



Export Terms and Guidelines

1. Introduction

Thermal imaging cameras have always had export sensitivity. The dominant use of infrared cameras is currently for military purposes. This is true around the world. Yes, infrared cameras are used for hundreds of non-military applications ranging from industry to science to agriculture to entertainment. This, however, does not change the fact that they are first and foremost military items in the eyes of the US government. Sierra-Olympic is a US company, and therefore is subject to this fact of life.

Infrared cameras can be classified into two categories. The first are those that are classified as true defense articles. All cooled midwave or longwave cameras are defense articles. All true SWIR InGaAs cameras are defense articles. All these cameras are controlled under US law known as ITAR, the International Traffic in Arms Regulations. There is a broad range of dual-use thermal imaging cameras based upon uncooled infrared focal plane arrays which have been classified as such by various commodity jurisdictions and are controlled by the US law known as Export Administration Regulations (EAR). Basically, ITAR laws are administered by the US Department of State, and EAR laws are administered by the US Department of Commerce.

Sierra-Olympic Technologies, Inc. endeavors to provide the best customer experience possible and maintain high standards of compliance with US law. This document is offered to help customers understand the basics. At the end of the day, it is all of our responsibility to play by the rules and uphold our privileges under US law, the laws within domicile countries, and/or international law, and we are here to help our customers do so. We have no interest in customers who do not share these values. Therefore, we endeavor every day to comply with US Export Law to the best of our ability, and will do everything we can to help our customers also comply with US Export Law.

2. Terms to Understand

There are important terms to understand with respect to US export law and regulations. Below is a listing of terms we want our customers to understand. These are our definitions, and are not to be construed as legal definitions. We want to help, but don't want to turn this document into a legal treatise. To our respected legal counselors out there, and to the career experts in the field, please cut us some slack. We all know the law is vague to a degree, and each term's definition could be endlessly adjudicated.

Controlled item	A term used by the Department of Commerce for dual-use items. Controlled items have been assigned an ECCN, an export commodity control number. Most products we offer for sale on our site are controlled items under EAR.
Defense article	A term used by the Department of State, and defined in the ITAR laws, which refers to an item designed for military use.
Deemed Export	This is when you reveal controlled information or transfer controlled items to a non-US person without proper authorization. The most common example of this is when an item is clearly a defense article under ITAR, and a manual is distributed within a department in a university where there are international students who are not defined US persons. The law states that in order for these students to use the defense article, or even read technical data associated with the defense article, they must have a US Department of State license. The definition of deemed export is similar under EAR.
Re-export	A re-export is defined as the transfer out of the original country to where a controlled item was originally shipped. For example, if I legally ship an item to Germany, and my German customer then sends that item Italy, it is considered a re-export. This applies if the controlled item is embedded into a larger item.

Bureau of Industrial Security (BIS)	This is the agency within the US Department of Commerce which administers licenses under EAR and enforces the EAR law.
Department of Defense Trade Controls (DDTC)	This is the agency within the US Department of State which administers licenses under ITAR.
ECCN	Export Commodity Control Number. This is a number system by which the Department of Commerce BIS classifies products. All dual-use controlled items have a ECCN. There are specific export rules for each ECCN as defined in the EAR.
Military end-use	Sierra-Olympic will consider any application which is used on a rifle or firearm to be military end-use. If it is specifically designed for installation and use on a military vehicle, a military aircraft, or a military vessel, the classification is military end-use and will require a license from the BIS.

There are dozens of additional terms used by export professional, far too many to describe in this short primer.

3. Classification of Products

Sierra-Olympic offers products for online sale which are governed by EAR. We allow certified US customers to purchase one product from our online store which is ITAR.

We sell online two classification of thermal imagers.

- Imagers with frame rates > 9 Hz. These all have ECCN 6A003.b.4.b.
- Imagers with frame rates ≤ 9 Hz. These all have ECCN 6A993.

In general, cameras > 9 Hz frame rates have higher levels of restrictions than cameras with frame rates having ≤ 9 Hz frame rates.

4. SOTI's General Guidelines

4.1. Guidelines for Domestic Customers.

We will sell cameras offered for online purchase to all customers in the US under the general terms listed below.

- All customers must accept Sierra-Olympic's terms and conditions.
- All customers must complete Sierra-Olympic's Domestic Acknowledgement of End-use and Export Control-Domestic document.
- All customers will undergo reasonable validation and will be checked against the US Government's Consolidated Screening List for denied parties.

4.2. Guidelines for International Customers.

- All enquiries from embargoed countries will be reported to BIS.
- We will sell ≤ 9Hz cameras all non-embargoed countries for non-military end use. All customers will complete the International Acknowledgement of End-use and Export Control <link>.
- We will offer online sales of > 9 Hz cameras only to customers in the 36 STA Countries for non-military end-use. All customers will complete the International Acknowledgement of End-use and Export Control <link>.
- The 36 STA Countries are: Argentina, Austria, Australia, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, South Korea, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom.

- There will be no online sales of > 9 Hz cameras to customers in non-STA countries.
- We will consider licensed sales of > 9 Hz cameras via direct contact by phone or email between Buyer and Seller under the following conditions.
 - A purchase agreement will be executed between Buyer and Seller prior to commencement of the application of the license.
 - The purchase order amount must be greater than \$20,000. For orders less than US\$20,000, we recommend the purchase of the ≤ 9 Hz cameras.
 - There is a non-refundable down payment of \$2,500 applicable to the completed purchase for license application and administration.
 - The \$2,500 down payment is not recoverable in the event the BIS license is denied.
 - The \$2,500 down payment is not recoverable if the BIS license is granted, but contains restrictive provisions unacceptable to the customer.
 - The \$2,500 down payment will be converted to a service charge in the event that a) the BIS license is denied, or b) the BIS license has provisions unacceptable to the customer.
 - There will be no re-submissions or appeals to BIS.

5. Further Assistance

To begin your journey with ITAR, go to <http://www.pmddtc.dos.gov>.

If you want an intense course on ITAR, google the term “ITAR Boot Camp”.

To begin your journey into the EAR, go to <http://www.bis.doc.gov>.

To attend an intense course on EAR regulations, go to <http://www.bis.doc.gov/index.php/compliance-a-training/export-administration-regulations-training/current-seminar-schedule>