

INSTRUCTIONS FOR COMPLETION AND SUBMISSION OF
FORM BXA-645P/ATF-4522/DSP-53, INTERNATIONAL IMPORT CERTIFICATE

In accordance with an agreement between the Departments of Commerce, State, and Treasury, Import Certificates issued to facilitate international cooperation in export control matters have been standardized. Under this standardization these agencies will use the same form. The U.S. Department of the Treasury issues the form for articles enumerated on the U.S. Munitions Import List in connection with the issuance of a Treasury Department Import Permit. The U.S. Department of State issues the form in connection with foreign transfer by a U.S. entity of U.S. Munitions List articles. The U.S. Department of Commerce issues the form for all other commodities subject to an Import Certificate requirement.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

Public reporting for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information, and an additional 1 minute per response for recordkeeping. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director of Administration, Bureau of Export Administration, Room 3889, U.S. Department of Commerce, Washington, D.C. 20230; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, D.C. 20503.

GENERAL INSTRUCTIONS

Submit this form in triplicate - 3 copies (submit in quadruplicate - 4 copies for "special nuclear material," "source material," "by-product material," "production or utilization facilities," and "nuclear equipment" and "nuclear material" as defined in the regulations of the Nuclear Regulatory Commission). The quadruplicate copy of this form should be retained by the importer for record purposes, and after the original is signed and numbered by the designated U.S. Commerce, State, or Treasury Department official, the International Import Certificate Number should be entered on the record copy. This will facilitate entering the correct International Import Certificate Number on a Delivery Verification Certificate if a delivery verification is requested by the foreign exporter. (If the form is required to be submitted in quadruplicate, the importer should use a separate blank form to provide his record copy.)

Import Certificates will be issued only when required by the government of a foreign country for the commodities specified above which are subject to the Atomic Energy Act, for the N.S.-controlled commodities on the Commodity Control List (Supplement No. 1 to 774 of the U.S. Department of Commerce Export Administration Regulations), and for articles enumerated on the U.S. Munitions List and U.S. Munitions Import List.

Issuance by U.S. Department of Commerce

Requests for certification and validation of Import Certificates or requests for amendments of Import Certificates may be filed with the Office of Exporter Services, P.O. Box 273, Washington, D.C. 20044.

(Blank forms are obtainable at the same offices or any other District Offices.)

(See Supplement No. 5 to Part 748 of the Export Administration Regulations, for Special instructions to be followed when foreign excess property is involved.)

Issuance by U.S. Department of the Treasury

In the case of articles enumerated in the U.S. Munitions Import List (27 Code of Federal Regulations 47) covering arms, ammunition, and implements of war, communicate with the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, D.C. 20226.

Issuance by U.S. Department of State

In the case of foreign transfer by a U.S. entity of U.S. Munitions List articles (22 Code of Federal Regulations 121), communicate with the Office of Munitions Control, Department of State, Washington, D.C. 20520.

SPECIAL INSTRUCTIONS

Item 1 - The full name and the address of the U.S. importer or U.S. principal in the transaction must be shown. (The U.S. principal in the transaction is that person subject to the jurisdiction of the United States who is in a position to make the representation and undertakings set forth in Item 4.)

Item 2 - Name and full address of foreign exporter must be shown.

Item 3 - Description of goods must be shown in normal commercial terms, and should include composition, type, size, gauge, grade, horsepower, manufacturer's name, serial number, as well as brand or trade names, catalog numbers, or other trade characteristics which will aid in exact recognition of commodities. Indicate also status of equipment or material such as new or used.

The Tariff Schedules of the United States (TSUS) Annotated* number and the quantity must be shown in accordance with the Tariff Schedules and/or normal commercial terms.

Values must be shown in customary form of quotation, such as: f.o.b. (named port), c.i.f., or other form.

Item 4 - Where the representation is made that the commodities will be brought into the United States under a U.S. Consumption or Warehouse Entry, the temporary unloading of goods in a foreign trade zone which are intended for subsequent entry into the economy of the United States is not precluded. The U.S. Department of Commerce, Department of State, and/or Department of Treasury, shall be notified immediately of any changes of fact or intention set forth on this form. Such notification shall be in writing and should include the International Import Certificate Number. There must be shown in the name of firm or corporation on whose behalf this document is filed. If signed by an agent of the Importer, such agency must be indicated in the space marked "Type or Print Name and Title of Authorized Official."

Where the commodities are not imported into the U.S. under such Customs entries, permission to divert, transship or reexport the commodities must be

obtained from the Department of Commerce, Department of State, or Department of Treasury.

*TSUS - *Tariff Schedules of the United States Annotated* may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, local Customs Offices, or ITA District Offices located in principal cities.

