How do I know that my PCB order is covered by ITAR, EAR or DFAR?

There are some quite simple rules that applies:

PCB designed in the USA for a Military application

- This situation is under ITAR regulations. The complete ecosystem from PCB manufacturing and up to product assembly shall be ITAR compliant.

PCB Designed in the USA for a Dual Use application

- If the PCB can be used both in a military application and a commercial application, the basic rule is ITAR compliance, unless the PCB is ordered to a specific application. If the PCB can be placed on a shelf and be used for both military and commercial applications, the PCB will be under ITAR rules.

PCB designed in the USA for a commercial application

- In this case the PCB and its export to USA is covered by EAR. EAR can still require import license depending on the application and if it is listed the Commerce Control List. If not, it is probably classified as EAR99 and a license is probably not required. In any case we must remember that a PCB designed in USA is subject to an export control when the data is exported for production in a foreign country.

  For deeper understanding read DEC webpage: Export Controls and Compliance (export-u.com)

PCB designed in Europe for a product to be used in an US military application

- In this case the PCB design has not been exported and the import to USA is covered by DFARS.
- DFARS stands for Defense Federal Acquisition Regulation Supplement. It relates to ex-US designs, but delivered to US Defense
- Requires compliance to DFAR/CMMC rules, but no official approval.
- Compliance with DFARS is relatively straightforward. Contractors must implement the security controls needed to protect Controlled Unclassified Information (CUI) and establish the processes that simplify the reporting of security events. Achieving both goals allows contractors to meet the goals of DFARS to protect CUI from threats and respond to breaches as promptly and efficiently as possible. From 2020 DFARS contractors (US buyers) must comply with both DFARS and CMMC regulations, which basically means protecting CUI. While DFARS rely in a self-assessment, CMMC use a third-party assessment organization to determine the organization's CMMC maturity level.

  For further understanding of CMMC, read more here: (cmmc-eu.com)

PCB designed in Europe for a European Military application

- In the case of European design for delivery to a European country where end used is military, there are separate export/import rules and regulations as explained above by Estelle.

The main sure for all defense/military related orders is to know the end user and if the product shall be re-exported. For all cases we need an end user certificate. The end user certificate shall be issued together with the customer's request for Quotation. It is NCAB's responsibility to request the end user certificate to avoid a conflict to place order at the factory and to complete an export license from the manufacturer's country.