



EXPORT CONTROL PROGRAM

***E*COMMERCE TRAINING**

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Topics

- ✓ **What (are you selling/shipping)?**
- ✓ **Where (are you shipping it)?**
- ✓ **Who (are you shipping it to)?**
- ✓ **Other Items to Remember**



What Are You Selling/Shipping?

- **Some items may require an export license, for example:**
 - Accessories to military equipment
 - Telecomm equipment
 - Lasers and infrared detectors
 - Computer equipment
- **Software - Each merchant shall:**
 - Review customer addresses before delivery of the product or service, and issue refunds or void transactions from customers located in OFAC sanctioned countries
 - **Prohibit** immediate auto delivery of products at time of sale
 - See slides 5-6 for a list of embargoed countries



What Are You Selling/Shipping?

- **Check Shipper's Declaration for the USML # or ECCN**
 - Export license required to export any ITAR item out of the country
 - Need for license depends on destination for items regulated under EAR
 - EAR99 is good
- **Check w/ Export Control (ExC) Office if you have questions**



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Where Are You Shipping It?



E:1/E:2 Countries:

- Require license (except humanitarian items)
- Shipments may not be allowed
- Person placing order may try to route the shipment through a favorable country (i.e. Canada) to get it to an E:1/E:2 country



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Where Are You Shipping It?

Embargoed Countries:

- **OFAC & US Embargo List:** Balkans (western), Belarus, Burundi, Central African Republic, Cuba, Congo, Iran, Iraq, Lebanon, Libya, N. Korea, Somalia, South Sudan, Sudan and Darfur, Syria, Ukraine, Russia, Venezuela, Yemen, Zimbabwe
- **ITAR Prohibited Countries (22CFR 126.1):** Afghanistan, Belarus, Burma, Central African Republic, China, Congo, Cuba, Cyprus, Eritrea, Haiti, Iran, Iraq, Lebanon, Libya, N. Korea, Somalia, South Sudan, Sudan, Syria, Venezuela, Zimbabwe
- **Check w/ ExC Office** regarding what can be shipped to embargoed countries and if an export license is needed

Via Countries:

- Always account for countries through which a shipment may pass on its way to its final destination
- United Arab Emirates (Dubai, Abu Dhabi) – may not be the final destination





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To Whom Are You Shipping?

- **Is the person or organization on a restricted party list?**
 - The gov't maintains lists of people and organizations w/ which it does **NOT** want us conducting business
 - Contact ExC Office for assistance
- **Is your consignee a distributor?**
 - Distributors are likely not the end-user
 - Check w/ the merchant shipping the item



Other Items To Remember

- **Shipping assessments take time**
 - Contact ExC Office well before shipping to determine if a license is needed
 - The merchant should determine if an assessment has been completed on the item being shipped
- **Determinations Not To Ship**
 - There may be circumstances where the ExCO determines an export license will not be submitted based upon the commodity, destination or end-user
 - In this case, the item shall not be shipped
- **Export control regulations are different than DOT, IATA, Schedule B and Customs regulations**
 - Don't assume that if you have complied w/ one you are complying w/ all



NEVER

***Ship an Item or Software Before You
Receive Its Export License***



Examples



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Example 1 – Software Download

A person from Havana, Cuba orders software from a UW-Madison website. The software is technical in nature, but not export controlled under ITAR or EAR. The person has a friend in the Bahamas pay for the software.

What Do We Need To Worry About?

- Can we ship to this user?
 - Contact the Export Control Office to conduct a restricted party screening
- Do we need an export license?
 - Yes, OFAC requires an export license to ship commodities to Cuba (w/ a few exceptions)
 - The software cannot be downloaded until the export license is received
 - In some instances, requests for an export license will be denied based upon the commodity



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Example 2 – Books

A doctor in Brazil orders three medical text books from a UW on-line store.

What Do We Need To Worry About?

- Can we ship to this user?
 - Although it is unlikely there is an issue, it is always good to conduct a restricted party screening on the purchaser
- Do we need an export license?
 - No, unless a match comes up w/ the restricted party screening
 - Text books are not controlled under any categories in the ITAR or EAR



Contact Information



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References:

- **UW Export Control Website:**
<https://research.wisc.edu/integrity-and-other-requirements/export-control/>