

If you are an individual or organization that sends materials, products or information originating within the US to a recipient outside the country, you need to understand your responsibilities under the International Traffic in Arms (ITAR), the Export Administration Regulations (EAR) and any other global export control regulation that may be applicable.

Of course, ITAR and EAR are but two of many export control regulations around the world, but they are two that definitely warrant careful attention for anyone that works for, or does business with, any US organization.

ITAR and EAR are two important United States export control laws that affect the manufacturing, sales and distribution of technology.

- ITAR contains a United States Munitions List (USML) of restricted articles and services.
- EAR contains a Commerce Control List (CCL) of regulated commercial items, including those items that have both commercial and military applications.

Impacted Work

It can be difficult to know if your work is impacted by these regulations; even a small change to a standard item to meet military requirements may mean the product is reclassified as a defense article. For example, it is not unusual to see civilians wearing army fatigues and individuals and companies might sell them internationally. However, the official item was adapted to include infrared reflective squares to help soldiers identify their friends and foes using night vision equipment. This transforms the clothes into defense articles because an item that contains a defense article as a component part may result in the reclassification of the entire item as a defense article.



Conversely, a hair comb produced for use by military personnel, as long it has not been designed or adapted specifically for the military, would likely not be identified as a defense article, even though it's used by the military.

Your Responsibilities

As a Supplier (and potential exporter), your responsibilities under these export control regulations can be broad, and often difficult to interpret.

However, it is critical that you ensure the appropriate handling of all export controlled materials within your facility at all times. Failure to do so could leave you and/or your organization vulnerable to criminal/administrative charges.

In recent years, corporate violations have resulted in fines in the millions of dollars and individuals facing up to ten years in prison. The aerospace and defense sector, by the nature of the work, is particularly vulnerable, making a solid understanding of the regulations all the more important.

Useful Resources

The following resources are available to assist you in educating yourself / your staff on export control rules:

The Directorate of Defense Trade Controls (DDTC) is an arm of the US Department of State and has responsibility for the control of the export and import of defense articles and services. The DDTC website, outreach program including seminars, and compliance program guidelines can be found in the below websites:

<http://www.pmdtdc.state.gov/index.html>

http://www.pmdtdc.state.gov/outreach/documents/inhouse_seminars.pdf

http://www.pmdtdc.state.gov/compliance/documents/compliance_programs.pdf

The International Traffic in Arms Regulations (“ITAR,” 22 CFR 120-130) is available at the following website:

http://www.pmdtdc.state.gov/regulations_laws/itar_official.html

The Bureau of Industry and Security (BIS) is the export regulations arm of the U.S. Department of Commerce and is responsible for implementing and enforcing the Export Administration Regulations (EAR),

which regulate the export and re-export of most commercial items. The items regulated by BIS are often referred to as “dual-use” – items that have both commercial and military or proliferation applications – but purely commercial items without an obvious military use also are subject to the EAR. There are many training presentations and FAQ’s available for download (free of charge) at the web addresses below:

<http://www.bis.doc.gov/seminarsandtraining/seminar-training.htm>

<http://www.bis.doc.gov/exportlicensingqanda.htm>

The U.S. Commercial Service is the trade promotion arm of the U.S. Department of Commerce’s International Trade Administration and helps U.S. companies get started in exporting to global markets. A representative from your local office is available to answer questions on export control and to provide additional resources (free of charge) on the topic:

<http://trade.gov/cs/>

Further Questions?

The US Commercial Service is the government office to whom you can reach out for support on all things related to export control. They welcome enquiries from all over the world. To find the contact information for your local office, please visit <http://export.gov/usoffices>