

**Complete list of Key terms used in the  
De minimis/Direct Product Decision Tool**

(as modified on 11 April 2018)

**.y Item** – Subparagraph .y of a “600 series” or 9x515 Export Control Classification Number (ECCN). Items in a .y paragraph only require a license to Country Groups E:1, E:2 and China. See Supplement No. 1 to part 740 for the Country Groups.

**0A919** – “Military commodities” located and produced outside the United States that are not subject to the International Traffic in Arms Regulations (22 CFR parts 120-130) and having any of the following characteristics:

1. Incorporate more than a de minimis amount of U.S.-origin controlled content classified under ECCNs 6A002, 6A003, 6A990, or 6A993.a (having a maximum frame rate equal to or less than 9 Hz and thus meeting the criterion of Note 3.a to 6A003.b.4);
2. Incorporate more than a de minimis amount of U.S.-origin “600 series” controlled content (see §734.4 of the EAR); or
3. Are direct products of U.S.-origin “600 series” technology or software (see § 736.2(b)(3) of the EAR).

**600 series** – Export Control Classification Numbers (ECCNs) in the “xY6zz” format on the Commerce Control List (CCL) that control items on the CCL that were previously controlled on the U.S. Munitions List or that are covered by the Wassenaar Arrangement Munitions List (WAML). The “6” indicates the entry is a munitions entry on the CCL. The “x” represents the CCL category and “Y” the CCL product group. The “600 series” constitutes the munitions ECCNs within the larger CCL.

**9x515** – 9x515 Export Control Classification Numbers (ECCNs) (the “x” representing any of the product groups A, B, C, D or E) describe "spacecraft," related items, and some radiation-hardened microelectronic circuits that were once subject to the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130) and United States Munitions List Category XV. Just as the ITAR effectively trumps the Export Administration Regulations, items described in a 9x515 ECCN or "600 series" ECCN trump other ECCNs on the Commerce Control List.

**Commerce Control List (CCL)** – A list of items under the export control jurisdiction of the Bureau of Industry and Security, U.S. Department of Commerce. Note that certain additional items described in part 732 of the EAR are also subject to the EAR. The CCL is found in Supplement No. 1 to part 774 of the EAR.

**Commodity** – Any article, material, or supply except technology and software.

**Controlled Content** – U.S. origin content that has a license requirement to the intended export destination of the non-U.S.-made item. Controlled Content does not include items that may be exported to the intended destination under the designation of “No License Required” or under License Exception GBS (see § 740.4 of the Export Administration Regulations).

**Country Groups** – For export control purposes, foreign countries are separated into five country groups designated by the symbols A, B, C, D, and E. (see Supplement No. 1 to part 740 of the EAR for a list of countries in each Country Group).

***De minimis*** – *De minimis* rules are used to establish when a non-U.S.-made item is not subject to the Export Administration Regulations because it incorporates U.S. origin controlled content and the percentage of the dollar value of the U.S. content compared to the total dollar value of the non-U.S.-made item falls below a set percentage found in § 734.4 of the Export Administration Regulations (EAR).

***De minimis* percentage** – To calculate the *de minimis* percentage you divide the dollar value of the U.S.-origin controlled content by the dollar value of the non-U.S.-made item and then multiply by 100. You may not use a discounted value that is given to special customers. You may use a regional cost for either the U.S.-origin or non-U.S.-origin item. If you include shipping or insurance fees in the cost of the U.S. item, you must also include those fees in the non-U.S.-made foreign product cost.

**Example** – U.S. origin controlled microchip \$40, U.S. origin controlled transistor \$10 and the non-U.S.-made product’s total dollar value is \$450.

$$\frac{\$50 \text{ (total of all US origin control content)}}{\$450 \text{ (non-U.S.-made product)}} \times 100 = 11\%$$

**Direct product** – In the context of the Direct Product Rule, a non-U.S.-made product produced directly from certain U.S. origin technical information specified in § 736.2(b)(3) of the Export Administration Regulations (Title 15 parts 700-799 of the U.S. Code of Federal Regulations).

Non-U.S.-made items may be subject to the Export Administration Regulations (EAR) because they are being exported to certain destinations and are produced from certain U.S. origin technical information or from a plant or major component of a plant made from certain U.S. origin technical information specified in § 736.2(b)(3) of the EAR.

