

Keyword: Importation, Form 740, Harmonization Tariff Code

First Category: Radio Service Rules
Second Category: Importation- Part 2 Subpart K
Third Category:

Question: What are the FCC requirements for importation of radio frequency devices into the United States?

Answer: The FCC regulates marketing, sale and importation of radio frequency devices. When importing a radio frequency (RF) device the importer or ultimate consignee, or their designated broker, may be required to declare that the radio frequency device meets the FCC importation conditions under Title 47 of the Code of Federal Regulation (CFR) Section 2.1204.

A radio frequency device is any device capable of emitting radio frequency energy (see Section 2.801). This includes radio transmitters, any electrical device that uses internal electrical signals and / or electrical pulses that may create radio frequency energy, etc. Digital cameras and other digital electronic devices are examples of RF devices that may unintentionally radiate radio frequency energy and cause interference. Technical standards for devices that are required to comply with the FCC requirements are specified in the applicable sections of the Rules. Many of these devices are required to be labeled, tested and have their performance documented under the FCC's equipment authorization procedures. Certain exclusions and / or specific conditions may modify or eliminate this requirement (discussed below, see FCC Form 740 Declaration, or Sections 2.1202 and 2.1203 of the Rules). When importing an RF device the designated broker or importer of record must declare the appropriate entry conditions on the FCC Form 740, either electronically or by attaching a Form 740 to the Customs entry papers.

To assist Customs in identifying when a declaration is necessary, a Schedule of FCC 740 requirements by Harmonized Tariff Schedule (HTS) indicates: (1) when an FCC Declaration may be needed (referred to electronically as FC3 code), or (2) when a declaration is required (referred to as FC4 code).

When the importation of goods is identified as FCC Declaration may be needed (FC3 code), the following guidance applies:

A. The importer may disclaim the Declaration and not submit the Form 740 if the goods are not RF devices.

B. The importer may disclaim the Declaration and not submit the Form 740 if the goods are RF devices, but meet the following specific exclusion conditions:

- An RF device that is exempt from the equipment authorization procedure (Section 15.103);
- An RF device that does not meet the definition of a device requiring equipment authorization, or is considered an incidental radiator device and does not require equipment authorization (Section 15.101);
- An RF device that is excluded from the import conditions (Section 2.1202). See note * below;

Note that instead of disclaiming the declaration, the importing party may elect to submit a Form 740 to facilitate the entry of goods.

C. The goods require an equipment authorization. A declaration must be done either electronically or in paper using the Form 740.

FCC Declaration required

Importation of goods is identified as FCC Declaration required (FC4 code); a Form 740 must be submitted either electronically or in paper.

FCC 740 Declaration

Part I of the Form 740 is for specific entry and product data. Only in the case of devices described in Part II, Item 1 is an FCC ID necessary. Otherwise, "Not Applicable" (NA) is appropriate.

For Part II there are eight categories that require declaration:

1. The FCC issued a Grant of Equipment Authorization for the FCC ID listed above.
 - Equipment that is granted under the Certification equipment authorization procedure and an FCC ID is issued.
2. An FCC Grant of Equipment Authorization, and an FCC ID are not required, but the equipment complies with FCC technical requirements.
 - Equipment that is granted under the Verification or Declaration of Conformity authorization procedures (FCC ID is not required).

However, if the device meets specific exclusion conditions and the Form 740 harmonization schedule indicates a required (FC4 code), or the importer elects to make a Form 740 declaration (under the FC3 or as a no code" option) then item 2 may be used to declare:

- An RF device that is exempt from the equipment authorization procedure (Section 15.103);
- An RF device that does not meet the definition of a device requiring equipment authorization; or considered an incidental radiator device and does not require equipment authorization (Section 15.101).
- An RF device that is excluded from the import conditions (Section 2.1202). See note * below;
- A Non RF device that is categorized as required (FC4).

3. The described equipment is being imported in limited quantities for testing and evaluation for compliance with technical requirements or marketing suitability. The equipment will not be offered for sale or otherwise marketed.

4. The described equipment is being imported in limited quantities for demonstration at industry trade shows and will not be offered for sale or otherwise marketed.

5. The described equipment is being imported solely for export. It will not be offered for sale or otherwise marketed in the U.S.

5 (a). The described equipment is a non-U.S. standard cellular phone that can only function outside of the U.S.

6. The described equipment is being imported for use exclusively by the U.S. Government.

7. Three or fewer radio receivers, computers, or other unintentional radiators as defined in Part 15 of the FCC Rules, are being imported for an individual's personal use and are not intended for sale.

8. The described equipment is being imported for repair and will not be offered for sale or otherwise marketed.

Note:

* 47 CFR 2.1202 (a) Excludes some items from the importation process. This does not exclude these items

from the equipment authorization process. Exclusion for equipment authorization is defined in 15.103. If the harmonization schedule identifies the goods as maybe (FC3) the importer has the option to decline the declaration. If it identifies the goods as required (FC4) the importer must complete the declaration. The items excluded from the importation process are: Cameras, musical greeting cards, quartz watches and clocks, modules of quartz watches and clocks, hand-held Calculators and electronic games, and other similar unintentional radiators which use low level battery power and which do not contain provisions for operation while connected to AC power lines.

Web Access

Direct links to rules cited in this publication:

Access to the rules:

[47 CFR 2.801](#): Radio frequency (RF) device defined

[2.803](#): Radio frequency (RF) device defined and Marketing of radio frequency devices prior to equipment authorization. - What can be marketed

Importation of Devices Capable of Causing Harmful Interference ([Subpart K Sections 2.1201 through 2.1207](#))

[47 CFR 2.1201](#): Purpose Importation of Devices Capable Of Causing Harmful Interference

[47 CFR 2.1202](#): Exclusions

[47 CFR 2.1203](#): General requirements for entry into the USA

[47 CFR 2.1204](#): Import Conditions

[47 CFR 2.1205](#): Filling of required declaration

[47 CFR 2.1207](#): Examination of imported equipment

Part 15 Sections

[47 CFR 15.3](#): Definitions

[47 CFR 15.101](#): Unintentional Radiators

[47 CFR 15.103](#): Exempted devices – devices that are exempt from Part 15 specific technical standards

Form 740

Attachment:

Harmonization Code 740 Schedule: 97198 D01 HTS Declaration Form 740 v01.pdf

Attachment List:

[997198 D01 HTS Declaration Form 740 v01](#)

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