



How to Determine Whether or Not You Need a License for Your Export (Instructions for completing the ‘License requirement’ box in your shipping carrier’s form.)

BEFORE YOU START:

1. Census Bureau = trade statistics and AES filing. AES codes and Schedule B numbers **are not related to** Export Control Classification Numbers (ECCNs) under the Export Administration Regulations (EAR).
2. You, as the exporter, have the primary responsibility to ensure the export complies with the EAR. Sending **gifts, donations, and small items is considered an export.**
3. **Verify that your export does not involve prohibited/restricted end uses/users, activities or destinations** (under parts 736, 744, or 746 of the EAR <https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear>). Please note there are special regulations for sanctioned countries.
4. **Screen the parties to your transaction** using the Consolidated Screening List (<https://www.export.gov/csl-search>).

Step 1.	Determine which agency regulates your item:	<p>1) Your item could be “not subject” to the EAR, either because:</p> <p>a) It is regulated by another agency – the State Department regulates items for military use and some items are controlled by the Department of Energy, Agriculture, etc.; <u>or</u></p> <p>b) It is not subject to any regulations (for example, published books).</p> <p>2) Your item could be subject to the EAR (and may or may not require a license):</p> <p>a) If it is on the Commerce Control List (CCL), classified in a specific Export Control Classification Number (ECCN); <u>or</u></p> <p>b) Designated EAR99 (for example, clothes purchased at a department store).</p> <p>The EAR regulate dual-use, commercial, and some military items not covered by another agency, and are administered by the U.S. Department of Commerce, Bureau of Industry and Security.</p>
Step 2.	If your item is subject to the EAR, determine how your item is classified:	<p>To determine your ECCN or if your item is EAR99, you can:</p> <ul style="list-style-type: none"> ▪ ask the manufacturer (but verify that the ECCN is correct, see <u>Step 2a)</u>; <u>or</u> ▪ self-determine through the BIS website (see <u>Step 2a)</u>; <u>or</u> ▪ request a BIS classification; depending on the item, takes about 15-30 days (see <u>Step 2b)</u>

For classification help, please visit www.bis.doc.gov

<u>Step 2a.</u> – Self classification	<u>OR</u> ⇔	<u>Step 2b.</u> – Request a formal classification
<p>A. At www.bis.doc.gov, go to the blue ‘Regulations’ tab and choose the first item on the drop-down menu ‘Export Administration Regulations’.</p> <p>B. In the table of ‘Downloadable Files’, review categories 0-9 (the Commerce Control List). If your item matches the description/specifications of an ECCN entry, follow the steps in EAR Part 732, or call BIS for assistance (202-482-4811).</p> <p>C. If you are certain your item is subject to the EAR but is NOT described on the Commerce Control List, your item is designated EAR99.</p> <p>D. If your item is EAR99, you can export it without a license (‘NLR’ for ‘no license required’ in the carrier form), UNLESS your export involves prohibited/restricted activities, end users/uses, or destinations.</p>		<p>A. Go to ‘Licensing’ and choose the first item on the drop-down menu ‘SNAP-R’, and register your person or company.</p> <p>B. You will receive a message to verify your email; please confirm it.</p> <p>C. You will receive an email with your CIN (Company Identification Number), with which you will set up your personal account (create your own Log-in and Password). Other employees in your company can set up their own accounts under the same CIN.</p> <p>D. Sign in to your account and “Create a Work Item”, which in this case is a ‘Classification Request’.</p> <p>You should submit/attach the technical specifications and any descriptive literature and brochures for your product.</p>

Please note that the exporter is responsible for proper due diligence, and for exporting in accordance with the EAR. The exporter is liable for non-compliance.

BEFORE YOU EXPORT* YOUR PACKAGE:

(*Sending **gifts, donations, and small items is considered an export**)

REVIEWING END USERS AND END USES

Certain individuals and organizations are prohibited from receiving U.S. exports or reexports. Others may only be able to receive items under a license, even if a license would not ordinarily be required. See the BIS website on screening parties to your transaction using the U.S. Government's **Consolidated Screening List** (<https://www.export.gov/csl-search>).

Some end uses are prohibited. See Part 744 of the EAR.



WHO WE ARE:

Bureau of Industry and Security, U.S. Department of Commerce

MISSION: The Bureau of Industry and Security (BIS) advances U.S. national security, foreign policy, and economic objectives by ensuring an effective export control and treaty compliance system and promoting continued U.S. strategic technology leadership.

BIS is responsible for implementing and enforcing the EAR, which primarily regulate the export and reexport of commercial items and less sensitive military items.

AUTHORITY: The Export Control Reform Act (ECRA) of 2018, Title XVII, Subtitle B, Pub. L. 115-232.

WHAT DO WE REGULATE?

- Dual-use items – items that have both commercial and military or proliferation applications.
- Less sensitive military items – military items that do not provide the U.S. with a critical military or intelligence advantage.
- Purely commercial items – items that do not have a military or proliferation application may also be subject to licensing requirements in certain situations.

NEED ASSISTANCE?

Export Administration counseling:

- ▶ Washington, D.C. (202) 482-4811
- ▶ Southern California (949) 660-0144
- ▶ Northern California (408) 998-8806
- ▶ ecdoexs@bis.doc.gov

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