



International Shipping Guidance

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Export Controls and International Shipping

All physical items, equipment, materials, commodities (including food and medicines), software, and biologics (collectively “things”) are subject to export control regulations and require some form of shipping documentation prior to shipping abroad. Many common items are controlled as EAR99 and no license is required (NLR) for export. However, some things have specific export classifications (such as laptops, imaging equipment, certain biologics, etc.) and those classifications must be correctly indicated on the shipping paperwork. Governing agencies may require authorization (export license) prior to export, depending on the item being transferred; its specific export classification (under the Commerce Department’s EAR regulations or the State Department’s ITAR jurisdiction); its destination (ultimate or in-transit); end use; and the particular circumstances of the transaction. Export licenses may be required even when those items are being transferred to a FIU-operated site abroad.

For shipments that do not require an export license, special filings of Electronic Export Information (EEI) may still be required, depending on the value of the shipment, the classification of the item(s), the destination country, and/or the consignee. EEI is filed online in the Automated Export System (AES) administered through the Census Bureau. Failure to file required information is an export control violation and may result in monetary penalties. (See EEI filing information, below.)

Exporters are also required to maintain records of all exports for at least five years. This includes shipping records as well as information pertaining to classification determinations, license determinations, etc.

Note: Many international shipments are held in customs for extended periods and/or indefinitely, due to incorrect shipping documentation. This produces significant problems for all parties involved, often incurs significant expense, and may result in fines and other penalties. The Export Control



Officer can assist FSU personnel with completing customs paperwork to ensure that international shipments arrive at their destination in a the most timely and cost-effective manner.

When Is an Export Review Necessary?

The following criteria may be used to determine when an export review is required for outbound international shipments and/or transfers:

1. **Must be reviewed (all shipments and all items):**
 - Shipments to Iran, Syria, Cuba, North Korea (these are sanctioned countries)
 - Shipments to China, Russia, and Venezuela (these are high risk destinations)
 - Shipments with items valued at (single item or aggregate) > \$2500
 - Shipments going to a government, military, or intelligence agency
2. **Reviewed by EHS before review by Export Control:**
 - Biologics
 - Chemicals
 - Genes, genetic material, or substances containing genetic materials
 - Substances containing biologics and/or chemicals
 - Radiation safety and/or detection equipment
 - Radiation- hardened equipment, materials, and/or items
 - Any other item, material, or equipment listed as “hazardous” or requiring EHS review
 - Prescription medicines
3. **Other items requiring export review:**
 - Any item, equipment, material, software, and/or source code developed for a military or military purpose
 - Any item, equipment, material, software, and/or source code related in any way to firearms, ammunition, weapons, and/or warfare
 - Any item, equipment, material, software, and/or source code developed for use for, by, or with a nuclear reactor, nuclear weapons, or nuclear material (including detection)
 - Equipment and/or software for air, ground, body, or aquatic imaging
 - Equipment for signal processing, navigation, and/or geo-positioning
 - Other specialized instruments or equipment
 - Novel, proprietary, composite. or engineered materials
 - Organic plants, animals, minerals, insects, and human remains (including fossils)
 - Devices containing high-level encryption (including laptops, cell phones, and tablets)
 - Software or source code (not including software/ code which is open source or available without a license)
 - Non-public technical data
4. **Items not requiring review unless intended for sanctioned or high-risk destinations:**
 - Basic laboratory supplies
 - Basic office supplies
 - Personal items such as clothing, toiletries, beauty products, etc.



- Basic textiles
- Household goods
- Promotional items (ex. cups, pens, folders, sweatshirts)
- Food products
- Artwork and artifacts
- Currency
- Documents containing published or publicly available technical data
- Documents containing non-technical data

How to Request an International Shipment Export Review

Complete and submit the RAMP Export Control Request Type of **Shipment** for anything to be shipped that the recipient cannot obtain on the open market, regardless of destination. Routine administrative paperwork is excluded from this requirement. See the **How-To Guide** [here](#) for additional information on RAMP data entry requirements.

FSU Customs Broker Contract

FSU Procurement Services has contracted with John S. James Company to provide customs broker and freight forwarder services. The contract can be accessed through SpearMart:

The screenshot shows the SpearMart interface for searching contracts. The breadcrumb trail is 'Contracts > Contracts > Search Contracts'. The search bar contains the text 'JOHN S JAMES'. Below the search bar are three filter options, each with a dropdown menu:

Filter	Value
Contract	JOHN S JAMES
Active for Shopping	Active
By Start/End Date	All
Created Date	All Dates



Contract Details

2020-PROC-01780

Customs Brokerage & International Freight Forwarding Services

Second Party:	JOHN S JAMES CO	Start Date:	4/3/2020	Version Type:	Original
Contract Type:	Services	End Date:	4/6/2025	Renewal No.:	0
Status:	Executed: In Effect	Active for Shopping:	Yes	Amendment No.:	0
				Extension Count:	0

Changes to Requirements for Shipments and Transfers to China, Russia, and Venezuela

Effective Monday, June 29, 2020, exports of certain items from the United States to China, Russia, and Venezuela became subject to new export compliance requirements. These requirements apply to exports, re-exports, deemed exports of technical data and software, and in-country transfers, and apply regardless of the value of the shipment or the method of transfer.

