Complete list of *Key terms* used in the "Specially Designed" Decision Tool

600 series – 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.

Accessories – These are associated items for any "component," "end item," or "system," and which are not necessary for their operation, but which enhance their usefulness or effectiveness. For example, for a riding lawnmower, "accessories" and "attachments" will include the bag to capture the cut grass, and a canopy to protect the operator from the sun and rain. For purposes of this definition, "accessories" and "attachments" are the same.

Attachments – These are associated items for any "component," "end item," or "system," and which are not necessary for their operation, but which enhance their usefulness or effectiveness. For example, for a riding lawnmower, "accessories" and "attachments" will include the bag to capture the cut grass, and a canopy to protect the operator from the sun and rain. For purposes of this definition, "attachments" and "accessories" are the same.

Catch-all – A 'catch-all' paragraph is one that does not refer to specific types of "parts," "components," "accessories," or "attachments" but rather controls non-specific "parts," "components," "accessories," or "attachments" because they were "specially designed" for an enumerated item. For example, ECCN paragraph 9A610.x is a catch-all, because it controls "parts," "components," "accessories," and "attachments" "specially designed" for military aircraft, but does not identify specific types of "parts," "components," "accessories," or "attachments" within its control. Another example of a 'catch-all' is the heading of 7A102, which controls "specially designed" components for the gyros enumerated in 7A102, but does not identify the specific types of "components" within its control.

Commerce Control List (CCL) - A list of item s under the export control jurisdiction of the Bureau of Industry and Security, U .S. Department of Comm erce. 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.

CCATS – This acronym stands for Commodity Classification Automated Tracking System (CCATS) number. BIS assigns each of its commodity classifications a CCATS number. You may ask BIS to provide you with the correct Export Control Classification Number (ECCN) down to the paragraph (or subparagraph) level, if appropriate. BIS will issue you a

determination that each item identified in your classification request is either described by an ECCN in the Commerce Control List (CCL) in Supplement No. 1 to Part 774 of the EAR or not described by an ECCN and, therefore, an "EAR99" item. These classification determinations issued by BIS are not U.S. Government determinations that the items described therein are "subject to the EAR," as this term is defined in §734.3 of the EAR.

Component – This is an item that is useful only when used in conjunction with an "end item." "Components" are also commonly referred to as assemblies. For purposes of this definition an assembly and a "component" are the same. There are two types of "components": "major components" and "minor components." A "major component" includes any assembled element which forms a portion of an "end item" without which the "end item" is inoperable. For example, for an automobile, "components" will include the engine, transmission, and battery. If you do not have all those items, the automobile will not function, or function as effectively. A "minor component" includes any assembled element of a "major component." "Components" consist of "parts." References in the CCL to "components" include both "major components" and "minor components."

Decontrols - The CCL also contains notes excluding from control "parts" and "components" "specially designed" for uncontrolled items. Such uncontrolled items are merely 'described' and are not 'enumerated.' Note 2 to ECCN 1A002 is an example of items excluded from control based on being "specially designed" for a 'described' item.

Development - (General Technology Note)--"Development" is related to all stages prior to serial production, such as: design, design research, design analyses, de sign concepts, assem bly and testing of prototypes, pilot production schem es, design data, process of transform ing design data into a product, configuration design, integration design, layouts.

EAR99 – Items subject to the EAR that are not elsewhere specified in this CCL Category or in any other category in the CCL are designated by the number EAR99.

End-item - This is a system, equipment or assembled commodity ready for its intended use. Only ammunition, fuel or other energy source is required to place it in an operating state. Examples of end items include ships, aircraft, computer, firearms, and milling machines.

Enumerated - 'Enumerated' refers to any item (i) on either the USML or CCL not controlled in a 'catch-all' paragraph and (ii) when on the CCL, controlled by an ECCN for more than Anti-Terrorism (AT) reasons only. An example of an 'enumerated' ECCN is 2A226, which controls valves with the following three characteristics: a "nominal size" of 5 mm or greater; having a bellows seal; *and* wholly made of or lined with aluminum, aluminum alloy, nickel, or nickel alloy containing more than 60% nickel by weight.

Equivalent - With respect to a commodity, 'equivalent' means that its form has been modified solely for 'fit' purposes.

