



## “TOP 10 TIPS WHEN IMPORTING TO ENSURE COMPLIANCE”

1. Know your product, supplier, and which U.S. federal government agencies regulate you.
2. Request samples in advance of exportation. Protect your own IPR.
  - a. **Record your trademarks with CBP** - <https://apps.cbp.gov/e-recordations/>
  - b. **U.S Customs –Your Personal Policeman at the Border** - <http://customsandinternationaltradelaw.com/2016/12/06/u-s-customs-your-personal-policeman-at-the-border/>
3. Keep records proving you used Reasonable Care.
  - a. **Importing into the U.S.: A Guide for Commercial Importers** (Includes a reasonable care checklist) - <https://www.cbp.gov/sites/default/files/documents/Importing%20into%20the%20U.S.pdf>
4. Confirm you’re using the correct HTSUS – Request a binding ruling from CBP.
  - a. **Harmonized Tariff Schedule** – <http://www.usitc.gov/tata/hts/bychapter/index.htm>
  - b. **Customs Rulings Online** - <http://rulings.cbp.gov/>
5. Confirm you’re using the correct **value** for your product, do you use related parties? Request a binding ruling from CBP.
6. Confirm you’re using the correct **Country of Origin**. Do you source products from many countries? Request a binding ruling from CBP.
7. Ensure you have a **formal written import compliance program**.
  - a. Perform a meaningful risk analysis and ensure appropriate senior organizational officials responsible for overseeing the import compliance program are involved
8. Determine if there is an applicable Free Trade Agreement for you to use – Money is always better in your pocket!
  - a. **Free Trade Agreements (FTA)** - <https://www.cbp.gov/trade/priority-issues/trade-agreements/free-trade-agreements>
    1. FTA Tariff Tool - <http://export.gov/fta/ftatarifftool/ftamain.aspx>
  - b. **All FTA’s Currently in Place with the U.S.:**

• Australia	• Chile	• North America
• Bahrain	• Colombia	(Canada, Mexico)
• Central America- Dominican Republic (Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua)	• Israel	• Oman
	• Jordan	• Panama
	• Korea	• Peru
	• Morocco	• Singapore
9. If you receive a **CBP 28 or CBP 29** – **IMMEDIATELY** consult an expert to answer thoroughly. File PROTESTS with CBP when you disagree with a CBP 29.
10. If you receive a notice of detention or seizure notice from CBP, be PROACTIVE. Always Petition **Penalties and Liquidated Damages** Claims – Never pay without a fight!
  - a. **U.S. Customs Seized my merchandise, now what?** - <http://customsandinternationaltradelaw.com/2009/11/03/u-s-customs-seized-my-merchandise-now-what/>

### ADDITIONAL RESOURCES FOR IMPORTING:

- Basic Importing and Exporting - <https://www.cbp.gov/trade/basic-import-export>
- CBP’s Rulings and Legal Decisions - <https://www.cbp.gov/trade/rulings>
- Trade Data Online - <http://www.ic.gc.ca/eic/site/tdo-dcd.nsf/eng/Home>



## “TOP 10 TIPS WHEN EXPORTING TO ENSURE COMPLIANCE”

### 1. Export Compliance Steps:

- b. **Step 1:** What is YOUR product?
  - Know your product and supplier.
  - Request samples in advance of exportation.
- c. **Step 2:** Which agency regulates YOUR product?
- d. **Step 3:** What is YOUR product classification? Classify your product correctly according to the Commerce Control List (CCL) or the United States Munitions List (USML)
- e. **Step 4:** Does YOUR product need a license, or is it subject to a license exception?
- f. **Step 5:** Ensure the end **user** is not prohibited, Ensure the end **uses** are not prohibited, Check Consolidated Screening List
  - **Check for red flags before proceeding with the order**  
(<http://www.bis.doc.gov/index.php/enforcement/oe/compliance/23-compliance-a-training/51-red-flag-indicators>)
  - Ensure adequate screening of customers and transactions
- g. **Step 6:** Export using the correct ECCN, License Code, and expiration date
- h. **Step 7:** Ensure an AES filing is done correctly when needed.

### 2. Ensure you have a **formal written compliance program**

- b. Perform a meaningful risk analysis
- c. Ensure appropriate senior organizational officials responsible for overseeing the export compliance program are involved

### 3. **Train** employees on program and ongoing export compliance (ensure all training is documented)

### 4. Ensure you meet **recordkeeping** requirements

### 5. Ensure the existence and operation of an internal system for **reporting** export violations

### 6. Ensure the existence and keep results of internal/external review or **audits**

### 7. Ensure you adequately document **remedial activity** taken in response to export violations

### 8. If you file a **voluntary disclosure**, ensure it is perfected within 180 days, accurate and complete

### 9. If you receive a notice of detention or seizure notice from CBP, be **PROACTIVE**.

#### a. **U.S. Customs Seized my merchandise, oh no!** -

<http://customsandtradelaw.blogspot.com/2012/02/us-customs-border-protection-seized-my.html>

### 10. Always Petition **Penalties** – Never pay without a fight!

#### **ADDITIONAL RESOURCES FOR EXPORTING:**

- BIS Training Room (Export 101) - <http://www.bis.doc.gov/index.php/compliance-a-training/export-administration-regulations-training/online-training-room?id=284>
- U.S. Department of Commerce - [www.Export.gov](http://www.Export.gov)
- Bureau of Industry and Security Online Training Room - <https://www.bis.doc.gov/index.php/compliance-a-training/export-administration-regulations-training/online-training-room>
- Don't Let This Happen to You! Export Enforcement - <https://www.bis.doc.gov/index.php/forms-documents/enforcement/1005-don-t-let-this-happen-to-you-1/file>
- Customs and Trade Law Blog - <http://customsandinternationaltradelaw.com/>

See [www.DIAZTRADELAW.com](http://www.DIAZTRADELAW.com) for more information