

Getting Started

The first step in the process of ensuring compliance with U.S. export/import controls is the determination of the jurisdiction and classification for the commodity/controlled information ("item") in question.

Generally, there are two categories of export-controlled items:

- **Items meeting the control criteria identified on the United States Munitions List are under the jurisdiction of the Department of State through the ITAR** - the USML is found in ITAR 121.1
- **Dual-use and less sensitive military items are under the jurisdiction of the Department of Commerce through the EAR** - those items identified on the Commerce Control List (CCL, Supplement No. 1 to Part 774)

Because the U.S. Government occasionally modifies the USML and/or CCL (i.e., Export Control Reform), these lists should be monitored to determine whether changes to your products/technologies' jurisdictional and classification determinations have occurred.

U.S. Export Controls Jurisdiction & Classification

ITAR

Always start with the International Traffic in Arms Regulations (ITAR) U.S. Munitions List (USML).

Step 1: Is the item enumerated in the USML or identified by name in a USML Category?

Examples:

- Category VIII(a)(2) Fighters, fighter bombers, and fixed-wing attack aircraft
- Category X(a)(1) Body armor providing a protection level equal to or greater than NIJ level IV
- Category XX(a)(3) Anti-submarine warfare vehicles

Note: **Specially Designed** is defined in 120.41 of the ITAR and needs to be analyzed whenever the term is utilized in a USML Category that could apply to the item in question.

Step 2: Is the item caught by a catch-all paragraph in a USML Category?

Examples:

- Category IV(h)(5) MANPADS grip stocks and specially designed parts and components therefore
- Category VII(g)(8) Gun mount, stabilization, turret drive, and automatic elevating systems, and specially designed parts and components therefore
- Category VIII(h)(5) On-aircraft arresting gear (e.g., tail hooks and drag chutes) and specially designed parts and components therefore

Item is under the jurisdiction of the ITAR within the USML category that enumerates it.

Item is under the jurisdiction of the ITAR within the USML category that captures it.

EAR

Move on to the Export Administration Regulations' Commerce Control List (CCL

Determine the Export Control Classification Number (ECCN) of the item.

Sample ECCN: CATEGORY: 1
PRODUCT GROUP: A
1A001 REASON FOR CONTROL: 001

Sample ECCN: CATEGORY: 5
PRODUCT GROUP: D
5D991 REASON FOR CONTROL: 991

Sample ECCN: CATEGORY: 9
PRODUCT GROUP: E
9E991 REASON FOR CONTROL: 991

Step 3: Identify CCL Category and then a Product Group

1. Identify CCL Category (Categories 0-9)

- **0** – Nuclear Materials, Facilities, and Equipment (and Misc. Items)
- **1** – Special Materials and Related Equipment, Chemicals, Microorganisms, and Toxins
- **2** – Materials Processing
- **3** – Electronics
- **4** – Computers
- **5 (Part 1)** – Telecommunications
- **5 (Part 2)** – Information Security
- **6** – Sensors and Lasers
- **7** – Navigation and Avionics
- **8** – Marine
- **9** – Aerospace and Propulsion

2. Identify CCL Product Group (Groups A-E)

- **A** – End-Items, Equipment, Accessories, Attachments, Parts, Components, and Systems
- **B** – Test, Inspection, and Production Equipment
- **C** – Materials
- **D** – Software
- **E** – Technology

Next, look to find the description of the item, down to the subparagraph level, within the ECCN. Start with 500 or 600 series reasons for control as these are the highest controlled items, then move from 001 through 999 by asking:

Step 4: Is item enumerated in a 500 or 600 series ECCN?

Start with subparagraph a through w, then y

Examples:

- 9A515 "Spacecraft" and related commodities
- 0A501 Firearms and related commodities
- 9E610.y Specific technology required for the production, development, operation, installation, maintenance, repair, overhaul, or refurbishing of commodities or software enumerated in ECCN 9A610.y or 9D610.y
- 9A610.y.1 Military Aircraft tires "specially designed" for a commodity subject to control in 9A610

Item is under the jurisdiction of the ITAR within the ECCN category that enumerates it.

Step 5: Is item caught by a catch-all paragraph of a 500 or 600 series ECCN?

i.e., the controlling paragraph contains the term **Specially Designed**

Examples:

- 0A501.x Firearms "parts" and "components" that are "specially designed" for a commodity classified under paragraphs .a through .c of this entry or the USML and not elsewhere specified on the USML or CCL
- 0A606.x "Parts," "components," "accessories," and "attachments" that are "specially designed" for a commodity enumerated or otherwise described in ECCN
- 0A606 or USML Category VII
- 9A604 d. "Components" "specially designed" for hybrid rocket motors controlled under USML Category IV usable in rockets, missiles, or unmanned aerial vehicles capable of a range equal to or greater than 300 km.software enumerated in ECCN 9A610.y or 9D610.y

Note: **Specially Designed** is defined in part 772 of the EAR and needs to be analyzed whenever the term is utilized in a CCL ECCN that could apply to the item in question. This is a slightly different definition than the **Specially Designed** definition in the ITAR.

Item is under the jurisdiction of the ITAR within the ECCN category that captures it.

Step 6: Is item enumerated in another ECCN starting with 001 series to 999 series ECCN?

Examples:

- 2B006 Dimensional inspection or measuring systems, equipment, position feedback units and "electronic assemblies"
- 6A102 Radiation hardened detectors, other than those controlled by 6A002, "specially designed" or modified for protecting against nuclear effects (e.g., Electromagnetic Pulse (EMP), X-rays, combined blast and thermal effects) and usable for "missiles," designed or rated to withstand radiation levels that meet or exceed a total irradiation dose of 5 × 105 rads (silicon)
- 9A004 Space launch vehicles and "spacecraft," "spacecraft buses," "spacecraft payloads," "spacecraft" on-board systems or equipment, terrestrial equipment, air-launch platforms, and "sub-orbital craft"

Item is under the jurisdiction of the EAR within the ECCN that enumerates it.

Step 7: Is item caught by a catch-all paragraph of another ECCN?

i.e., the controlling paragraph contains the term **Specially Designed**

Examples:

- 3A001.c Acoustic wave devices as follows and "specially designed" "components" therefor
- 8A992.f Vessels, n.e.s., including inflatable boats, and Specially Designed" "parts" and "components" therefor, n.e.s.
- 9A010 "Specially Designed" "Parts," "Components," Systems and Structures, for Launch Vehicles, Launch Vehicle Propulsion Systems or "Spacecraft"

Note: **Specially Designed** is defined in part 772 of the EAR and needs to be analyzed whenever the term is utilized in a CCL ECCN that could apply to the item in question. This is a slightly different definition than the **Specially Designed** definition in the ITAR.

Item is under the jurisdiction of the EAR within the ECCN that captures it.

Step 8: Item is under the jurisdiction of the EAR and is classified as "EAR99"

Note: Items not designated under the control of another federal agency or listed on the Commodity Control List (CCL) are classified as **EAR99** (Export Administration Regulations). **EAR99** items generally are low-technology consumer goods not requiring a license, however, there are some exceptions, i.e., denied parties or sanctioned destinations.

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