Export Control Classification Number (ECCN) - The numbers used in Supplem ent No. 1 to part 774 of the EAR and throughout the EAR.   The Export Control   Classification Number consists of a set of digits   and a letter. Reference §738.2(d)   of the EAR for a com   plete description of each ECCN's composition.

Fit - The 'fit' of a commodity is defined by its ability to physically interface or interconnect with or become an integral part of another item. For software, 'fit' means the ability to interface or connect with an item subject to the EAR.

Form – The 'form' of a commodity is defined by its configuration (including the geometrically measured configuration), material, and material properties that uniquely characterize it. For software, 'form' means the design, logic flow, and algorithms.

Function - The 'function' of the item is the action or actions it is designed to perform. For software, the 'function' means the action or actions it performs directly to an item subject to the EAR or as a stand-alone application.

Item – "Item" means "commodities, software, or technology." When the EAR intend to refer specifically to commodities, software, or technology, the text will use the specific reference.

Knowledge - Knowledge of a circumstance (the term may be a variant, such as "know," "reason to know," or "reason to believe") includes not only positive knowledge that the circumstance exists or is substantially certain to occur, but also an awareness of a high probability of its existence or future occurrence. Such awareness is inferred from evidence of the conscious disregard of facts known to a person and is also inferred from a person's willful avoidance of facts. This definition does not apply to part 760 of the EAR (Restrictive Trade Practices or Boycotts).

Material - This is any list-specified crude or processed matter that is not clearly identifiable as any of the types of items defined in § 772.1 under the defined terms, "end item," "component," "accessories," "attachments," "part," "software," "system," "equipment," or "facilities." The exclusion from the definition of material for clearly identifiable items defined in § 772.1, such as for "parts" and "components," does not apply to the following ECCNs: 1C233, 1C234, 1C235, 1C236, 1C237, 1C239, 1C350, 1C395, 1C991, 1C992, and 1C995.

Part – This is any single unassembled element of a "component," "accessory," or "attachment" which is not normally subject to disassembly without the destruction or the impairment of design

use. Examples include threaded fasteners (e.g., screws, bolts, nuts, nut plates, studs, inserts), other fasteners (e.g., clips, rivets, pins), common hardware (e.g., washers, spacers, insulators, grommets, bushings), springs and wire.

Performance capability - 'Performance capability' is the measure of a commodity's effectiveness to perform a designated function in a given environment (e.g., measured in terms of speed, durability, reliability, pressure, accuracy, efficiency). For software, 'performance capability' means the measure of software's effectiveness to perform a designated function.

Production - (General Technology Note) (All Categories)-- Means all production stages, such as: product engineering, manufacture, integration, assembly (mounting), inspection, testing, quality assurance.

Simplified Network Application Process - Redesign (SNAP-R)
SNAP-R allows users to submit export license applications, commodity classification requests, encryption registration, reexport license applications, and license exception AGR notifications via the Internet. You must have a Company Identification Number (CIN) and an active user account to access SNAP-R. The procedures and requirements for obtaining a CIN and user account are set forth below.

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

Specially designed – When applying this definition, follow this sequential analysis set forth below. (For additional guidance on the order of review of "specially designed," including how the review of the term relates to the larger CCL, see Supplement No. 4 to Part 774 of the EAR – Commerce Control List Order of Review.)
(a)   Except for items described in (b), an "item" is "specially designed" if it:
        (1)   As a result of "development" has properties peculiarly responsible for achieving or exceeding the performance levels, characteristics, or functions in the relevant ECCN or U.S. Munitions List (USML) paragraph; *or*
        (2)   Is a "part," "component," "accessory," "attachment," or "software" for use in or with a commodity or defense article 'enumerated' or otherwise described on the CCL or the USML.
    (b)   A "part," "component," "accessory," "attachment," or "software" that would be *controlled* by paragraph (a) is not "specially designed" if it:
        (1)   Has been identified to be in an ECCN paragraph that does not contain "specially designed" as a control parameter or as an EAR99 item in a commodity jurisdiction (CJ) determination or interagency-cleared

commodity classification (CCATS) pursuant to § 748.3(e);

