

# Do I Need an Export License?

Introduction to Export Controls  
under the  
Export Administration Regulations  
(EAR, 15 CFR parts 730-774)



U.S. DEPARTMENT OF COMMERCE  
BUREAU OF INDUSTRY AND SECURITY

# Which Agencies Have Export Control Functions?



- State/DDTC administers defense articles export controls under the International Traffic in Arms Regulations (ITAR)
- Embassies conduct visa interviews



- BIS administers the Export Administration Regulations (EAR): dual-use and some munitions/military export controls



- Office of Foreign Assets Control (OFAC) for sanctions

Other agencies include the Nuclear Regulatory Commission and the Department of Energy.



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New to the EAR?

Start here at:

[www.bis.doc.gov](http://www.bis.doc.gov)

Exporter Portal

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### Exporter Portal

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Classification information table  
List provided by companies  
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# Basics of Licensing Requirements

What are  
you  
Exporting?

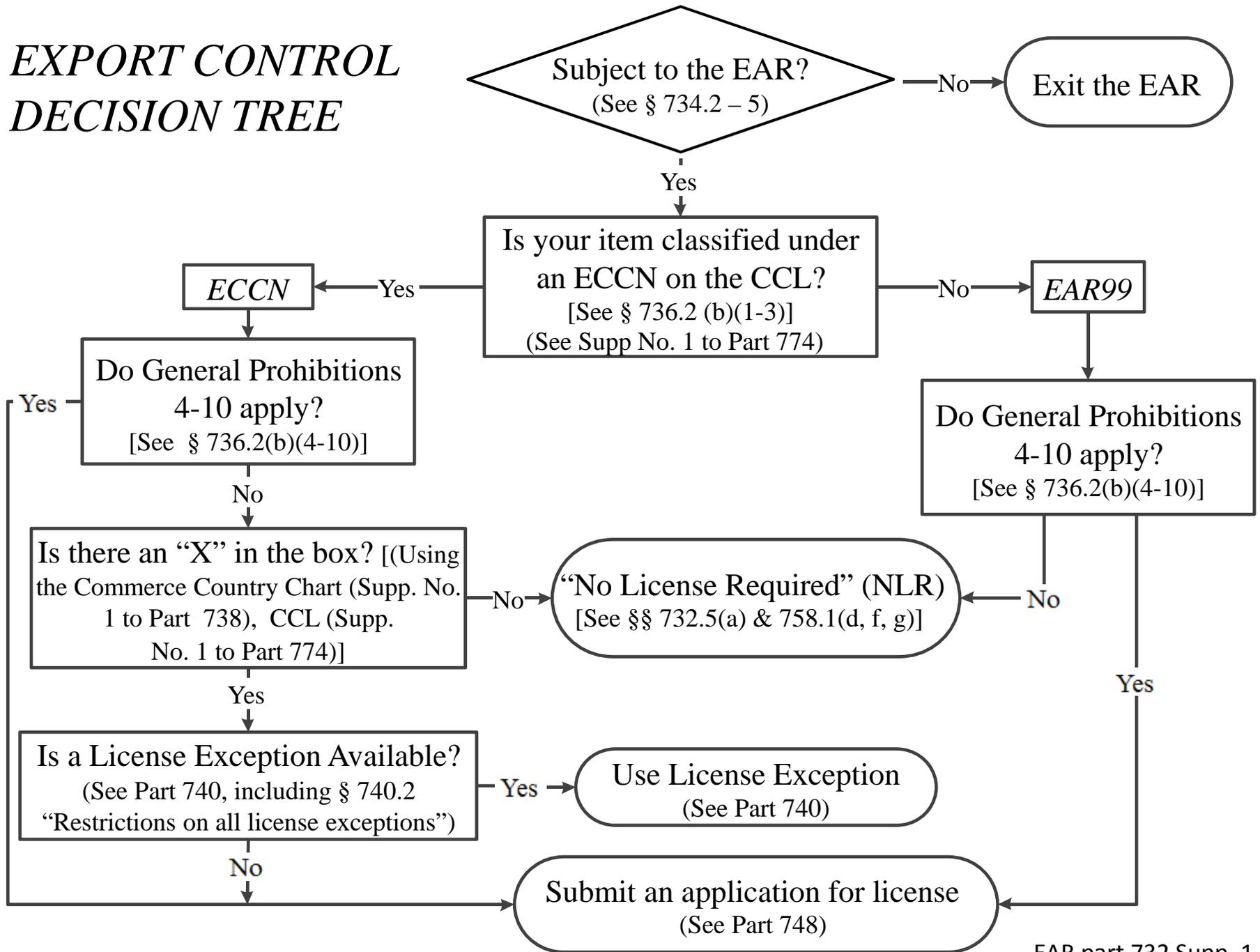
Where is it  
Going?

Who is  
Receiving  
It?

What is  
the End  
Use?



