2011 Washington State   
Export Resource Guide

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# Executive Summary

The University of Washington Foster MBA program would like to offer an effective tool for the Washington State Department of Commerce in accordance with the new state export initiative designed to open additional export opportunities for Washington businesses. Our strategy is to leverage marketing and website optimization to aid in the achievement of the primary goal for the state export initiative to increase the number of Washington State companies exporting by 30 percent and help 5,000 Washington businesses achieve $600 million in new export sales. Our tool will succeed in this effort by providing business solutions, outlining and detailing the important steps for new-to-export businesses, and clarifying the regulations and resources available.

# I. Export Basics

## Advantages and Benefits for Exporters

* Increase sales and revenue

Exporting your company’s goods and services to new markets provides an opportunity to boost sales and generate new revenue streams.

* Improve profit margin

Your company may be able to minimize the per unit overhead costs since new markets will increase production and encourage more use of existing capacity.

* Offset domestic market changes

Products that have reached the end of their life cycle in the domestic market may find new market opportunities abroad. “Off season” products in your local market may be “on season” in another market.

* Minimize risk

Economic downturn in the home market, or in one export market, can seriously affect your company. You can minimize risk by diversifying exposure across multiple international markets.

* Other Advantages and Benefits

Becoming an exporter will expand your company’s knowledge and expertise, and can give you a significant competitive advantage.

## Permits or approvals to start an export business in the United States

The United States Government does not require a company to have a license or permit to engage in export business. However, an export license may be required for a few commercial items deemed to have “dual-use” – i.e. both commercial and military of proliferation applications. Also, trade sanctions may exist with certain countries.

* Find out about export licensing of “dual-use” products through the **Bureau of Industry and Security (BIS)**: <http://www.bis.doc.gov>

## New-to-Export advice and assistance

* The nationwide network of **Small Business Development Centers (SBDCs)** provides advice and assistance to companies that want to begin exporting. Call 1-800-U-ASK-SBA to locate the SBDC near you, or go to <http://www.sba.gov/content/small-business-development-centers-sbdcs>
* The **Small Business Administration (SBA)** provides counseling, training and financing to support small business export opportunities: <http://www.sba.gov/OIT>
* The **Export Finance Assistance Center of Washington (EFACW)** provides free export finance counseling assistance to small and medium-sized businesses that are currently exporting or interested in doing so: [www.efacw.org](http://www.efacw.org)
* The **Seattle United States Export Assistance Center** will help you identify and evaluate international partners, navigate international documentation challenges, create market entry strategies, and provide other export related guidance: <http://www.buyusa.gov/seattle/>

## General information on how to export

* **Export.gov** provides information on how to develop your export plan, identify your market, prepare for your market, sell to your market, get logistical support, and more: <http://www.export.gov/exportbasics/> and <http://export.gov/begin>
* The **Washington State Department of Commerce**’s international trade team helps further the interests of Washington businesses in foreign markets.  
  To contact a member of the Commerce trade team, visit: <http://www.exportwashington.com/programsandservices/consultwithatradespecialist/Pages/default.aspx>

* For food and agricultural products, the **Washington State Department of Agriculture** is the best place to start: <http://www.agr.wa.gov/Marketing/International/>

## Protecting Intellectual Property Rights Abroad

Increasingly, Washington state’s exports are in the form of intangible assets – services, know-how, software, technology – otherwise known as Intellectual Property (IP). It is of paramount importance to protect your company’s intellectual property rights – through patents, trademarks and copyrights – when going into international markets. Standards of law enforcement to address IP infringement vary from country to country, and will be dictated by local law. It is critical to seek proper legal advice on any issues related to enforcement of intellectual property rights (IPR). To learn more about IPR, visit [www.wipo.int](http://www.wipo.int), the online portal of the **World Intellectual Property Organization**.

## **Regulatory framework**

Your product or service may be subject to specific regulatory requirements in many export markets. For example, CE certification is necessary for the export of certain products to the European Union (EU). Washington manufacturers and suppliers of certain chemicals will need to know about REACH compliance when exporting to the EU. Australia imposes restrictions on what types of pallets can be used for shipping goods down under. Your product may need a CCC mark for export to China. There are laws in Japan about how recycling of packaging.  
The Washington State Department of Commerce can assist you with understanding the regulatory framework specific to your product or service in a given export market.

## **Other specific trade-related resources**

* The **Trade Development Alliance of Greater Seattle (TDA)** is a collaboration of the [City of Bellevue](http://www.ci.bellevue.wa.us/), [City of Everett](http://www.ci.everett.wa.us/), [City of Seattle](http://www.seattle.gov), [City of Tacoma](http://www.cityoftacoma.org/), [Greater Seattle Chamber of Commerce](http://www.seattlechamber.com), [Pierce County Government](http://www.co.pierce.wa.us/PC/), [Port of Everett](http://www.portofeverett.com/home/index.asp), [Port of Seattle](http://www.portseattle.org), [Port of Tacoma](http://www.portoftacoma.com), [Snohomish County Government](http://www.co.snohomish.wa.us/), and union leadership to promote the trade interests of this region in domestic and international markets. Visit [www.seattletradealliance.com](http://www.seattletradealliance.com).
* The **International Trade Administration** **(ITA)** strengthens the competitiveness of United States industry, promotes trade and investment, and ensures fair trade through the rigorous enforcement of our trade laws and agreements.  ITA works to improve the global business environment and helps United States organizations compete at home and abroad. For more information, visit [www.ita.doc.gov](http://www.ita.doc.gov).

# II. Assessing Export Readiness

## How to be a successful exporter

* Know your customers: Foreign customers’ needs may not be the same as those in your domestic market, so you may need to customize and localize accordingly.
* Understand different business and cultural aspects of each market.
* Visit the market if possible: You can talk to your customers in person, collect competitors’ products, sample your products and differentiate.
* Arrange for export financing: You will need information on working capital, letters of credit, wire transfers and currency exchange.
* Protect your Intellectual Property: Ensure your patents, trademarks and copyrights are suitably protected against infringement in your target export markets.
* Research the regulatory environment that governs your product or service: You may have to comply with certain standards and certifications in order to export to a given market.

* Know how to reach in-country influencers: Favorable reviews in online forums and print publications can accelerate adoption of your product or service.

