

HOW TO REQUEST AN EXPORT CONTROL CLASSIFICATION NUMBER (ECCN)

U.S. DEPARTMENT OF COMMERCE Bureau of Industry and Security Office of Exporter Services

The Commerce Department's Bureau of Industry and Security (BIS) has jurisdiction over the export and reexport of "dual-use" item (i.e., commodities, technology and software that have both military and civilian applications), and is responsible for advancing the national security, foreign policy, non-proliferation and economic interest if the United States.

Virtually all exports from the United States require some type of export authorization. These fall into three broad categories:

- *Export Licenses, which require Commerce Department written authorization prior to shipment;
- *License Exceptions, which do not require Commerce Department written authorization; and
- *No license Required (NLR), for exports for which no license is required.

In order to ascertain whether an export license is required, a license exception is available or no license is required, exporters first need to classify the item(s) to be exported by determining the **Export Control Classification Number (ECCN)**. Once the ECCN has been identified, the exporter can determine why BIS controls the product, which countries require an export license, and which license exceptions may apply.

WHAT IS AN ECCN?

The Export Control Classification Number (ECCN) categorizes items based on the type of commodity, technology or software and their technical parameters. It is an alphanumeric designation (i.e., 1A984 or 4A001) used in Commerce Control list (CCL) to identify items for export control purposes.

An ECCN is different from a Schedule B number, which is used by the Census Bureau to collect trade statistics. It is also different from the Harmonized Tariff System Nomenclature, which is used to determine import duties.

PROCEDURES FOR DETERMINING THE ECCN OF YOUR PRODUCT

There are three ways to determine an Export Control Classification Number (ECCN) on the Commerce Control List (CCL):

Go to the source: Contact the manufacture, producer or developer to see if they have a current classification number for the item. If the item has been exported in the past, they may know the ECCN.

Self-Classify: In order to classify your item against the Commerce Control List (CCL), you should begin with a review of the general characteristics of your item. This will usually guide you to the appropriate category on the CCL. The CCL is divided into 10 major categories. The first number of the ECCN indicates that the category is (i.e., 1=Materials, Chemicals, "microorganisms" and Toxins or 4= Computers). Each of the 10 categories is divided into five groups. The product groups are A: Systems, Equipment; C: Materials; D: Software and E: Technology. This is the second digit of the ECCN.

Once the appropriate category and product group are identified, you should match the particular characteristics and functions of your item to a specific ECCN. If the ECCN contains a list under the "Items" heading, you should review the list to determine within which subparagraph(s) your item is identified.

At the end of each category, there is a designation of EAR99. EAR99 serves as a "basket" for items subject to the EAR that are not elsewhere controlled by any category in the CCL. If you are unable to find a specific listing for your item, and it is subject to the EAR, then it will fall in the heading "EAR99". If this is where your product falls, then no license is required under most circumstances and you would indicate the designation NLR (No License Required) on your Shipper's Export Declaration (SED). There are important limitations on the use of EAR99 which are described in General Prohibitions 4-10 of the EAR part 736.

Official Request to BIS: If the first two procedures are non-conclusive, you may request an official classification form BIS using the electronic licensing system, SNAP-R (Simplified Network Application Process Redesign), or using the multipurpose application form BIS-748P.

The quickest way to request an ECCN is electronically through SNAP-R. You must obtain a PIN number prior to submitting an electronic request. For further information regarding SNAP-R and PINs, visit our website at www.bis.doc.gov or contact the Outreach and Educational Services Division at (202) 482-4811.

Form BIS-748p may be obtained by contracting BIS's form request service at (202) 482-3332. You may also fax your request for forms to (202) 219-9179. Please include your name, address, telephone number and specify which forms are needed.

INSTRUCTIONS FOR SUBMITTING CLASSIFICATION REQUESTS

On the form BIS-748P, complete: Blocks 1 through 5, Block 14, Block 22(a), Blocks 22(b), if appropriate, and block 22(i), and (j). If more space is needed for the technical description required in Block 22(j), use the item appendix form BIS-748-A for additional ECCNs. Block 24 should be used to support the proposed ECCN by describing the item in question in the terms of the ECCN control parameters. In the event that there are multiple items, each must be supported by describing them in terms of the control parameters of the relevant ECCN(s). Once completed, the form should be signed (Block 25) and submitted to BIS.

Send your completed form BIS-748P to one of the following addresses:

Office of Export Services
P.O. Box 273
Washington, D.C. 20044
Attn: Classification Request
Or by courier to (Recommend)

Office of Exporter Services
14th St. and Pennsylvania Ave., NW
Room 2705
Washington, D.C. 20230
Attn: Classification Request

ADDITIONAL GUIDELINES FOR REQUESTING AN ECCN FROM BIS

The guidelines below identify some common problems with or omissions from commodity classification requests and suggest steps you should take to avoid them.