REGULATIONS COVERING USE OF THIS FORM

(a) The Department of Commerce regulation covering U.S. Import Certificates and Delivery Verification Certificate is set forth in Supplement No. 5 to Part 748 of the *Export Administration Regulations*, which is available for reference at any ITA District Office.

(b) The Department of State regulation covering the foreign transfer by a United States entity of United States Munitions List equipment, previously exported from the United States under a license of the Department of State, to any country other than the country of ultimate destination as stated in the export license, is set forth in Part 123.10(b) of the *International Traffic In Arms Regulations*, which is available from the U.S. Government Printing Office.

PENALTIES AND SANCTIONS FOR VIOLATIONS

(a) Administrative - Provided in the *Export Administration Regulations*. The enforcement provisions of Part 764 of the *Export Administration Regulations*, the conduct of Business provisions of Supplement No. 2 to Part 736, and the denial or suspension of export privileges and imposition of civil penalties provisions of Part 766 shall apply to transactions involving imports into the United States covered by Supplement No. 2 to Part 736. The Export Administration Act provides a civil penalty not to exceed \$10,000 that may be imposed for each violation of the Export Administration Act or any regulation, order, or license issued under the Act either in addition to or instead of any liability or penalty which may be imposed. Violations involving national security controls imposed under Sections of the Export Administration Act are subject to a civil penalty not to exceed \$100,000 for each violation. Any provisions of Part 764 and Supplement No. 2 to Part 736 which by their terms relate to "exports" or "exports from the United States" are also deemed to apply and extend to imports into the United States, applications for International Import Certificates, International Import Certificates and Delivery Verifications, dealt with in Part 748. (A form BXA 645P, International Import Certificate, when presented to the U.S. Department of Commerce for certification or validation, is an application for an International Import Certificate.)

Any person, either in the United States or abroad, who violates the Export Administration Act or any regulation, order, or license issued thereunder, including the provisions of Part 748, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Office of Exporter Services, suspension, revocation and denial of export privileges under the Export Administration Act; and in exclusion from practice before the Bureau of Export Administration of the U.S. Department of Commerce on behalf of another, in connection with any export control matter, as provided in Part 766.

(b) Administrative - Provided in the International Traffic in Arms Regulations. Part 127 of the International Traffic in Arms Regulations provides that a violator of these regulations may, through administrative action described in Part 128, be debarred (prohibited) from exporting all U.S. Munitions List articles or technical data from the United States. Part 127 also subjects such a violator to a civil penalty not to exceed that authorized by law.

(c) Criminal. [1] The False Statements Act makes it a criminal offense to make a willfully false statement or conceal a material fact or knowingly use a document containing a false statement, in any matter within the jurisdiction of a United States department or agency. Maximum penalties under the provision are a \$10,000 fine or imprisonment for five (5) years, or both. [2] The Export Administration Act provides that whoever knowingly violates any provision of this Act or any regulation, order, or license issued thereunder, shall be fined not more than five (5) times the value of the exports involved or \$50,000, whichever is greater, or imprisoned not more than five (5) years, or both. (See also §764.3 of the Export Administration Regulations.) [3] For purposes of this paragraph, "controlled country" means any country described in section 620(f) of the Foreign Assistance Act of 1961. [4] Any person who willfully violates any provision of section 38 of the Arms Export Control Act, or any rule or regulation issued under that section is subject, upon conviction, to a maximum fine of \$100,000 or a maximum of two (2) years imprisonment or both (also see §127.01 *et seq.* of the International Traffic In Arms Regulations).

NOTE

Applications for Import Certificates and Delivery Verifications, as specified in Part 748, are included within the definition of export control documents set forth in Part 772 of the *Export Administration Regulations*.

