visual Compliance
- Manual check of the Consolidated List (at minimum on the day of export)

##### Results:

- If yes, contact OEC immediately and do not proceed with the export.
- If no, continue with Export Assessment process

Documentation: Record the date and method of restricted party screening.

#### B) Prohibited End Use: Will your item or information be used for a prohibited end-use? You are required to determine what the end-use is.

Prohibited End Uses: Exports in support of activities related to the following are generally prohibited without a license:

- Nuclear Explosives, Power (reactors) or Propulsion
- Rocket/Missile, Space Launch Vehicles, or Unmanned Air Vehicles Activities
- Chemical and Biological Weapons
- Weapons of Mass Destruction
- Use on Foreign Vessels or Aircraft

##### Results:

- If the end-use involves any of the above, contact OEC immediately and do not proceed with the export.
- If the end-use does not involve any of the above, continue with Export Assessment.

Documentation: Retain all documents provided by UVA personnel and/or foreign recipients indicating the end-use of the items or information.

- C) Embargoes and Trade Sanctions:** Are you exporting to or for the benefit of someone in one of the comprehensively sanctioned countries? *Note: The following countries are currently subject to comprehensive sanctions: Cuba, Iran, North Korea, Sudan and Syria.*

Results:

- If yes, contact OEC immediately and do not proceed with the export.
- If no, no special documentation is required.

- D) Regulatory Jurisdiction:** What is the regulatory jurisdiction of your item or information? *Note: Different items or pieces of information in your shipment may be subject to different jurisdictions.*

Jurisdictions: The following are the most common ones for University items or information.

- International Traffic in Arms Regulations (ITAR) – Directorate of Defense Trade Control
- Export Administration Regulations (EAR) – Bureau of Industry and Security
- Nuclear Controls – Nuclear Regulatory Commission or Department of Energy

Results:

- If you can confidently determine the jurisdiction, continue with the assessment.
- If you need help making the jurisdiction determination, contact OEC and do not proceed with the export.

Documentation: Indicate how you arrived at your determination (e.g., self-determination, information provided by the manufacturer, commodity jurisdiction or commodity classification)

- E) Export Control Status:** What is the specific control status of each item or piece of information?

Options: The following describe the way status is indicated for the jurisdictions listed above

- ITAR – US Munitions List Category Number including applicable paragraph and subparagraph designations
- EAR – Export Control Classification Number (ECCN)
- Nuclear Controls – specific controlling regulatory citation (10 CFR 110 or 810)

Results:

- If you can confidently determine the export control status, continue with the Export Assessment.
- If you need help determining the export control status, contact OEC and do not proceed with the export.

Documentation: Record the export control status for each item and type of information.

- F) License Determination:** Is a license generally required to export your item or information to the country of destination?

Results:

- If no, you may export the item or information without a license. Skip to H).
- If yes, continue with the Export Assessment.

Documentation: Record whether or not a license is required for each item and type of information.

- G) License Exception/Exemption:** Is there an applicable license exception, exemption or general authorization to overcome the license requirement for all of your items and information to be exported?

Results:

- If yes, you can export the item or information (all of them) without a license so long as you can comply with all stated requirements for the exception(s) or exemption(s).

- If no, contact OEC for assistance applying for an export license or other authorization.

Documentation: Abide by all documentation and recordkeeping requirements associated with the license exception or exemption to be used.

**H) Census and Customs Filing:** Determine whether or not you are required to file an Electronic Export Information (EEI) form, a.k.a. Shippers Export Declaration (SED), with AES for the shipment. If yes, will the shipper or freight forwarder be filing the on the University's behalf?

*Note 1: In order for another party to file on behalf of the University they have to be designated as our "agent". This is commonly done through a Shippers Letter of Instruction (SLI) or a Limited Power of Attorney (LPA). University signatory authority is required to sign an SLI or LPA; since international shipping or freight forwarding is the procurement of a service, the appropriate signatory is Eric Denby, Director of Procurement and Supplier Diversity Services ([erd@virginia.edu](mailto:erd@virginia.edu) or x4-4019).*

*Note 2: If you will be temporarily (less than one year) exporting an item ask the shipper or freight forwarder about using an ATA Carnet. ATA Carnets ease the temporary importation of commercial samples, professional equipment, and goods for exhibitions and fairs. They are accepted in about 80 countries and facilitate international business by avoiding extensive customs procedures, eliminating payment of duties and value-added taxes (minimum 20% in Europe, 27% in China), and replacing the purchase of temporary import bonds. TECRO/AIT Carnets are similar to ATA Carnets but are only used between the US and Taiwan and only apply to commercial samples and professional equipment.*

Results:

- If yes, complete the EEI/SED with the shipper or freight forwarder. Ask the shipper or freight forwarder to provide proof of AES filing.
- If no, contact OEC for assistance filing the AES paperwork (e.g., for hand-carries and US mail shipments or when the shipping company does not have a limited power of attorney to file on behalf of the University).

Documentation: Retain copies of all documents filed with or provided by the shipper or freight forwarder.

**3. RECORDKEEPING:** All records associated with the export must be retained as required by the applicable export control regulation. Retention time is typically five years from the date of export for permanent exports and five years from the date of return for temporary exports.