



Export Best Practices

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Export Controls

- Export Administration Regulations (“EAR”)
- International Traffic in Arms Regulations (“ITAR”)
- License requirement for export, reexport, domestic & foreign tech transfers
- \$250,000 or twice value of transaction

Prohibitions

- Commerce Control List (“CCL”)
- U.S. Munitions List (“USML”)
- End-User or End-Use
- Antiboycott

Particular Relevance

- Shipping companies – Accessory liability
- EAR99 companies – Machinery, end-users

Cases – Entity List

- Toll Global Forwarding (USA) Inc.
- Rosedale, NY
- July 28, 2011
- 9 charges – Arranged EAR99 electronic component exports to India
- \$200,000; External audit

Cases – Embargo

- DHL (2009) – \$9.4 million/external audits; aiding & abetting exports to Iran, Sudan and Syria
- EGL, Inc. (March 5th) – \$139,650; providing freight forwarding services to and from Cuba and Iran

Cases – SED (AES) Filing

- Elite International Transportation, Inc.
- Houston, TX
- January 23, 2008
- 55 charges – Falsely said TEA to Mexico is NLR
- \$156,000

Cases – ECCN

- Cargoland Air and Ocean Cargo, Inc.
- Doral, FL
- August 20, 2008
- 1 charge – Attempted export of 0A979 riot helmets to Venezuela
- \$36,000

Cases – Antiboycott

- Rohde & Liesenfeld, Inc.
- Houston, TX
- September 29, 2008
- 36 charges – Furnishing information about business relationships with boycotted country
- \$108,000

Best Practices

- Screening
 - End-user
 - Embargo

- CCL Country Chart/USML

- AES

Best Practices

- Clarity in Contracts
 - Responsibilities
 - Accuracy of SLI
 - Voluntary Self-Disclosures
 - Indemnification
- Acting with knowledge of violation - Red flags
- Hazmats



Thank you

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