

Commerce Control List Order of Review

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Q.1: What is the Commerce Control List Order of Review?

A.1: The CCL Order of Review is set forth in new Supplement No. 4 to Part 774 of the EAR, effective October 15, 2013. As a result of the addition of the "600 series" ECCNs and the addition of the "specially designed" definition, the order of reviewing ECCNs in the CCL to classify your product has changed. The new guidance will help you to identify correct classifications for your products and therefore reach correct export license decisions to comply with the EAR. The BIS website provides an CCL order of review decision tool that will take you through the steps at <https://www.bis.gov/learn-support/decision-tools>.

Q.2: How do the USML Order of Review and CCL Order of Review work together?

A.2: The Department of State has also adopted an Order of Review. When classifying your product, you should always begin with the USML Order of Review. If you determine the item in question is not subject to the ITAR because it is not enumerated or otherwise described on the USML and that it is not subject to the exclusive jurisdiction of another agency (such as the Nuclear Regulatory Commission), the item is subject to the EAR. You should then start your analysis of the CCL and may consult the CCL Order of Review.

Q.3: Where do I begin my review of the CCL?

A.3: First, you will determine the CCL category that applies to the item. In certain cases you may need to review more than one CCL category. Next you will determine the CCL Product Group, A, B, C, D, or E. This will significantly narrow your search of the CCL as you focus in on that part of the CCL in which your item is classified.

Q.4: Do I need to review the "600 series" first?

A.4: Yes. As you begin to review the actual ECCNs on the CCL, you will review the "600 series" to determine if the item is described in a paragraph that does not use "specially designed." If you see the item described in the "600 series," you stop. The item is described in the "600 series," and that is the final classification. However, if the applicable "600 series" paragraph uses "specially designed" as part of the control parameter you will need to determine if the item is, in

fact, "specially designed." The results of this will determine if your item is classified in the "600 series" or in another ECCN.

Q.5: What do I do once I determine my item is not classified in the “600 series”?

A.5: You review the beginning of the CCL Category you identified, starting with the "000 series" and working your way toward the end of the CCL category. As you review those other ECCNs, if you see the item enumerated or otherwise described in a paragraph that does not use "specially designed," that is the classification of your item in that ECCN. As you conduct the analysis of these other ECCNs outside the "600 series," you may run into a paragraph that uses "specially designed" as part of the control parameter. In these cases, you would conduct an analysis of "specially designed" for the item in this non-"600 series" ECCN. If the item is "specially designed," the item is classified as a "specially designed" item outside the "600 series." This is the end of the classification analysis.

Q.6: When can I determine my item is designated as EAR99?

A.6: If you complete your analysis of the entire CCL and you have not identified an ECCN in which the item is classified, the item is not elsewhere specified on the CCL and therefore is designated as EAR99. This is the end of the classification analysis and also the end of the CCL Order of Review.

Q.7: What is my liability if I use the order of review guidance or the order of review decision tool and obtain the incorrect classification of my product?

A.7: The questions asked in the decision tool are based on the EAR, so provided you are answering the questions correctly based on the correct facts, you should arrive at the same conclusion whether you are reviewing the EAR or using the decision tool. However, you are still liable for any violations of the EAR you commit based on an incorrect classification or other action, which is true whether you are reviewing the EAR or using one of the decision tools.