* Work with a reputable freighter forwarder: Understand and utilize federal and state government support programs that are often available to you at no cost.
* Management Commitment: Exporting takes time and perseverance to pay off. Management must be willing to commit resources before a return on investment can be achieved.

## How can I tell if I am export ready?

The following sites offer export readiness tests and help you assess your export potential.

* Export.gov: <http://www.export.gov/begin/assessment.asp>
* California Centers for International Trade Development: [http://www.tradecomplianceinstitute.org/ERAS/](http://www.tradecomplianceinstitute.org/ERAS/%20)
* ExportHelp: <http://www.exporthelp.co.za/tools/articles/export_readiness.html>

# III. Identifying & Assessing Markets

The following are steps to consider in identifying and assessing markets:

## Assess your skills and resources for exporting

To assess your skills and resources for exporting, you should plan to investigate the following[[1]](#endnote-1):

* Export strategy
* Money and time needed to plan and implement the strategy
* Research market opportunities
* Building relationships
* Assess need for product or service customization to adapt to the new market and customer needs
* Explore and identify the most suitable route-to-market (direct vs. channel sales, consultants, influencers, online presence)
* Know and understand the competitive landscape in your target markets
* Know your company’s capabilities, resources and financials

1. Choose which export markets to enter

Exporting to several countries can be expensive due to the fact that customer needs vary from one country to the next. This is why many first time exporters start with markets to which they can easily tailor their offering.

Choose a market where you can easily connect or have connections already in place. These could be business connections as well as friends and family. This will help you in your market research and market access. [[2]](#endnote-2)

* An excellent resource for training and education on market research is provided by: **Highline Community College -** **Export Development Strategy**. For more information, contact Judy Perry, Executive Director, Continuing Education & Employment Services, Highline Community College, 206.8780.3710.

### Determining which markets are best for you[[3]](#endnote-3)

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Start with a list of 5-10 potential markets, and then narrow it to 3-5 target markets, using the following criteria:

1. Look for similar U.S. products in the past several years, and check where they were exported.
2. Look for countries that import large amounts of your product.
3. Look for markets that have the least local competition and strong market share for U.S exporters.
4. Look for markets with low barriers to entry in order to simplify the selling process.

* Relevant services provided for Asian markets: **City of Bellevue -** **Asia Target Markets Trade Development**: For more information, contact Tom Boydell, City of Bellevue Economic Development Manager, at 425.452.4186.

These four criteria generally apply for any product or industry. You can add your own product-specific indicators as appropriate. Here are some to consider:

1. Economic indicators -- level of growth, GDP; per capita GNP/GDP.
2. Demographic indicators – if your product is targeting a specific segment, then considering population groups is a must (e.g. age, sex, race, religion, trends…)
3. Sector indicators – if your product is targeting a certain sector of an industry (e.g. Healthcare, hospitals, cars, houses…)
4. Infrastructure indicators – if your product requires specific infrastructure, or availability of certain specific infrastructure (e.g. transportation, communications and electricity...).
5. Financial indicators – interest rates, currency exchange, national debt, pricing, etc.

* **World Bank Development Indicators** provides up to 420 development indicators on over 200 countries: <http://data.worldbank.org/indicator>

### Identifying likely users of your product in specific markets

One of the key resources to have in a marketing plan is to determine your target customers; these customers can be intermediate or end-user customers. Examples of these customers are hospitals, utilities, manufacturers, retail outlets, corporations, government agencies, as well as end consumers.

### Identifying your likely competitors in specific markets

Competition in a given export market will come from the target country itself, the United States or a third-country competitor. Knowing the competitive landscape for your offering is critical: what are your competitors’ differentiating factors and market strengths and weaknesses? What are your competitive advantages and your unique selling proposition?

### Identifying markets that are relatively open to your product

* **The World Bank’s Doing Business Project** provides information on laws and regulations in various countries to help you determine how easy or challenging it could be to do business there: <http://www.doingbusiness.org>
* A Web-based guide on what you need to know to export medical technology is being developed by: **University of Washington Center for Commercialization - Export Assistance for Medical Technologies**: For more information, contact David Brown, Director of Finance and Business Operations, University of Washington Center for Commercialization, 206.616.2054.
* Two new export readiness centers will be added to the Small Business Development Center network to provide basic information on exporting and preparation: **Washington State University - Export Readiness Centers**. For more information, contact Brett Rogers, State Director, Washington Small Business Development Center network, 509.358.7765.
* For help connecting export-ready Washington State businesses with prospective agents, importers, and qualified businesses in British Columbia (B.C.) and other Canadian markets: Western Washington University - **Jump Start Washington Exports (JustWaEx):** <http://centerforeconomicvitality.com/Export/13.aspx>

## 

## Plan your export market entry strategy

There are many points you should take into consideration when planning to enter a certain market.

Understand the dynamics and players of the market that you are trying to enter. If wholesalers do most of the business for your product, then your target customers are the wholesalers. Distributor exclusivity may be a requirement to succeed, or you might be able to sell through multiple resellers. You may be able to reach individual consumers directly with an ecommerce strategy.

It is important to understand the culture and social norms of the market you are trying to enter. You may need to change your name, logo or advertising message if they are considered offensive and unaccepted by the target demographic of your export market.

Look for local partners who have inside knowledge of how the market works, are already established, and have a set of customers and networks ready to adopt your offering.

Trade visits are often very useful for introducing your products to a certain market.[[4]](#endnote-4)

## **Manage export contracts and logistics**

Like most business transactions, international trade requires a sales contract, which will include what will be delivered and when. The agreement also goes over who will take responsibility in case the goods are not delivered on time or not delivered at all. Moreover, the contract should go over who will be responsible for getting the goods through customs.

Use of international trading terms (e.g. Incoterms®) is recommended in international trade contracts, since it decreases the chances of misunderstandings related to insurance and transport. See Section V. below for more information.

You might consider taking on more transaction responsibility that will make doing business with your company more appealing to international customers or importers. Extending credit terms for payments, providing product warranties, offering after-sales support – these are examples of contractual terms which can give you a competitive advantage and build loyalty with your international sales channels. With more responsibility comes additional risk, and you should not take on responsibilities that you are not confident of being able to deliver.

* Trade Development Alliance of Greater Seattle: TDA offers the following directory of local, private legal resources: <http://www.seattletradealliance.com/resources/export-directory-private.php?params=1&industry=legal&data=members>
* You can also access a list of lawyers licensed for International Law on Avvo.com: <http://www.avvo.com/international-law-lawyer/wa/seattle.html>

## Market Research and Due diligence

* **Export.gov** provides the following information on market entry and expansion.