(2) Is, regardless of 'form' or 'fit,' a fastener (*e.g.*, screw, bolt, nut, nut plate, stud, insert, clip, rivet, pin), washer, spacer, insulator, grommet, bushing, spring, wire, solder;

(3) Has the same function, performance capabilities, and the same or 'equivalent' form and fit, as a commodity or software used in or with an item that:

(i) Is or was in "production" (*i.e.*, not in "development"); *and*

(ii) Is either not 'enumerated' on the CCL or USML, or is described in an ECCN controlled only for Anti-Terrorism (AT) reasons;

(4) Was or is being developed with "knowledge" that it would be for use in or with commodities or software (i) described in an ECCN *and* (ii) also commodities or software either not 'enumerated' on the CCL or the USML (e.g., EAR99 commodities or software) or commodities or software described in an ECCN controlled only for Anti-Terrorism (AT) reasons;

(5) Was or is being developed as a general purpose commodity or software, i.e., with no "knowledge" for use in or with a particular commodity (e.g., an F/A-18 or HMMWV) or type of commodity (e.g., an aircraft or machine tool); *or*

(6) Was or is being developed with "knowledge" that it would be for use in or with commodities or software described (i) in an ECCN controlled for AT-only reasons and also EAR99 commodities or software; or (ii) exclusively for use in or with EAR99 commodities or software.

Note 1: 'Enumerated' refers to any item (i) on either the USML or CCL not controlled in a 'catch-all' paragraph and (ii) when on the CCL, controlled by an ECCN for more than Anti-Terrorism (AT) reasons only. An example of an 'enumerated' ECCN is 2A226, which controls valves with the following three characteristics: a "nominal size" of 5 mm or greater; having a bellows seal; *and* wholly made of or lined with aluminum, aluminum alloy, nickel, or nickel alloy containing more than 60% nickel by weight. The CCL also contains notes excluding from control "parts" and "components" "specially designed" for uncontrolled items. Such uncontrolled items are merely 'described' and are not 'enumerated.' Note 2 to ECCN 1A002 is an example of items excluded from control based on being "specially designed" for a 'described' item. Commodities or software in an ECCN controlled only for AT reasons are other examples of items 'described' on the CCL. ECCN 2B996, which controls dimensional inspection or measuring systems or equipment not controlled by 2B006, is an example of a commodity 'described' in an ECCN controlled only for AT reasons. For purposes of "specially designed", ECCNs 0B986, 0B999, 0D999, 1B999, 1C992, 1C995, 1C997, 1C999, 6A998 (except for .b), 7A994 (except for the QRS11) and 9A991 are treated as ECCNs controlled exclusively for AT reasons.

Note 2: A 'catch-all' paragraph is one that does not refer to specific types of "parts,"

"components," "accessories," or "attachments" but rather controls non-specific "parts," "components," "accessories," or "attachments" because they were "specially designed" for an enumerated item. For example, ECCN paragraph 9A610.x is a catch-all, because it controls "parts," "components," "accessories," and "attachments" "specially designed" for military aircraft, but does not identify specific types of "parts," "components," "accessories," or "attachments" within its control.   Another example of a 'catch-all' is the heading of 7A102, which controls "specially designed" components for the gyros enumerated in 7A102, but does not identify the specific types of "components" within its control.

    Note to paragraph (a)(1): Items that as a result of "development" have properties peculiarly responsible for achieving or exceeding the performance levels, 'functions' or characteristics in a relevant ECCN paragraph may have properties shared by different products. For example, ECCN 1A007 controls equipment and devices, specially designed to initiate charges and devices containing energetic materials, by electrical means. An example of equipment not meeting the peculiarly responsible standard under paragraph (a)(1) is a garage door opener, that as a result of "development" has properties that enable the garage door opener to send an encoded signal to another piece of equipment to perform an action (i.e., the opening of a garage door). The garage door opener is not "specially designed" for purposes of 1A007 because although the garage door opener could be used to send a signal by electrical means to charges or devices containing energetic materials, the garage door opener does not have properties peculiarly responsible for a achieving or exceeding the performance levels, 'functions' or characteristics in 1A007. For example, the garage door opener is designed to only perform at a limited range and the level of encoding is not as advanced as the encoding usually required in equipment and devices used to initiate charges and devices containing energetic materials, by electrical means. Conversely, another piece of equipment that, as a result of "development," has the properties (e.g., sending a signal at a longer range, having signals with advanced encoding to prevent interference, and having signals that are specific to detonating blasting caps) needed for equipment used to initiate charges and devices containing energetic materials, would be peculiarly responsible because the equipment has a direct and proximate causal relationship that is central or special for achieving or exceeding the performance levels, 'functions' or characteristics identified in 1A007.