Exports of certain basic items, equipment, materials, software, and technical data to entities that now fall under the definition of a “military end user” or for a “military end use” (as defined in the regulations at 15 CFR 744.21) located in China, Russia, or Venezuela now require an export license prior to shipment.

Furthermore, exports of some items which previously could be shipped without authorization or special customs filing, now require an Electronic Export Information (EEI) statement prior to export regardless of shipment value. An EEI is the export clearance document that is submitted electronically to the Census Bureau (by FSU or a freight forwarder) and is reviewed by Census, Customs and Commerce for export statistical purpose and license compliance.

Exports and Re-Exports of Certain Commodities and Technologies To “Military End Users”

A “**military end user (MER)**” is any person or entity whose actions or functions are intended to support 'military end uses' (as defined in the regulations at 15 CFR 744.21), including the national armed services (army, navy, marine, air force, or coast guard), as well as the national guard and national police, government intelligence or reconnaissance organizations. (15 CFR 744.21(g)).

Under the recent changes, the definition of “**military end use (MEU)**” was broadened to include “*any item that supports or contributes to the operation, installation, maintenance, repair, overhaul, refurbishing, “development,” or “production,” of military items described on the USML; or items classified under ECCNs ending in “A018”; or under “600 series” ECCNs.*” (15 CFR 744.21(f)).

While the definition of “military end user” has not changed, there will likely be more individuals and/or entities based in these three countries who the U.S. Government defines as engaging in activities that now constitute a military end use. **Note than many individuals and entities from these countries,**



**Florida State University
Office of Research Compliance Programs**

including research institutions, who are not defense identified per se, but perform work for or receive funding from the national military, may now fall under the military end user definition.

When an individual or entity from China, Russia, and/or Venezuela is determined to be a military end user, or the individual/entity is engaging in a military end use, exports of the items and technical data listed in EAR Supplement 2 to Part 744 require an export license from BIS. Currently, those license requests are under a presumption of denial, indicative of the scrutiny that BIS is applying to this category of transaction and the enforcement consequence of violating this new provision.

However, even where no military end user/end use is identifiable in the export transaction, the export of *any item* to these countries still requires the normal evaluation of whether a license is required pursuant to the CCL, country chart-listed controls and OFAC controls.

Deemed Exports to Chinese, Russian, and Venezuelan Individuals in the U.S.

A deemed export to a “military end user” of controlled technical data listed in Supplement A to Part 744 would require a license. Where no “military end user” is involved or otherwise implicated in the transaction, the normal deemed export rules apply with respect to “use,” “development” or “production” technology with respect to foreign nationals from these three countries.

As a pragmatic consequence of these new rules, FSU faculty and staff conducting research or service activities in the U.S. are advised to exercise due diligence with respect to the sponsoring/home/affiliated institution or entity and any apparent indicia of military or defense-related activities.

EI Requirements: Transfers (Electronic and Hand-carried) and Shipping to China, Russia, and Venezuela

All shipments of items listed in Supplement 2 of Part 744, destined for China, Russia, and/or Venezuela now require EEI filing, **regardless** of whether the consignee is a “military end user.”

Likewise, shipments of **all items with a designated ECCN** (including those listed on Supplement 2) that are exported to any party in China, Russia, and/or Venezuela will likewise require an EEI filing. This could potentially include many items shipped to support academic or capacity/resource activities, including but not limited to non-EAR99 laptops, software, and laboratory equipment.

Items classified as EAR99 do **not** require EEI filing (unless the value exceeds \$2500). Intangible exports (such as software downloads) do not require EEI filing.

EEI filing may be done (1) by the FSU Export Control Officer through AES, (2) through an individual carrier (such as FedEx or UPS), or (3) through a freight forwarder (such as John S. James). For assistance in filing an EEI statement, please contact the FSU Export Control Officer at research-compliance@fsu.edu.

If you have any questions or concerns about this new requirements for shipments, transfers, and deemed exports to China, Russia, and/or Venezuela, please contact the FSU Export Control Officer at research-compliance@fsu.edu.