Go to the link <http://www.export.gov/salesandmarketing/eg_main_018205.asp> in order to

- Learn about the methods, channels and other considerations of market entry/expansion

- Find potential agents, distributors or other strategic partners overseas

- Arrange meetings with potential agents, distributors or other strategic partners overseas

- Get long-term, sustained market entry/expansion support

Go to the link <http://www.export.gov/salesandmarketing/eg_main_018204.asp> to find

- Customized market research (available for a fee)

- Due diligence reports on potential overseas business partners (available for a fee)

- Publicly accessible information and resources (available at no charge)

* The **Washington State Department of Commerce** can provide these same services at no cost through its network of representation in certain countries in Asia, Europe and the Americas. Visit <http://www.exportwashington.com/programsandservices/consultwithatradespecialist/foreigntradereps/Pages/default.aspx> for more details.

# IV. Finding a Partner

The following are steps to consider in identifying a reliable export partner.[[5]](#endnote-5)

## Confirm the testimonials of potential partners before engaging in exporting.

Always make sure that the phone number, billing address (wire transfer) and email address given to you are legitimate.

## Seek background confirmation from independent third-party sources, including a search for lawful registration and credit information.

In various nations, the existence of a firm and its [legal](http://www.ehow.com/legal/) status is a matter of public documentation. You can find out the background of recognized manufacturers or wholesalers with trade institutes, local or online credit organizations, or online services portals.

## Check with the companies registry in the prospective trade partner's nation to make sure that the company exists with a legal registration.

If you cannot find independent access to the trader's registration information, request that your partner provide you with a Certificate of Good Standing issued by the companies registry of his nation or state/province.

## You can also obtain further knowledge about your associate by ordering a [**credit history report**](http://www.ehow.com/how_5795675_identify-import-export-trade-partner.html) from a local credit bureau.

Credit history information includes data about the partner's business background and their relationships with banks and other trading partners.

# V. Understanding Trade Terms and Codes

## What coding systems are used to classify products for export and import?

A coding system was established to create a uniform numbering system for international trade. The Harmonized Code is the main international trade classification code. The United States and the United Nations have also established their own trade codes known as the Harmonized Tariff Schedule of the United States and the Standard International Trade Classification. Some of the main uses for the Harmonized Code include good classifications for Duties and Tariffs. Also many of the international bodies use these codes to better understand the inflow and outflow of goods through the use of statistical analysis.

### Harmonized Code

The Harmonized Commodity Description and Coding System is an internationally standardized system of names and numbers for classifying traded products developed and maintained by the World Customs Organization. Under the Harmonized Code contracting parties are required to base their schedules on HS nomenclature.

* Almost all countries base their tariff schedules on the Harmonized System: <http://www.foreign-trade.com/reference/hscode.htm>

### Schedule B and Harmonized Tariff Schedule (HTSUSA)

The HTSUSA is required for United States export shippers.

* The HTSUSA is based on the international Harmonized Commodity Coding and Classification System: <http://www.usitc.gov/tata/hts/bychapter/index.htm>

## Standard International Trade Classification (SITC)

The (SITC) is another classification system for international goods. This system is maintained by the United Nations. The difference between the SITC and Harmonized System is that the SITC focuses more on the economic functions of products at various stages compared to the HS that deals with the breakdown of products’ individual categories: <http://unstats.un.org/unsd/cr/registry/regcst.asp?Cl=14>

### What is the difference between UNITED STATES Schedule B and HTSUSA codes?

Export.gov’s FAQ answers this question with the following statement:[[6]](#endnote-6)

*All United States export and import are based on the Harmonized Tariff System (HTS). The HTS assigns 6-digit codes for general categories. Countries that use the HTS are allowed to define commodities at a more detailed level than 6-digits, but all definitions must be within that 6-digit framework. The United States defines products using 10-digit HTS codes. United States export codes (Schedule B) are administered by the United States Census Bureau. United States import codes are administered by the U.S. International Trade Commission (USITC):* [*http://dataweb.usitc.gov/scripts/commod\_select.asp*](http://dataweb.usitc.gov/scripts/commod_select.asp)

## What are the SIC and NAICS numbers, and where can I find them?

Kristine Warski, media director at Miller Brooks, Inc. describes the difference between the SIC and the NAICS as follows:

*The Standard Industrial Classification (SIC) was originally developed in the 1930s to classify industries by activities and to promote the comparability of establishment data. Over the years, the SIC codes were revised periodically to reflect the changes in the economy. It was last updated in 1987.*

*Since 1987, world economies have rapidly changed, bringing SIC codes under much criticism. A major change in the system was needed; thus the birth of NAICS (North American Industrial Classification System), pronounced “nakes.”*

*NAICS industries are identified by a 6-digit code, in contrast to the 4-digit SIC code. This allows for additional detail and flexibility in designating sub-sectors as new sub-industries emerge. The International NAICS agreement fixes only the first 5 digits of the code. The sixth digit, where used, identifies subdivisions of NAICS industries that accommodate user needs in individual countries. Thus, 6-digit US codes may vary from counterparts in Canada or Mexico, but at the 5-digit level, they are standardized*:[[7]](#endnote-7) <http://www.census.gov/eos/www/naics/>

## What are INCOTERMS and how do I use them?

INCOTERMS terms or International Commercial terms are contractual terms published by the International Chamber of Commerce and widely used in international commercial transactions. Below is a list of some of the most popular terms.

* You may also purchase the Incoterms 2010 rules at the following address: <http://www.iccwbo.org/incoterms/>
* EXW (ex-works)
* FAS (free alongside ship)
* FOB (free on board)
* CFR (cost and freight))
* CIF (cost, insurance, and freight)

## What are EIN, VAT, RFC and BN numbers and how can I obtain them?

They are Tax Identification Numbers given out by different countries. Below is a list of the various tax identification numbers and their respective countries.

* EIN (Employer Identification Number) – United States
* VAT (Value Added Tax Number) – Europe
* RFC Number (Registro Federal de Causantes) – Mexico
* BN (Business Number) - Canada

# VI. Accessing Foreign Markets

## What foreign trade barriers might affect my access to particular markets?

Different countries have different laws and regulations, which might lead to varying duties to pay.

