ASK THE TIC

EXPORT CONTROL CLASSIFICATION NUMBER - ECCN

by Luke Daniel Rollins, *Trade Information Center*

Q&A WHAT IS AN ECCN?

If a product is subject to the Export Administration Regulations (EAR), the federal regulations that specify which exports require a license from the Department of Commerce, it may require an export license. To determine if a license is needed to export your product, exporters must first determine whether an Export Control Classification Number (ECCN) fits their product. The Commerce Department's Bureau of Export Administration (BXA) has the licensing authority over the export and re-export of items considered to be "dual-use." Dual-use items generally have both commercial and military applications. These items are controlled to further the national security, foreign policy, and non-proliferation interests of the United States. The five character alpha-numeric ECCN identifies the technology level and the capabilities of an item which, in combination with the country of destination, customer, and the intended application determine if an export license is required for a specific transaction or whether an item can be exported without a license. The ECCN must be determined prior to shipment.

Once the ECCN has been identified, an exporter can consult the Commerce Control List (CCL) and the Country List, contained in the Export Administration Regulations, to find out if the product requires a license, why the product is controlled, and whether a license exception or NLR will apply.

Firms exporting products that are subject to EAR must apply for an export license, unless the transaction qualifies for a license exception or "No License Required" (NLR) treatment. When a Shippers Export Declaration (SED) is required for the export transaction (for shipments over $2,500 value, those requiring an export license or those going to countries that have been designated as terrorist supporting countries), the ECCN must be provided. If an export license is not required, then the NCR is entered on the SED unless the item is controlled for anti-terrorism or is EAR9.

Q&A HOW DO I GET AN ECCN?

There are several ways to determine the ECCN for your product:

- Contact the manufacturer, producer or developer of the product. If the item has been exported in the past, the producer may already know the ECCN or whether the item qualifies for a license exception.

- Consult the Export Administration Regulations (EAR), which can be found at the BXA website, www.bxa.doc.gov, and in most libraries, in the Code of Federal Regulations, 15CFR Parts 730-774. You can also connect directly to the EAR database at http://w3.access.gpo.gov/bxa/ear/ear_data.html. The Commerce Control List (CCL) is located within the EAR, Part 774, Supplement 1. Consult the CCL and determine your ECCN by finding the appropriate category and group that most accurately describe your product. Begin with a review of the general characteristics of your item, which will guide you to the appropriate section of the CCL. After you have identified the category and group, match the specific characteristics of your item to an ECCN. [Note: For ease of reference and classification purposes, items subject to the EAR which are not listed in the CCL under a specific ECCN are designated as EAR99]. (see more details on ECCN categories below)

- Request an official ECCN classification on the BXA Multipurpose Application form BXA-748P. Classification requests are processed within three to four weeks but vary on a case-by-case basis. Only typed original copies are accepted. Form BXA-748P can be obtained by contacting the BXA's Form Request Service at (202) 482-3332. Fax requests may be sent to (202) 219-9182. Include your name, address, telephone number and specify which forms are needed

  (If you need to request additional forms, use the address below and make the request to the Forms Distribution Unit)

  Mail your completed BXA-748P Form to:
  U.S. Department of Commerce,
  Bureau of Export Administration
  Office of Exporter Services
  P.O. Box 273, Washington, D.C., 20044.
  Attn: Classification Request

- Request an ECCN electronically through the Electronic Request for Item Classification (ERIC), which is available through the Electronic Licensing Application Information Network (ELAIN). Prior to submitting an electronic request, you must first obtain a PIN number. Information on all electronic services, including receiving a PIN, can be found on the BXA Website www.bxa.doc.gov, or by contacting the BXA Operations Support Division at (202) 482-3290.

After determining an ECCN you may apply for a license using the Simplified Network Application Process (SNAP) through which exporters can submit license applications directly to BXA via the Internet. Additional information on SNAP and how to request a PIN can be found on the BXA website, www.bxa.doc.gov/snap/default.htm. SNAP is a free service to the exporting community.