1. **If a commodity classification request is related to a previous classification by the Bureau of Industry and Security (BIS), please indicate the "CCATS" (Commodity Classification Automated Tracking System) number of the previous classifications. This number begins with a "G."** Put this information in Block 24. This will speed up processing.
2. **Identify the item to be classified by model or part number.** Note that most technology is controlled based on the resulting hardware. If your item is "development," "production" or "use" data it will be necessary to describe the related end-item hardware. Also, when describing the technology address the General Technology Note in Supplement 2 to Part 774.
3. **Review the Commerce Control List (section 774 Supplement 1) to identify (approximately) the ECCN or ECCNs that seem to be appropriate.** Try to describe your item/technology in the control parameters used in the CCL entries. Before BIS can confirm the classification of your item/technology, it will be necessary to compare the parameters of your item with the control list. If the parameter information is not provided with the application, we will request that you provide the information. We cannot complete the application without this information. Any delay in providing the information will delay the completion of your application.
4. **Pictures, sales brochures, catalogues, and other descriptive information are often useful in classifying the product but they do not take the place of the information noted above.** Sales literature is often prepared for reasons other than a classification. If the pictures, sales brochures, etc., do not cover all of the relevant parameters, please supplement with additional data necessary to complete the description. BIS must have information on all the relevant parameters contained in an ECCN in order to complete the classification of an item.
5. **Classification requests must be limited to six items.** (See section 748.3 of the Export Administration Regulations). The item requested should be described with a recommended classification- ECCN- in block 22 of the BIS-748P Multipurpose Application Form. If there are multiple items, they should be individually listed with the first being listed in Block 22 of the BIS-748P and items 2 thru 6 being listed on BIS-748P-A

Item Appendix Form. These forms are optically scanned into BIS's system. Items listed in Block 22 of both the BIS-748P and BIS-748P-A is entered individually and allows the reviewer to classify each item. If multiple items are contained in a single Block 22 description, it is more difficult to tie the classification to the individual model numbers. If the number of items to be classified exceeds six, the additional items will not be classified unless you have received prior written approval from BIS.

6. **If you submit your requests electronically using SNAP-R, be sure that the submission adequately describes your product (see 1 and 2 above).** If it is not possible to include the relevant information in the electronic submission, then note in Block 24, "additional information," where BIS can get the additional hard copy information (i.e. web site, company representative's telephone number, etc.). If the supporting documentation is submitted by fax (use the following number, please: 202-219-9179 or x9182), be sure that the documentation is clearly identified with the "Z" Application Control Number (ACN). BIS will call to request missing data. Please note that BIS will return the application without action if missing data is not provided in a timely fashion.
7. **Make sure that your submission substantiates that the item, technical data or software is subject to the EAR (see section 734.3).** BIS will only classify those items that are subject to the EAR. If you are not sure that your item is subject to the EAR you should try to resolve this question before making submission to the Commerce. Your submission should, if applicable, address the following issues and how they have been resolved:
 - Direct products of U.S. origin technical data (see section 734.3(a) (4) and foreign products that have U.S. content (see section 734.4) may be subject to the EAR and are appropriate to classify. If such a classification is requested, it will be necessary to establish on what basis the item is subject to the EAR. Keep in mind that if such an item is in the United States it is subject to the EAR (see section 734.3(a) (1) despite any technical data or de minimis considerations.
 - If it is your intention to make the technical data or software "publicly available" (see section 734.3 (b) (3), then there is no need to request a classification as "publicly available" data or software is not subject to the EAR unless it is encryption software described in ECCN 5D002 (see Encryption for more information). Supplement 1 to section 734 provides additional guidelines on "publicly available" criteria.
 - Other agencies such as the Department of State and Energy, the Nuclear Regulatory Commission, and the Patent and Trademark Office all have jurisdiction over certain items. BIS cannot classify those items. Consult section 734.3 (b) for more information. If you have been informed by another agency that commerce has jurisdiction over your item, please provide that the information (such as a Commodity Jurisdiction number from State) in your application.

QUESTIONS?

The office of Exporter Services (OExS) is responsible for responding to inquiries from the exporting community and participating in seminars and other outreach efforts to help exporters understand and comply with the EAR. OExS cannot provide official classification determinations by phone. However, export councilors can guide you through the classification process.

If you have additional questions and concerns on determining an ECCN and/or filling out Form BIS-748P or your SNAP applications, you may contact the Outreach and Educational services Division on the numbers listed below.

OFFICE OF EXPORTER SERVICES (OExS)
Outreach and Educational Services Division
Room 1099D
14th St. & Pennsylvania Ave., NW
Washington, D.C. 20230
Office: (202) 482-4811
Fax: (202) 482-2927