The duties include import quotas, licensing and exchange controls, and many others. The regulations applied in each country protect your products and your company’s rights in the importing market.[[8]](#endnote-8)

* Seek counseling from a lawyer licensed for international law. The following directory may help: <http://www.avvo.com/international-law-lawyer/wa/seattle.html>

For more information on trade regulations by country and product, you can refer to several sources, including:

* The **Country Commercial Guide** sectionson “Trade Regulations and Standards” and “Investment Climate.” These allow you to examine each country’s trade regulations and investment practices.
* For Agricultural imports, check **FAS Country Import Regulations** at <http://www.fas.usda.gov/itp/ofsts/us.html>
* For annual surveys of trade barriers by country, check **National Trade Estimate Reports on Foreign Trade Barriers** at <http://www.ustr.gov/about-us/press-office/reports-and-publications/2010>.
* **World Bank Doing Business** provides information on laws and regulations in various countries to help you determine how easy or challenging it could be to do business there: <http://doingbusiness.org>

## What import duties and taxes might apply to my products in specific countries?

Duties and taxes are the means for governments to provide revenues and protection for their nations’ industry. You pay duties as soon as your products cross the country’s borders. The amounts are calculated based on Commodity Value, Trade Agreements, Country of Manufacture, Use of the Article and Commodity HS number.[[9]](#endnote-9)

* Current ***official*** duty and tax rates are found at the country's Customs authority.
* Tariff and tax information are found on several Web sources.
* Rates for members of the countries of the Asia Pacific Economic Cooperation (APEC) rates are found in the **APEC Tariff Database**.
* Tariff services and information from federal government and from private sector are found in the **Tariff and Import Fee Information**.[[10]](#endnote-10)

## How do I avoid paying foreign duty and tax on goods to be returned to me?

There are fifty nations that offer **ATA Carnet,** an identification card for products and goods that can be exempted from import duties and taxes. Goods under the “tools of the trade” are subject to ATA Carnet, therefore exempted from taxes.

Other types of products that can be exempted from duties and hold the ATA Carnet are:

* Items such as commercial samples, professional equipment and items used for trade shows or exhibitions
* Computers (Laptops)
* Industrial Equipment

Some countries do not have the regime of ATA Carnet; therefore you should ask about other procedures that they might offer in return. Other countries request a temporary import bond, reimbursable at a later stage if the product leaves after a specific point in time.[[11]](#endnote-11)

* For more information, see: <http://www.cbp.gov/linkhandler/cgov/newsroom/publications/travel/ata_carnet.ctt/ata_carnet.doc>

Always have the serial numbers of the items you are exporting, and contact the U.S. Customs Service to notify them about your products serial number and the date of their coming back into the United States to avoid paying unnecessary duties for returned items.

* For more information, contact U.S. Customs Services: <http://www.cbp.gov>

## How do I move my goods duty-and tax-free under a Temporary Import Bond (TIB)?

Before you pay your duties, search for a broker who might help you get a tax refund. Some countries offer Temporary Import Bond (**TIB**), which prevents you from paying your taxes and duties if your products were imported and then re-exported within a short period of time. Those brokers charge a fee, and are designated to cancel your bond when your products are exported or out of the country.

# VII. Complying with United States Export Regulations

## 1. Advice and information about United States export controls

Export controls are the system of laws that regulate the export (and re-export) of goods from the United States and are an integral part of United States commerce. It is United States Congressional policy to have these laws to “further fundamental national security, foreign policy or short supply objectives.” Congress mandates that the laws and regulations must further these objectives and be administered subject to due process.

Based on these tenets, United States law divides the control function in two categories: Commercial and Military. The U.S. Department of Commerce, Bureau of Industry and Security ([www.bis.doc.gov](http://www.bis.doc.gov)) governs export administration rules (EARs) for commercial products. The U.S. Department of State, Directorate of Defense Trade Controls ([www.pmddtc.state.gov](http://www.pmddtc.state.gov)) governs the International Traffic in Arms Regulations (ITARs) on the military side. Items having the potential for both commercial and military use begin with the Department of Commerce. However, an item developed for military use and using military specifications belongs under the initial jurisdiction of the Department of State, despite it having a commercial application.

Penalties for ignoring or circumventing these regulations can potentially bankrupt a small company. Because export controls are often complicated and confusing, many companies do not work to comply. However, non-compliance can threaten the existence of the company itself. When in doubt, ask someone for clarification or direction.

* Both the **Bureau of Industry and Security** and the **Directorate of Defense Trade Controls** have contact points for this. See <http://www.bis.doc.gov/> and <http://www.pmddtc.state.gov/>
* In addition, the **Washington State Department of Commerce** can assist companies in determining the direction a company needs to go. Contact Monica Wiedrich at (206) 256-6145 or [monica.wiedrich@commerce.wa.gov](mailto:monica.wiedrich@commerce.wa.gov).

## 2. Export Checklist

The purpose of this checklist is to increase your awareness about possible “red flags” to your business activities. If you answer “Yes” to any of the questions below, there may be a possibility that you have an export that will need to obtain a license with a government agency before proceeding. The checklist helps you think through and raise questions about common business practices that are not traditionally considered export. Contact your local export control office or Bill King with the Washington State Department of Commerce for further questions.

|  |  |  |
| --- | --- | --- |
| YES | NO | QUESTIONS |
|  |  | Is what you are producing, selling, sharing or communicating available to a non-U.S. person[[12]](#footnote-1)? |
|  |  | Can your product have dual-use (military and civil) application? |
|  |  | Are you shipping product or parts to a foreign country, non-U.S. person or foreign company? |
|  |  | Does your website contain information about your product technology, source code or information that may be subject to EAR or ITAR? |
|  |  | Are you working with a non-U.S. person as a research or business partner even if the project is based in the United States? |
|  |  | Do you have non-U.S. person working on your product? |
|  |  | Are you training non-U.S. persons to use software or equipment in the development, manufacture or production of your product? |
|  |  | Are you sending or sharing information, data, technology, or research results about your product to a foreign country, non-U.S. person or foreign company? |
|  |  | Are you conducting a product demonstration or attending a conference displaying your product in a foreign country? |
|  |  | Are you presenting or discussing your product with a non-U.S. person or foreign company in the United States? |
|  |  | Will the end-user[[13]](#footnote-2) of your product be a non-U.S. person? |
|  |  | Do you have any contracts or agreements with restricted countries, individuals or companies as defined by OFAC?[[14]](#footnote-3) |
|  |  | Will you be providing payments or anything of value to restricted countries, individuals or companies as defined by OFAC? |
|  |  | Does your product perform “cryptography” or otherwise contain any parts or components that are capable of performing any of the following information security functions:   * Encryption * Decryption * Authentication (e.g., password protection, digital signatures) * Copy Protection * Anti-Virus Protection |