**Export Control Classification Number (ECCN)** – The numbers used in Supplement No. 1 to part 774 of the EAR and throughout the EAR. An Export Control Classification Number is a five character classification code used in the Commerce Control List (CCL) to identify items for export control purposes. The ECCN consists of a set of digits and a letter. Items generally listed in terms of technical parameters. ECCN identifies "Reason For Control" – e.g. national security (NS), nuclear proliferation (NP), anti-terrorism (AT), missile technology (MT), etc. Reference §738.2(d) of the EAR for a complete description of each ECCN's composition.

**Item** – This term refers to commodities, software, and technology. When the EAR intend to refer specifically to commodities, software, or technology, the text will use the specific reference.

**License Exception** – An authorization described in part 740 of the EAR that allows you to export or reexport, under stated conditions, items subject to the EAR that otherwise would require a license. Unless otherwise indicated, these License Exceptions are not applicable to exports under the licensing jurisdiction of agencies other than the Department of Commerce.

**Non 600 series item** – An item classified under an Export Control Classification Number (ECCN) that does not have a "6" as the third digit.

**Non-9x515** – An item that is not a “spacecraft” or related commodities and classified on the Commerce Control List (Supplement No. 1 to part 774) of the Export Administration Regulations (Title 15 parts 700-799 of the U.S. Code of Federal Regulations) under one of the following Export Control Classification Numbers (ECCN) 9A515, 9B515, 9D515 and 9E515.

**Non- see-through carve-out Item** – An item that is not an article described on the U.S. Munitions List (22 CFR part 121) that pursuant to a specific carve-out note are subject to the EAR when, prior to export, reexport, retransfer, or temporary import, they are integrated into and included as an integral part of an item subject to the EAR. See-through carve-out items are always considered controlled content for purposes of the *de minimis* rule.

- USML Category VIII (h)(3)-(5), (7), (14), (17) or (19) when incorporated into a 9A610 military aircraft
- USML Category XV (e) when incorporated into an item subject to the EAR
- USML Category XIX(d) when incorporated into a 9A610 military aircraft

**Non-U.S.-made item** – An item produced outside the United States.

**Reason for control** – Pursuant to § 738.2(d)(2)(ii)(A), in an Export Control Classification Number (ECCN), under the License Requirements section, there is a paragraph called “Reasons for Control” that lists all the possible reasons that an item may be control in the order of highest control to lesser controls. The exact reason for control depends on which subparagraph the item is classified and the country it will be exported or reexported and is determined by the License Requirements paragraphs in the License Requirement section and the Commerce Country Chart (Supplement No. 1 to part 738 of the EAR).

**See-through carve-out item** - Articles described on the U.S. Munitions List (22 CFR part 121) that pursuant to a specific carve-out note are subject to the EAR when, prior to export, reexport, retransfer, or temporary import, they are integrated into and included as an integral part of an item subject to the EAR. These items are always considered controlled content for purposes of the *de minimis* rule.

- USML Category VIII (h)(3)-(5), (7), (14), (17) or (19) when incorporated into a 9A610 military aircraft
- USML Category XV (e) when incorporated into an item subject to the EAR
- USML Category XIX(d) when incorporated into a 9A610 military aircraft

**Software** – A collection of one or more “programs” or “microprograms” fixed in any tangible medium of expression.

**Subject to the EAR** – A term used in the EAR to describe those commodities, software, technology, and activities over which the Bureau of Industry and Security (BIS) exercises regulatory jurisdiction under the EAR (see §734.2(a) of the EAR).

**Technology** –Information necessary for the “development”, “production”, “use” operation, installation, maintenance, repair, overhaul, or refurbishing (or other terms specified in ECCNs on the CCL that control “technology” of an item.

*N.B.: Controlled “technology” is defined in the General Technology Note and in the Commerce Control List (Supplement No. 1 to part 774 of the EAR).*

***Note 1 to definition of “Technology”:** “Technology” may be in any tangible or intangible form, such as written or oral communications, blueprints, drawings, photographs, plans, diagrams, models, formulae, tables, engineering designs and specifications, computer-aided design files, manuals or documentation, electronic media or information revealed through visual inspection;*

***Note 2 to definition of “Technology”:** “The modification of the design of an existing item creates a new item and technology for the modified design is technology for the development or production of the new item.*

**U.S. Origin** – An item produced, refurbished, assembled, or upgraded in the United States.