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Export Compliance

Export regulations govern the transmission or overseas shipment of certain technology, commodities, or software. These regulations also control for sharing the same technology, commodities, or software to a foreign national on U.S. soil. These regulations also restrict traveling to certain sanctioned countries or engaging in business with entities from sanctioned countries. The Departments of State, Commerce, and Treasury oversee export regulations.

If you are engaging in the above activities, you may need to get a license from the federal government. You should ask your vendor for documentation on specific items to see if they may be export controlled or check in with your campus export control officer for more information. Please note that license reviews, applications, and approvals or denials can take from 3-12 months before a final determination is made. It is best to speak to your local export control officer as early as possible to see if a license is required for your activity.

Furthermore, some research activities may even be subject to export control regulations. For UC, most (but not all!) of our research activities are excluded from export controls under a general exemption for "fundamental research." However, this exemption is nullified when there is a non-disclosure agreement signed by the faculty member. Faculty cannot sign these documents without first sending them to their [Campus Counsel \[7\]](#). Any faculty member who has a signed non-disclosure agreement should investigate whether that document will affect the export status of the information.

You can find more information at the following:

- [UCOP ECAS. International Compliance \[8\]](#)
- [UCOP ECAS. UC's Export Compliance Plan \[9\]](#)
- [UCOP ECAS. Export Control Laws & Regulations \[10\]](#)

Last updated: 23 Sep 2016

Fundamental Research

The University takes steps to ensure that our research falls within the safe harbor of the fundamental research exclusion (FRE). Export control regulations exempt from licensing requirements technical information (but not controlled items) resulting from fundamental research.

Fundamental research means basic and applied research in science and engineering, the results of which ordinarily are published and shared broadly within the scientific community, as distinguished from proprietary research and from industrial development, design, production, and product utilization, the results of which ordinarily are restricted for

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proprietary or national security reasons. National Policy on the Transfer of Scientific, Technical and Engineering Information, [National Security Decision Directive 189](#) [11] (Sept. 21, 1985).

Prepublication review by a sponsor of university research solely to ensure that the publication does not compromise patent rights or inadvertently divulge proprietary information that the sponsor has furnished to the researchers does not change the status of the research as fundamental research, so long as the review causes no more than a temporary delay in publication of the research results. However, if the sponsor will consider as part of its prepublication review whether it wants to hold the research results as trade secrets (even if the voluntary cooperation of the researcher would be needed for the company to do so), then the research would no longer qualify as "fundamental". As used in the export regulations, it is the actual and intended openness of research results that primarily determines whether the research counts as "fundamental" and not subject to the export regulations. University- based research is not considered "fundamental research" if the university or its researchers accept (at the request, for example of an industrial sponsor) restrictions on publication of scientific and technical information resulting from the project. Please note that the fundamental research exclusion does not cover:

- Transfer of proprietary information
- Receipt of ITAR controlled items
- Actual exports of hardware, software, or controlled technology
- Dealings with restricted parties or entities
- Defense services
- Restricted end uses
- Transactions involving embargoed or sanctioned parties/countries

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Technology Control Plans

A Technology Control Plan (TCP) is a customized management plan that outlines the procedures in place to prevent unauthorized exportation of protected items, products, information, or technology deemed to be sensitive to national security or economic interests. The Technology Control Plan is a critical component of the University's export control compliance program.

In the event that a piece of equipment, technology, or technical data is identified as regulated by one of the three export control regimes, contact your local export control contact to receive assistance in creating a detailed Technology Control Plan to ensure compliance.

Source: [UCOP ECAS website](#) [12]

Last updated: 27 Jul 2016

Export Control Training

Export control laws are complex. Before you travel or before you enter into a collaboration with a foreign partner, learn the basics. UCOP and your campus Export Control office offers online and in-person trainings to prepare you for your international work.

Visit the following links for more information:

- [UCOP Ethics, Compliance and Audit Services](#) [13]

- [Agriculture and Natural Resources](#) [14]
- [Lawrence Berkeley National Lab](#) [15]
- [UC Berkeley](#) [16]
- [UC Davis](#) [17]
- [UC Irvine](#) [18]
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- [UC Riverside](#) [21]
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- [UC San Francisco](#) [23]
- [UC Santa Barbara](#) [24]
- [UC Santa Cruz](#) [25]

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International Shipping and Hand-Carry Items

To help ensure that UC faculty, staff, and students do not experience customs delays, seizure of goods, or inadvertent violation of federal export laws it is important to be aware of the basic requirements for international shipping and hand carry of items abroad. Incorrect shipping paperwork can lead to delays in shipments, lost time and lost opportunity. Failure to obtain an export license when required could result in fines of \$250,000 to \$1 million per violation and prison time for criminal convictions. False export declarations fines are \$10,000. Customs fines vary by country and can also include seizure or detention of goods.

Before shipping internationally, contact [your campus Export Control office](#) [26] for assistance in determining whether an export license is required, securing a license when needed, and advice on what records need to be maintained in cases where the item can be shipped without a license. UC has a contract with [American Cargoservice, Inc.](#) [27] to help with this, as well.

In addition, you may need to contact your collaborator(s) to inquire about the import requirements for the destination country. Imports may be stopped by Customs officials in the importing country if the proper import licenses are not included in the paperwork. Import requirements vary greatly by country.

There are [specific regulations](#) [28] regarding the export of select agents, dangerous goods transportation, or other controls related to the specific item being transported abroad.

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Last updated: 15 Jul 2016

Links

[1] <https://www.ucgo.org/shipping-export-controls>