## 3. Additional considerations

* All exports from the United States are potentially subject to export controls. A vast majority of goods will not require you to obtain a license, but do not ignore the possibility.
* An export is the transfer of goods or knowledge from an American Source to a foreign source.
* An American source is a U.S. citizen or a green card holder. All other persons are considered Non-U.S. persons and any product or information transferred to them is AN EXPORT. It does not matter where that transfer takes place.
* If the transfer occurs within the U.S. or between a U.S. person and a foreign national in another country, it is considered a “DEEMED EXPORT.”
* Companies producing products or developing technologies or information relative to export control laws and regulations are potentially subject to those laws and the penalties for violation EVEN IF they sell only domestically.
* Remember that your websites are accessible worldwide.
* Companies and individuals must know who the ultimate end user is or at least make a reasonable effort to discover who that end user might be.
* There are numerous lists you should check (many are accessible at www.bis.doc.gov). It is a violation to deal with anyone or any organization on these lists regardless of where the transaction takes place.
* If you are suspicious of an activity, i.e., if someone orders something from you that is beyond a normal order in size, always ask why.

# VIII. Filing Required Documentation

## Necessary Export Documentation

Export documentation, which can sometimes be fairly extensive, must be completed in full. Omissions of any detail in the required documents could hold the goods for shipment, delay arrival times and even slow down payment transfers for the goods. Freight forwarders provide an excellent resource for companies and organizations intent on exporting who wish to assuage some of the risk involved in exporting. As specialists in the process of exporting and filing export documentation, freight forwarders represent great resources for organizations wishing to ship outside the United States. The following documents are generally required to export outside the United States and many of these documents can be filed quickly with the help of a forwarding entity.

### Commercial Invoice

A commercial invoice is a bill for the goods from the seller to the buyer. This generally lists the weight, quantity and price of the goods in question. Other general information should also be included on the invoice. The buyer generally is required to have an invoice as proof of payment and to arrange shipment of the products.

### Shipper's Export Declaration (SED) or Electronic Export Information (EEI)

An SED is prepared and submitted to the United States customs agent for shipments sent by mail whose value is greater than $500. Shipments sent by other means also must obtain an SED for goods valued at more than $2,500 by the United States Census Bureau. Shippers Export Declaration forms can be filed using forms on census.gov or done electronically through Electronic Export Information (EEI).

### Export Packing List

The export packing list is a detailed itemized report showing the information of the material contained in individual packages meant for shipment and export. This list contains the type of package (carton, box, crate etc.); the net, legal tare, and gross weights; and measurements of the packaged goods. This list must be attached to the outside of the package in a waterproof pouch or envelope and must be marked “packing list enclosed.” This list is used by shippers and customs agents to check on goods being sent outside the United States.

### Bill of Lading

A contract between the carrier and the owner of the goods is known as a “bill of lading.” There are essentially two types of such bills. Nonnegotiable bills are referred to as a straight bill. A shipper’s order bill or “negotiable” bill can be bought, sold or traded while goods are in transit. Such negotiable bills are generally used for letter-of-credit transactions. A customer will generally need original copies to take possession and/or ownership of the goods.

### Dock Receipt and Warehouse Receipt

Such receipts are used as methods to transfer accountability when items are moved by domestic shippers and to the port and left with international carriers in preparation for export.

### Insurance Certificate

This is a negotiable instrument wherein the seller who may provide insurance for the goods files a certificate stating the type and amount of coverage for the goods in question.

### Consular Invoice

A consular invoice may be required by some countries and is used to identify and control goods shipped to the country. Such an invoice is generally purchased from the consulate of the destination country and is written in the language of that specific country.

### Certificate of Origin

Semiofficial organizations generally are the preparers of such certificates of origin. Such a certificate is generally a signed statement as to the origin of the export item. In the United States a NAFTA Certificate of Origin is required for shipments to both Canada and Mexico.

### Inspection Certificate

A specification of goods and inspection information which has been performed by a third party is generally included in the Inspection Certificate. An independent testing organization generally performs the inspection and creates the certificate. Examples where inspections may be necessary include laboratory and dock inspections.

### Import License

Importers are required to comply and file import licensing documentation. Various differing and stringent requirements may apply, depending on the type of products to be imported. For instance, tobacco has separate requirements for importing. Requirements for obtaining proper licensing for the import of alcohol tobacco and firearms can be obtained at ttb.gov. United States regulations for importing generally require an import number of record and filing licensing for importing for alcohol, tobacco, firearms, animals, copyrighted materials, food and other perishables. A personalized customs broker may be useful in working with first time importers in obtaining the proper licensing.

## When and how to obtain a Shippers Export Declaration

The Shippers Export Declaration (SED or Form 7525-V) is a form used by the United States Census Bureau. It is meant to prevent illegal exports and combine and compile information on trade statistics. An SED must be filled out for any trade or export valued at greater than $2,500, any trade or export made to Eastern Europe the former Soviet Union, Cuba, Libya, Laos, North Korea, Mongolia, Puerto Rico, the United States Virgin Islands or any former Pacific Trust Territories. Hand-delivered items are required to be filed with the United States Customs department at the airport at least two hours prior to the flight time out of the country.

## Creating a proper commodity description

Providing detailed descriptions of your commodity helps expedite the export process. All documentation for all products must be consistent, extremely precise and include the following information about the goods:

* What the commodity is
* What the commodity is made of
* What the commodity will be used for
* Whether the commodity is new or used
* Whether or not the shipment is for resale
* The HS number

## Obtaining Certificate of Origin, when needed

A Certificate of Origin is a notarized document (generally signed by the Chamber of Commerce) which verifies the commodities country of manufacture. Because this document represents a method for tracking statistics on entry and exit items, many countries require this documentation for orders exceeding a specific amount. While this may seem a bit redundant, especially given that the export invoice contains much of this information; many countries still require a Certificate of Origin. Information in the certificate includes product description, gross and net weight and number of packages. Differing countries have very different requirements for the Certificate of Origin. For more information on what forms are necessary and where such forms can be obtained, please contact the Government Printing Office (202-512-1800), a local freight forwarding company, or a trade document company. When utilizing a freight forwarder, they are normally able to tell you what information may be required to comply with Certificate of Origin documentation.