    Note 1 to paragraph (b)(3): Commodities in "production" that are subsequently subject to "development" activities, such as those that would result in enhancements or improvements only in the reliability or maintainability of the commodity (e.g., an increased mean time between failure (MTBF)), including those pertaining to quality improvements, cost reductions, or feature enhancements, remain in "production." However, any new models or versions of such commodities developed from such efforts that change the basic performance or capability of the commodity are in "development" until and unless they enter into "production."

Note 2 to paragraph (b)(3): With respect to a commodity, 'equivalent' means that its form has been modified solely for 'fit' purposes.

Note 3 to paragraph (b)(3): The 'form' of a commodity is defined by its configuration (including the geometrically measured configuration), material, and material properties that uniquely characterize it. The 'fit' of a commodity is defined by its ability to physically interface or interconnect with or become an integral part of another item. The 'function' of the item is the action or actions it is designed to perform. 'Performance capability' is the measure of a commodity's effectiveness to perform a designated function in a given environment (e.g., measured in terms of speed, durability, reliability, pressure, accuracy, efficiency). For software, 'form' means the design, logic flow, and algorithms. 'Fit' means the ability to interface or connect with an item subject to the EAR. The 'function' means the action or actions it performs directly to an item subject to the EAR or as a stand-alone application. 'Performance capability' means the measure of software's effectiveness to perform a designated function.

Note to paragraphs (b)(3) and (b)(4): ECCNs controlled for AT-only reasons that use "specially designed" are eligible for paragraphs (b)(3) and (b)(4). However, the criteria for release under (b)(3) or (b)(4) must be met by another ECCN controlled for AT-only reasons or an EAR99 item in addition to the AT-only ECCN being reviewed for release from "specially designed". For example, if a single gasket is used in ECCN 9A990 tractors (9A990 includes a control on "specially designed" parts) and also pick-up trucks designated as EAR99 that are in "production", the single gasket would be released from "specially designed" on the basis of paragraph (b)(3). Or if the single gasket is or was used in 9A990 tractors and also 9A991.b aircraft (another AT-only controlled ECCN), that are in "production", the gasket would be released from "specially designed" on the basis of paragraph (b)(3). Alternatively, if the single gasket is or was only used in ECCN 9A990 tractors that are in "production", then paragraph (b)(3) would not be available. This same concept applies for paragraph (b)(4).

Note to paragraphs (b)(4), (b)(5) and (b)(6): For a commodity or software to be not "specially designed" on the basis of paragraphs (b)(4), (b)(5) *or* (b)(6), documents contemporaneous with its "development," in their totality, must establish the elements of paragraphs (b)(4), (b)(5) *or* (b)(6). Such documents may include concept design information, marketing plans, declarations in patent applications, or contracts. Absent such documents, the "commodity" may not be excluded from being "specially designed" by paragraphs (b)(4), (b)(5) *or* (b)(6).

Subject to the EAR – A term used in the E AR to describe tho se commodities, software, technology, and activities over which the B ureau of Industry and Security (B IS) exercises regulatory jurisdiction under the EAR (see §734.2(a) of the EAR).

Subject to the ITAR – A term used in the EAR to describe those commodities, software, technology (e.g., technical data) and defense services over which the U.S. Department of State,

Directorate of Defense Trade Controls (DDTC) exercises regulatory jurisdiction under the International Traffic in Arms Regulations (ITAR) (see 22 CFR parts 120 through 130).

United States Munitions List (USML) - The list of articles, services and related technical data in 22 CFR 121.1 that are designated as defense articles and defense services pursuant to 38 and 47(7) of the Arms Export Control Act (22 U.S.C. 2778 and 2794(7)). These items are subject to the International Traffic in Arms Regulations (ITAR)(22 CFR 120 through 130).