<div>U.S. DEPARTMENT OF COMMERCE Bureau of Export Administration U.S. DEPARTMENT OF THE TREASURY Bureau of Alcohol, Tobacco and Firearms U.S. DEPARTMENT OF STATE Office of Munitions Control</div>		<div>INTERNATIONAL IMPORT CERTIFICATE (CERTIFICAT INTERNATIONAL D'IMPORTATION)</div>		
NOTE: Read instructions on the reverse side before completing and submitting this form. (Lire les instructions au verso avant de remplir et de presenter la présente formule.)		Certificate Number		
1. U.S. Importer/Importateur (Name and address—Nom et adresse)		FOR U.S. GOVERNMENT USE (Réservé pour le Gouvernement des Etats-Unis)		
2. Exporter/Exportateur (Name and address—Nom et adresse)		If this form has been approved by the Department of Commerce or the Department of State, it is not valid unless the official seal of the Department of Commerce, or the Department of State, appears in this space. If this form is approved by the Treasury Department, a seal is not required. (Si ce formulaire a été approuvé par le Ministère du Commerce, ou le Ministère des Affaires Etrangères, il n'est pas valide à moins qu'un sceau officiel du Ministère du Commerce ou du Ministère des Affaires Etrangères soit apposé sur le document. Si ce formulaire est approuvé par le Ministère des Finances, un sceau officiel n'est pas nécessaire.		
3.	Description of goods (Désignation de la Marchandise)	TSUS Anno. No. (Numéro de la liste)	Quantity (Quantité)	Value (Valeur) (FOB, CIF, etc.)
4. Representation and undertaking of U.S. importer or principal				
The undersigned hereby represents that he has undertaken to import into the United States of America under a U.S. Consumption Entry or U.S. Warehouse Entry the commodities in quantities described above, or, if the commodities are not so imported into the United States of America, that he will not divert, transship, or reexport them to another destination except with explicit approval of the Department of Commerce, the Department of State, or the Department of the Treasury, as appropriate. The undersigned also undertakes to notify the appropriate Department immediately of any changes of fact or intention set forth herein. If a delivery verification is required, the undersigned also undertakes to obtain such verification and make disposition of it in accordance with such requirement. Any false statement willfully made in this declaration is punishable by fine and imprisonment. (See experts from U.S. Code on reverse side.)				
Déclaration et engagement de l'importateur ou du commettant des Etats-Unis				
Le soussigné déclare par la présente qu'il a pris l'engagement d'importer aux Etats-Unis d'Amérique, en vertu d'une Déclaration américaine de Mise en Consommation, ou d'une Declaration américaine d'Entrée en entrepôt, la quantité de produits ci-dessus et que, dans le cas ou ces produits ne seraient pas ainsi importés aux Etats-Unis d'Amérique, il ne le détournera, ne les transbordera, ni les réexportera a destination d'un autre lieu, si ce n'est avec l'approbation explicite du Ministère du Commerce, du Ministère des Affaires Etrangères ou du Ministère des Finances, comme il est requis. Le soussigné prend également l'engagement d'aviser le Ministère intéressé des Etats-Unis de tous changements survenus dans les actes ou les intentions énoncés dans la présente déclaration. Si demande est faite d'une confirmation de la livraison le soussigné prend également l'engagement d'obtenir cette confirmation et d'en disposer de la manière prescrite par cette demande. Toute faussee déclaration faite intentionnellement expose l'auteur aux pénalités prévues par la loi. (Voir Extrait du Code des Etats-Unis au verso.)				
Type or Print (Prière d'écrire a la machine ou en caractères d'imprimerie)		Type or Print (Prière d'écrire a la machine ou en caractères d'imprimerie)		
Name of Firm or Corporation (Nom de la Firme ou de la Societé)		Name and Title of Authorized Official (Nom et titre de l'agent ou employé autorisé)		
Signature of Authorized Official (Signature de l'agent ou employé autorisé)		Date of Signature (Date de la signature)		
This document ceases to be valid unless presented to the competent foreign authorities within six months from its date of issue. (Le présent document perd sa validité s'il n'est pas remis aux autorités étrangères compétentes dans un délai de six mois à compter de sa délivrance.)				
No import certification may be obtained unless this International Import Certificate has been completed and filed with the appropriate U.S. Government agency (Department of Commerce: 50 U.S.C. app. §2411, E.O. 12214 15 C.F.R. §368; Department of the Treasury; 22 U.S.C. §2778, E.O. 11959, 27 C.F.R. §47; Department of State: 22 U.S.C. 2778, 2779, E.O. 11958, 22 C.F.R. §123). Information furnished herewith is subject to the provisions of Section 12(c) of the Export Administration Act of 1979, 50 U.S.C. app. 2411(c), and its unauthorized disclosure is prohibited by law.				
FOR U.S. GOVERNMENT USE (Réservé au Gouvernement des Etats-Unis)				
Certification: This is to certify that the above declaration was made to the U.S. Department of Commerce, State, or Treasury through the undersigned designated official thereof and a copy of this certification is placed in the official files.		Certification : Il est certifié par la présente que la déclaration ci-dessus a été faite au Ministère du Commerce, des Affaires Etrangères, ou des Finances des Etats-Unis par l'intermédiaire du fonctionnaire autorisé soussigné de ce Ministère et qu'une copie de ce certificat a été conservée dans les archives officielles.		
Designated Commerce, State, or Treasury Official (Fonctionnaire competent du Ministère du Commerce, d'Etat, ou du Trésor)				Date