## “Certifying” a certificate of origin

Because most goods require a Certification of Origin directly from the country where the products originated, most local chambers of commerce are unable to certify a generally certificate of origin. In fact, many countries require such certificates be filed with specific organizations.

Certification by the U.S.-Arab Chamber of Commerce is required by Yemen, the United Arab Emirates, Tunisia, Syria, Sudan, Qatar, Oman, Lebanon, Kuwait, Jordan, and Bahrain. For goods shipped to Egypt, products must be certified by the American Egyptian Cooperative Foundation. Shipments to Saudi Arabia should be certified by U.S.-Saudi Business Council. Morocco and Algeria require certification at the country’s own embassy. A “United States Certificate of Origin for Exporting to Israel” is completed by the American-Israel Chamber of Commerce. When NAFTA completes the Certificate of Origin, the goods do not have to certify elsewhere.

## Determining the country of origin/manufacture

Wherever the product is grown, manufactured or produced is where the goods are considered to originate. If the good has been handled, grown or produced in more than one country the country of origin is considered to be the country where the good last had an altering transformation.

## Obtaining a NAFTA Certificate of Origin, if needed

Goods shipped to Canada and/or Mexico that meet the NAFTA rules of origin are only those who require a NAFTA-specific Certificate of Origin. Fines and penalties will result for products that do not qualify but are included anyway. NAFTA assists United States companies through the elimination of Canadian and Mexican duties assessed on United States exported goods. To ensure such elimination however, NAFTA certificates include stringent rules of origin which may make a product eligible for avoiding duty rates.

When products are shipped to Canada that has a NAFTA Certificate of Origin they will have a zero duty rates. Low to zero tariffs are assessed when such NAFTA certified products are shipped to Mexico. Importers must submit the order certificate (completed by the exporter) to be considered for lower rates. In the case where a particular product is disqualified from the NAFTA rates, the good is assessed at the Most Favored Nation (MFN) tariff rate.

## NAFTA Certificate of Origin requirements for Canada and Mexico

Only if products qualify for preferential treatment under the NAFTA rules of origin can a NAFTA Certificate of Origin be filed. If the goods are less than $1,000, then a NAFTA certificate of origin is not required. In the case that the goods do qualify, but are under $1,000 the product’s invoice must also include a statement indicating that the goods still qualify under the NAFTA Certificate of Origin in order for the discounted rates to apply. This rule does not apply to a series of shipments whose sum total is greater than $1,000 and whose dispersed shipment’s purpose was to avoid the certification requirement.

## How and when to submit a NAFTA Certificate of Origin

Certificates must be completed accurately and legibly, and the exporter of the goods must send the NAFTA Certificate of Origin to the importer. At a minimum the importer must have the certificate in his/her possession when the goods change hands at United States customs. Certificates can, depending on the preference of the exporter, cover a single shipment of goods or multiple shipments of the same goods. One year is given to both importer and exporter to display a NAFTA Certificate of Origin after the goods have been shipped in order for the tariff preference to apply and for a refund of the previously paid duties to be enacted.

## Product qualifications under NAFTA certificate completion

The exporter of the goods must be the completer and signer of the NAFTA Certificate of Origin. Distributors or shippers do not complete the certificate unless this individual or group qualifies as the exporter. In the case where the producer and the exporter are not the same entity, the exporter may submit the Certificate of Origin in the following cases:

1. A specific knowledge of the place of origin.
2. A signed and completed Certificate of Origin from the producer.

Producers of goods for export are not required to provide the NAFTA Certificate of Origin to an exporter. However, if the NAFTA Certificate of Origin is completed by the producer who is not an exporter, they are responsible for the same bookkeeping as an exporter. Any files potentially submitted by the exporter regarding the products origin from the producer which qualify under NAFTA should be held by the exporter as backup for certification purposes.

## Obtaining a Certificate of Free Sale

Export regulation generally requires exporters to procure a Certificate of Free Sale. This can be done through most Chambers of Commerce or by calling the Washington State Department of Commerce at (206) 256-6100.

## Filing an Apostille Certificate

An Apostille certificate are documents issued by a the state government which have been signed by a government official (or a Notary Public) of that same state. You cannot request a Washington Apostille on your documents if your documents have been signed by a government official in Oregon for example. You would need to obtain an Oregon Apostille from the government of Oregon instead. For official Notarized documentation please contact the Corporations Division for the State of Washington:

Corporations Division

Apostille and Certificate Program

801 Capitol Way South

PO Box 40228

OLYMPIA WA 98504-0228

Email: apostilles@sos.wa.gov

Telephone: (360) 725-0344

Fax: (360) 725-0345

# IX. Getting Paid

You will want to talk to your bank or one of the resources listed below for more in-depth information about getting paid by your foreign buyers. Following are some of your options[[15]](#endnote-12):

## Cash (including credit card or wire transfer)

Although this may be the most secure option for the exporter, many foreign buyers will not agree to it. It poses the most risk for them and, depending on the amount, it may be more difficult for them to arrange having the full amount in advance.

* For more information about preventing fraud in your export transactions, contact the **Export Finance Assistance Center of Washington** ([www.efacw.org](http://www.efacw.org))

## Letter of Credit (L/C)

In an L/C transaction, the foreign buyer’s bank pledges to pay the seller’s bank, provided that you, the seller, show documentation proving that you complied with the terms and conditions specified in the L/C.

* Your local bank or **the Export Finance Assistance Center of Washington** ([www.efacw.org](http://www.efacw.org)) can provide you with more information and assistance regarding L/Cs.

## Documentary Draft AKA Bill of Exchange

These act like a foreign buyer’s check, and therefore they do carry the risk that the buyer will default. There are different kinds of documentary drafts, and you should work with your bank to negotiate the appropriate terms for yours:

*Sight draft*: You, the seller, retain title to the shipment until it reaches its destination and is paid for.

*Time draft*: Payment is due from the buyer within a certain time period after the shipment reaches its destination.

*Date draft*: Similar to a time draft, but payment is due on a certain date, rather than within a time period.

