

General Recommendations



1. Commercial Practices

It is essential that the exporter presents itself well prepared in the North American market. Communication must be in English and its content clear and objective. It must be kept in mind that there is the possibility of dealing with American businessmen from other countries, mainly of the languages Spanish, Arabic or Oriental. Written correspondence can be in the form of postal correspondence, fax or email. When using electronic messages, the most used form of communication currently, the exporter must pay attention to grammatical correction and always include complete contact information (telephone, fax and email). Quotations are usually requested on an FOB, CIF or DDP basis, and letters of credit are the main means of import financing in the initial phase. The formalization of the deal is done by a sales contract, which must reflect the complexity of the transaction and clearly specify the responsibilities of each contracting party. Negotiations can be conducted in the most varied environments (importer's office, hotel, etc.) and it is common to take place during lunches and breakfasts. Generally speaking, the US negotiator is empowered to determine the terms of the contract and to close the deal, even if he is not the owner of the company or a high-ranking executive. The negotiation style is informal and straightforward. Scheduling appointments is essential and punctuality is taken very seriously.

2. Complaints, litigation and commercial arbitration

Any commercial complaints are forwarded directly to the commercial partner. In some cases, the U.S. importer seeks support from diplomatic representations in the U.S. If it is impossible to reach a satisfactory agreement, the parties are responsible for resorting to legal remedies and alternative dispute resolution mechanisms (mediation, arbitration, etc.). In recent years, in the United States, increasing use of these alternative means has been observed. Arbitration is by far the most popular means of resolving commercial disputes and its popularity has grown as an alternative to litigation.

There are several arbitration organizations, but for a foreign company involved in a commercial dispute with an American firm, the three most important are the International Chamber of Commerce – ICC, based in Paris, the “London Court of International Arbitration-LCIA”(Chamber of London International Arbitration) and the “American Arbitration Association – AAA” (American Arbitration Association), headquartered in New York.

One of the advantages of using the AAA is that U.S. courts are familiar with the organization and its procedures. For additional information or to submit a case to the AAA,

interested parties should contact the association's International Center for Dispute Resolution (120 Broadway, Floor 21, New York, NY 10271; Tels.: 212/484-4181, 212/716-5833; fax: 212/246-7264; www.adr.org).

3. Business Trips

It is important that the exporter presents itself in the United States well prepared. You should bring with you promotional material of good quality graphic and written in good English, price list in dollars, detailed information about your company – preferably in brochure form, and a good number of business cards, printed in English. If the exporter does not speak English, or has great difficulty communicating in the language, it is recommended to hire an interpreter with experience in foreign trade. The least recommended time for a business trip to the United States is the summer period (June, July, August), months when most people take a vacation, taking advantage of the school vacation period. You should also avoid traveling on dates close to the main national holidays (Independence, “Thanksgiving”, etc.). Attention is drawn to the observations contained in the Commercial practices item above, particularly with regard to scheduling meetings, which must be scheduled with reasonable advance, and attended to on time.

Entrepreneurs should pay attention to the security measures implemented at U.S. airports as a result of the 2001 terrorist attacks. It is recommended to request current information from the travel agent or local and US diplomatic representations before departure.

Additional information on market access and distribution channels can be requested directly from the representative and commercial bodies, who are also prepared to provide the following services. Those are organization of bodies to deal with matters of interest to the exporter, assistance that can be a source of commercial intelligence, support to the export effort and follow-up -up of business travel.

For the creation of this ebook, the guide **How to Export - United States**, from the Ministry of Foreign Affairs, available at the link:

<https://investexportbrasil.dpr.gov.br/arquivos/Publicacoes/ComoExportar/CEXEstadosUnidos.pdf>

