



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

October 31, 2008



Dear [REDACTED]:

This letter is in response to your letter dated October 2, 2008 in which you ask for an advisory opinion concerning the clarification of the term "body armor" as it relates to stabbing weapons. Your request asks if Export Control Classification Number (ECCN) 1A005 in the Export Administration Regulations (EAR), which places National Security (NS2), United Nations Embargo (UN), and Anti-Terrorism (AT1) controls on body armor, includes body armor that provides protection to the wearer against non-ballistic threats such as stabbing weapons.

ECCN 1A005 does not set a minimum level of protection that body armor must provide to be controlled. It does specify in the Related Controls section that body armor meeting NIJ protection levels III and IV are subject to the licensing authority of the Department of State. Therefore, the U.S. Department of Commerce considers body armor that does not meet the State Department criteria, but that provides protection to the wearer against non-ballistic threats, such as stabbing weapons, to be a classified commodity under ECCN 1A005. As such, these commodities are subject to National Security (NS2), Anti-Terrorism (AT1) and/or United Nations Embargo (UN) controls as described in part 742 of the EAR and a license may be required to export or reexport them. Please note that these commodities may be eligible for License Exception GBS, as described in § 740.4 of the EAR.

In rendering this opinion, BIS has relied upon information and representations included in your letter dated October 2, 2008. Any deviation from the factual circumstances as stated in this opinion may necessitate different regulatory obligations, including possible additional licensing requirements, for you. If you have any questions concerning this advisory opinion, please contact Mr. Robert Teer of the Office of National Security and Technology Transfer Controls, at (202) 482-4749.

Sincerely,

Brian A. Baker
Acting Director
Deemed Exports and Electronics Division
Office of National Security and
Technology Transfer Controls