## Open Account

Under this method, you deliver the goods first, and expect the foreign buyer to pay afterward. This method poses the most risk to the exporter. However, foreign buyers may push for it, since it is the most secure for them. Unless you know and trust your customer, you should have export credit insurance to mitigate risk when using this method.

*Where to find out more:* You will want to work with your bank to understand and choose from the options above. The following resources may also be helpful to you in finding a bank or understanding more about export financing options:

* **Export Finance Assistance Center of Washington (EFACW)**: EFACW is a local resource that provides free export finance counseling assistance to small and medium-sized businesses that are currently exporting or interested in doing so. This is a great place to start for more in-depth answers to your specific finance questions, such as understanding more details on how the above international financial transactions work, or finding a bank here in Washington that can address your specific needs. Learn more about EFACW here: ([www.efacw.org](http://www.efacw.org))
* The **Export-Import Bank of the United States (Ex-Im Bank)**: Ex-Im Bank is the official export credit agency of the United States. Its mission is to assist in financing the export of United States goods and services to international markets. <http://www.exim.gov/index.cfm>. You can also contact EFACW for more information on Ex-Im’s programs.

# X. Shipping Goods

## Packing and labeling

Proper packing and labeling are important to protect your goods and, in some cases, comply with local laws. Many exporters use an international freight forwarder in order to address concerns about packing and labeling. xi

* Forwarders.com offers a directory of freight forwarders in Washington State: <http://www.forwarders.com/StateDirectory/WA.html>
* Export.gov also provides links to privately operated listings of freight forwarders: <http://www.export.gov/logistics/eg_main_018127.asp>

## Pre-shipment inspections

Pre-shipment inspections (PSI) may be required by the country to which you are exporting, but take place here in the United States. The exporter is not required to pay for the inspection. Importers can usually choose from a short list of private organizations to carry out the inspection, although in some countries, only one company is designated to do so.

* More information is available from the **U.S. Department of Commerce Trade Information Center** (TIC): <http://web.ita.doc.gov/ticwebsite/FAQs.nsf/f3c358ed78d971aa85256878007677d9/9e225b70c9d4bcb18525687800775c4d?OpenDocument>

## Cargo insurance

The terms of the sale should indicate whether you or your buyer is responsible for insuring goods against damage. However, you should not assume that the buyer has adequate coverage. If you are responsible for insurance, you can take out your own policy with an international insurance carrier, or talk to your freight forwarder about using their policy for an additional fee.

## Shipping methods

For new exporters, relying on a good freight forwarder is likely your best option when it comes to shipping. The type of method you or the freight forwarder should use (ocean, air, rail, truck) will depend on what you are shipping and to where.

* Forwarders.com offers a directory of freight forwarders in Washington State: <http://www.forwarders.com/StateDirectory/WA.html>
* Export.gov also provides links to privately operated listings of freight forwarders: <http://www.export.gov/logistics/eg_main_018127.asp>

# XI. Trade Education & Certification Programs

## Trade Education Resources

NASBITE (<http://www.nasbite.org>**)** offers [certified global business professional training](http://www.nasbite.org/?page=CGBPCredential).

## Logistics Training

* Highline Community College **International Trade, Transportation and Logistics (ITTL):**

<http://www.ittlwa.com/>

## Export Training

* Washington State Small Business Development Center - Training Calendar: <http://www.wsbdc.org/training-calendar>
* Guide to Import and Export Education and Training: <http://www.business.com/guides/making-the-most-of-import-and-export-education-and-training-24264/>
* WWU’s Center for Economic Vitality: <http://www.cevforbusiness.com/Export/13.aspx>
* Certified Export Specialist (CES) Certification Program: <http://www.ncbfaa.org/Scripts/4Disapi.dll/4DCGI/cms/review.html?Action=CMS_Document&DocID=8606&MenuKey=education>
* Certified International Trade Logistics Specialist Certification (CITLS): <http://iiei.dunlap-stone.edu/iiei-certifications/citls/>

# XII. Research Resources

The following resources may be useful as you research potential new markets:

* **The CIA World Factbook** provides profiles on virtually every country, including overviews of their economies, governments, demographics, history, and infrastructure: <https://www.cia.gov/library/publications/the-world-factbook>
* **The Economist Intelligence Unit** provides economic and business research, analysis, and forecasting on most countries: <http://www.eiu.com/public/>
* **GlobalEDGE**, a companion to Export.gov, was created by the International Business Center at Michigan State University, and provides a range of information about countries, business resources, and industries, among other things: <http://globaledge.msu.edu/>
* **World Bank Development Indicators** provides up to 420 development indicators on over 200 countries: <http://data.worldbank.org/indicator>
* **World Bank Doing Business** provides information on laws and regulations in various countries to help you determine how easy or challenging it could be to do business there: <http://doingbusiness.org>
* **USA Trade Online** is a good resource for U.S. export and import data. Cost was $300 per year as of early 2011: <https://www.usatradeonline.gov/>
* **United States International Trade Commission Interactive Tariff and Trade Dataweb** provides the same information as USA Trade Online. Unlike USA Trade Online, there is no charge, but reports are not updated once they are published: <http://dataweb.usitc.gov>
* **United Nations Commodity Trade Statistics Database** provides import figures by country. Use it to find out which countries are importing what specific items, as well as which countries are exporters of those items (and potentially your competitors): <http://comtrade.un.org/>
* **Piers** is a source for difficult-to-find information useful for analyzing your potential competitors. Note that there is a significant price: <http://piers.com/>
* **Other** potential useful sources include competitors’ own websites, trade journals, trade shows, or local libraries and universities.