# EXPORT CONTROL DECISION TREE



# What is an ECCN?

Export Control Classification Number on the Commerce Control List

1

C

350

1

- Category

C

- Product Group

350

- Type of Control

Subject to the EAR but not listed on the CCL = EAR99



# Decision Tree Tools

<http://www.bis.doc.gov/index.php/2012-03-30-17-54-11/2013-02-15-13-50->



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## Reform

- Reform
- Export.Gov
- ECR Teleconference
- Decision Tree Tools
- ECR FAQs

## Decision Tree Tools

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### Details

#### CCL Order of Review

The CCL Order of Review Decision Tool will assist users in understanding the steps to follow in reviewing the Commerce Control List when determining the classification of their item. (See Supplement No. 4 to part 774 of the EAR)

#### Specially Designed

The "Specially Designed" Decision Tool will assist users in determining if an item is "specially designed" under the Export Administration Regulations. (See § 772.1 of the EAR)

#### STA

The Strategic Trade Authorization (STA) tool will help you determine if your item is eligible for License Exception STA (§ 740.20 of the EAR) and if you are prepared to meet the compliance requirements of License Exception STA.

Note: The STA tool is now updated for the 600 series and 9x515 ECCNs.

#### De minimis & Direct Product Rules

This tool will help you determine if your non-U.S.-made item, which is located outside the U.S., is subject to the EAR.

# Licensing Requirements due to a Country Sanction

- Comprehensive Embargo
  - Iran – § 746.7 & § 742.8
  - Cuba – § 746.2
- Sanctioned
  - Sudan – § 742.10
  - Syria – § 746.9 & Supp. No. 1 to part 736
  - N. Korea – § 746.4 & § 742.19
  - Russian Industry Sector Sanctions – § 746.5
  - Crimea region of Ukraine – § 746.6
- UN Arms Embargo – § 746.1(b)
- Iraq – § 746.3

**General Prohibition 6, part 736**



# Know Your Customer: Screen

The screenshot shows the export.gov website in an Internet Explorer browser window. The address bar displays the URL https://www.export.gov/arti... and the page title is "8-Consolidated Screening List | export.gov - Internet Explorer". The website header includes the "export.gov" logo with the tagline "Helping U.S. Companies Export", a search box, and a "Log In" link. A navigation menu contains links for "How to Export", "Customized Services", "Market Intelligence", "Events", "Trade Problems", "FAQs", "Boards", and "About Us". Below this is an "Export Education" section with an "EXPAND" button and a list of topics: "Export Education", "Product Preparation", "Finding Foreign Markets", "Logistics", "Financial Considerations", and "Legal Considerations". The "Legal Considerations" sub-menu is expanded, showing "Intellectual Property", "Legal Issues", "Regulations - US", "1-Regulations", "2-Export Licenses", "3-Dual Use Export Licenses", "4-Export Control Regulations", "5-Export Control Reform", and "6-Defense Controls &". The main content area features the heading "8-Consolidated Screening List" and a paragraph explaining that the Consolidated Screening List (CSL) is a list of parties for which the United States Government maintains restrictions on certain exports, reexports or transfers of items. It also mentions that links to the CSL search engine, downloadable CSL files, and the CSL Application Programming Interface (API) are available under the "Tools" section. A "Last Published: 2/27/2018" date is noted. Another paragraph repeats the definition of the CSL. Below this, it states "Below, under 'Tools' are links to:" followed by a list: "CSL search engine", "Downloadable CSL files", and "CSL Application Programming Interface (API)". A final paragraph states that these are a consolidation of multiple export screening lists of the Departments of Commerce, State and the Treasury and may be used as an aid to industry in conducting electronic screens of potential parties to regulated transactions.

export.gov/Legal-Considerations

# Licensing Requirements due to end use/end user controls

- End-use/end-user controls are in part 744 of the EAR.
  - Prohibited end-uses
  - Restrictions on certain ‘military end uses’ in the PRC or for a ‘military end use’ or ‘military end user’ in Russia or Venezuela (§ 744.21)
    - Supplement No. 2 to part 744 – List of Items Subject to the Military End-Use License Requirement of § 744.21

**General Prohibition 5, part 736**



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# Tips for the Commerce Control List

- The Order of Review requires you to first confirm your item is not controlled under the International Traffic in Arms Regulations (ITAR).
- There is an Alphabetical Index to the Commerce Control List (CCL) – only on the BIS website; not exhaustive
- Licensing requirements beyond the CCL: based on destinations, parties to the transaction, activities, and knowledge of the end-use/end-user.
  - Check licensing requirements for sanctioned countries: General Prohibition 6, EAR part 736.
  - See “Know Your Customer” and “Red Flags” guidance (EAR part 732, Supplement 3)
  - Check licensing requirements based on end-use/end-user: General Prohibition 5, EAR part 736 and part 744.



# Contact Information

- Office of Exporter Services:

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- Encryption Help Line: (202) 482-0707
- Export Enforcement Hotline: 1-800-424-2980

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<https://www.export.gov/Legal-Considerations>

