



# FedEx Regulatory Alerts & Updates

## **Regulatory Alert: FCC Import Clearance Update**

February 6, 2018

### **BACKGROUND INFORMATION**

The Federal Communications Commission (FCC) posted a FINAL RULE (FR) and Order in the Federal Register on November 2, 2017 on all FCC import conditions, ended the requirements of the FCC 740 form and officially imposed “determination of compliance” requirements on ANY ONE of these three entities: the US importer, consignee, or the broker.

The effective date of the FCC Order was the same day – November 2, 2017.

The sections that specifically address the US importation rules, discontinuance of the FCC 740 form, and compliance responsibilities and parties are in parts 24 – 30 in the SYNOPSIS section, I. FIRST REPORT AND ORDER of the Final Rule.

### **WHAT HAS CHANGED?**

The Final Rule and Order had several changes to the import processing of radio frequency (RV) devices.

The primary change is the FCC discontinued the use of FCC form 740 form as an entry requirement into the USA.

The second major change addresses the responsibility for the compliance of the device. The FCC DOES state in their FR that “the responsible party can be the importer or the consignee or the customs broker.” The FCC has retained the requirements that one of those three entities will assume responsibility for the compliance of the device and that the product fully meets all required FCC import conditions as per 47 CFR Section 2.1204.

A third change is the FCC also addressed the requirements for specific US import situations:

- I. Part 28 increased the number of RF devices for trade show exhibit purposes from 200 to 400.
- II. Part 29 retains the exclusion of certain unintentional radiators which “utilize low level battery power and which do not contain provisions for operation while connected to AC power lines”. It also removed the list of example devices (hand held calculators, cameras, etc.) as many are now obsolete.

- III. Part 30 addresses allowing an individual to import up to three RF devices for personal use.

## **Q&A**

- 1. Can the FCC 740 – or any similar document deemed mandatory for FCC clearance - be assigned to the foreign shipper or exporter?**

The FCC in their Final Rule and Order made it clear the FCC 740 form is not required for entry of the article into the USA.

The FCC made it clear in 47 CFR 2.1203 (a) that “No radio frequency device may be imported into the Customs territory of the United States unless the importer or ultimate consignee, or their designated customs broker, determines that the device meets one of the conditions for entry”. The foreign shipper or exporter is not mentioned.

Thus, from a “compliance responsibility” perspective, the US importer or consignee could ask the foreign manufacturer for the necessary details to meet that compliance obligation.

- 2. Will the FCC or FTN as the broker require some version of the FCC 740 form for clearance?**

The FCC has already made their Final Rule public as detailed above. FTN is the FedEx Express broker in the USA and they abide by the FCC Final Rule – the FCC 740 form does not need to be submitted with a shipment as a condition for entry.

- 3. Is there any reason or need for FedEx operations in the country of origin to hold or delay the export processing of a shipment for lack of the FCC 740 form?**

There is no need whatsoever for any FedEx field location in any other country of origin to refuse to pick up or hold a shipment for lack of the FCC 740 form. The FCC 740 form is not required for entry purposes into the USA. All shipments can be picked up for immediate export processing.

**Timeline for Implementation:** Immediate

### **References:**

FCC Final Rule

<https://www.gpo.gov/fdsys/pkg/FR-2017-11-02/pdf/2017-23217.pdf>

47 CFR Subpart K – Importation of Devices Capable of Causing Harmful Interference

[https://www.govregs.com/regulations/expand/title47\\_chapter1\\_part2\\_subpartK](https://www.govregs.com/regulations/expand/title47_chapter1_part2_subpartK)