ARE THERE ANY REQUIREMENTS FOR CLASSIFICATION REQUESTS?

■ Each request is limited to five items. Exceptions may be made on a case-by-case basis for several related products if the relationship between the products is substantiated and documented.

■ Attach descriptive literature, brochures, technical papers or specifications to assist licensing officials in determining the correct ECCN.

■ On form BXA-748P, complete Blocks 1 through 5, Block 14, Block 22(b) (only if the item is a computer), Block 22(c), Block 22(i) and Block 22(j). If more space is needed for the technical description required in Block 22(j), use Appendix Form 748P-A for additional space. An attempt should be made to identify the item. Once completed, the form should be signed and submitted to BXA at the above address.

To submit the classification request or license application electronically, access the ELAIN or SNAP services via the BXA website or call the Export Counseling service at (202) 482-4811.

HOW DO I FIND MY PRODUCT ON THE COMMERCE CONTROL LIST (CCL)?

The CCL is divided into 10 categories. The first (numerical) character in the ECCN identifies the category within which the entry falls, for example: 3A001 is in Category 3, Electronics. The following is a list of CCL categories:

0 Nuclear Materials, Facilities and Equipment and Miscellaneous
1 Materials, Chemicals, Microorganisms, and Toxins
2 Materials Processing
3 Electronics
4 Computers
5 Telecommunications and Information Security;
6 Sensors
7 Navigation and Avionics
8 Marine
9 Propulsion Systems, Space Vehicles and Related Equipment.

Within each category, items are arranged by group. The second (alpha) character indicates under which of the five groups the item is listed, for example, 3A001 would be in group A, Equipment, Assemblies and Components. Each category contains the same five groups, which are:

A Equipment, Assemblies and Components
B Test, Inspection and Production Equipment
C Materials
D Software
E Technology

The remaining digits identify the reasons for control associated with the item. It is not essential that you be able to identify which reasons for control are associated with which digits. However, if interested, you can find an explanation in 738.2(d) of the EAR.

A brief description of the product is provided next to each ECCN. Following this description are the "License Requirements," "License Exceptions," and "List of Items Controlled" sections.

After you have determined where your product fits within the CCL, use the information in the "License Requirements" section to determine if a license is required. You also must check the Country Chart (Supplement 1 to Part 740 of the EAR) to ensure that a license is not required for shipments going to that country. It is possible that the product itself may not require a license, but due to the country of destination or enduser, the shipment may still need an export license.

For products that do require a license, the CCL also lists the reasons for control of the product: AT is Anti-Terrorism; CB is Chemical and Biological Weapons; CC is Crime Control; EI is Encryption Item; MT is Missile Technology; NS is National Security; NP is Nuclear Nonproliferation; RS is Regional Stability; SS is Short Supply; XP is High Level Computers; and SI is Significant Items.

WHERE CAN I GO FOR FURTHER ASSISTANCE?

For additional information concerning export licenses, determining an ECCN and/or filling out Form 748P, you may contact the BXA Office of Exporter Services, Outreach and Educational Services Division at (202) 482-4811, or by fax at (202) 482-3617. The BXA Western Regional Offices can be reached at (949) 660-0144 in Southern California or at (408) 271-7300 in Northern California.

Additional information on the ECCN can be found at www.bxa.doc.gov/factsheets/facts2.htm or in the July 2000 Export America article "Export Controls," http://trade-info.doc.gov. ■

The Trade Information Center (TIC) is operated by the International Trade Administration of the U.S. Department of Commerce for the 20 federal agencies comprising the Trade Promotion Coordinating Committee. These agencies are responsible for managing the U.S. Government's export promotion programs and activities. You, too, can "Ask the TIC" by calling 1-800-USA-TRAD(E) toll free, Monday through Friday, 8:30-5:30. Or visit the TIC's website at http://tradeinfo.doc.gov.