# XIII. Appendix

* Avvo.com Seattle International Law Directory
  + <http://www.avvo.com/international-law-lawyer/wa/seattle.html>
* Center for Economic Vitality
  + <http://www.cevforbusiness.com/Export/13.aspx>
  + 516 High Street, Parks Hall 419, Bellingham, WA 98225
* Export Finance Assistance Center of Washington
  + [www.efacw.org](http://www.efacw.org)
  + 2001 6th Avenue, Suite 2600 Seattle, WA 98121
* Export.gov
  + <http://www.export.gov>
* Export-Import Bank of the United States
  + <http://www.exim.gov/index.cfm>
* Federation of International Trade Association
  + <http://www.fita.org/>
* Forwarders.com Freight Forwarding Directory
  + <http://www.forwarders.com/StateDirectory/WA.html>
* Highline Community College International Trade, Transportation and Logistics (ITTL)
  + <http://www.ittlwa.com/>
  + 2400 S. 240 St. Des Moines, WA 98198-9800
* GlobalEDGE
  + <http://globaledge.msu.edu/>
* International Chamber of Commerce World Business Organization
  + <http://iccwbo.org/>
* International Trade Alliance
  + [www.intrade.org](http://www.intrade.org)
  + 601 West Main Avenue, Suite 315, Spokane, WA 99201
* NASBITE
  + <http://www.nasbite.org/?page=CGBPCredential>
* Municipal Research and Services Center of Washington
  + <http://www.mrsc.org/>
  + 2601 Fourth Avenue, Suite 800 Seattle, WA 98121-1280
* Office of the U.S. Trade Representative
  + <http://www.ustr.gov/>
* Piers
  + <http://piers.com/>
* Port of Seattle, International Department
  + 17801 International Blvd. Seattle, WA 98158
* Port of Tacoma
  + [www.portoftacoma.com](http://www.portoftacoma.com)
  + One Sitcum Plaza, Tacoma, WA 98421
* Seattle United States Export Assistance Center
  + 2601 Fourth Ave., Suite 320, Seattle, WA 98121
* Small Business Development Centers
  + <http://www.sba.gov/content/small-business-development-centers-sbdcs>
  + Various addresses: see <http://www.asbdc-us.org/>
* Small Business Administration - Office of International Trade
  + [www.sba.gov/oit](http://www.sba.gov/oit)
  + 2601 4th Ave, Suite 320, Seattle 98121
* The CIA World Factbook
  + <https://www.cia.gov/library/publications/the-world-factbook>
* The Economist Intelligence Unit
  + <http://www.eiu.com>
* The Global Network of Entrepreneurs
  + [www.seattle.tie.org](http://www.seattle.tie.org)
  + PO Box 821 Redmond, 98073
* Trade Development Alliance
  + [www.seattletradealliance.com](http://www.seattletradealliance.com)
  + 1301 Fifth Avenue, Suite 2500, Seattle 98101
* U.S. Customs Services
  + [www.cbp.gov](http://www.cbp.gov)
* U.S. Export Assistance Center of the U.S. Commerce Department (USEAC)
  + 2601 Fourth Ave., Suite 320, Seattle, WA 98121

<http://export.gov/washington/seattle/>

* U.S. Foreign Agricultural Service
  + <http://www.fas.usda.gov>
* United States International Trade Commission Interactive Tariff and Trade Dataweb
  + <http://dataweb.usitc.gov>
* USA Trade Online
  + <http://usatradeonline.gov/>
* U.S. Treasury Office of Foreign Assets Control
  + <http://www.treasury.gov/about/organizational-structure/offices/Pages/Office-of-Foreign-Assets-Control.aspx>
* United Nations Commodity Trade Statistics Database
  + <http://comtrade.un.org/>
* Washington Council on International Trade
  + [www.wcit.org](http://www.wcit.org)
* National District Export Council
  + [www.us-dec.com](http://www.us-dec.com)
* Washington State Department of Agriculture
  + [www.agr.wa.gov](http://www.agr.wa.gov)
  + P.O. Box 42560 1111 Washington Street SE Olympia, WA 98504
* Washington State Department of Commerce - International Trade & Economic Development Division
  + [www.exportwashington.com](http://www.exportwashington.com)
  + 2100 6th Ave, STE 2600, Seattle, WA 98121
* Washington State Small Business Development Centers
  + <http://www.wsbdc.org>
* World Bank Development Indicators
  + <http://data.worldbank.org/indicator>
* World Bank Doing Business
  + <http://doingbusiness.org>
* World Trade Center Tacoma
  + [www.wtcta.org](http://www.wtcta.org)
  + 950 Pacific Avenue, Tacoma, WA 98402
* World Trade Club Seattle
  + [www.worldtradeclub.net](http://www.worldtradeclub.net)
  + 2100 6th Ave, STE 2600, Seattle, WA 98121
* Western Washington University - Jump Start Washington Exports (JustWaEx)
  + <http://centerforeconomicvitality.com/Export/13.aspx>

1. “Practical Advice for Business.” Retrieved from <http://www.businesslink.gov.uk/bdotg/action/detail?itemId=1073792489&r.i=1073792490&r.l1=1073858805&r.l2=1073859152&r.l3=1074026849&r.s=m&r.t=RESOURCES&type=RESOURCES> [↑](#endnote-ref-1)
2. “Practical Advice for Business.”  [↑](#endnote-ref-2)
3. Kogon, 2006. [↑](#endnote-ref-3)
4. “Practical Advice for Business.” [↑](#endnote-ref-4)
5. # “How to Identify Your Reliable Import Export Trade Partner.” Retrieved from <http://www.ehow.com/how_5795675_identify-import-export-trade-partner.html>

   [↑](#endnote-ref-5)
6. “Helping U.S Companies Export.” Retrieved from <http://www.export.gov/faq/eg_main_017509.asp#P111_9115> [↑](#endnote-ref-6)
7. Warski, Kristine. “SIC vs. NAICS: Understanding the difference.” Miller Brooks, Inc. Retrieved from <http://www.mb-journal.com/2001_Q4/sic.htm>. [↑](#endnote-ref-7)
8. Kogon, 2006.  [↑](#endnote-ref-8)
9. “Import Duty Information.” Retrieved from <http://www.export-import-companies.com/import_duty.htm> [↑](#endnote-ref-9)
10. “Import Duty Information.” [↑](#endnote-ref-10)
11. Kogon, 2006.  [↑](#endnote-ref-11)
12. A non-U.S. person does not include legal permanent resident alien. [↑](#footnote-ref-1)
13. The end-user of your product is not necessarily your direct customer. For instance, if you sold your product to a U.S. person and subsequently, your customer re-sells or transfers the product to a non-U.S. person, the second transaction may be subject to EAR and/or ITAR. As the manufacturer, producer or seller you have the responsibility of identifying the end-user and whether the use will violate EAR and/or ITAR. [↑](#footnote-ref-2)
14. Check OFAC website, <http://www.treas.gov/offices/enforcement/ofac/programs> and the DOC website for <http://www.bis.doc.gov/dpl/default.shtm> for a list of countries and individuals that pose a risk to national security. The government restricts contact and business with these groups. [↑](#footnote-ref-3)
15. Kogon, 2006. [↑](#endnote-ref-12)