Applying the definition of parts

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These ten Q&As provide guidance to assist your understanding of the definition of “parts” in section 772.1 of the EAR, including the different contexts in which this term is used on the Commerce Control List in Supplement No. 1 to part 774 of the EAR. This guidance is intended to assist you in making self-classifications on the CCL, but in no way is intended to classify your commodities. Therefore, if you seek a formal determination whether a specific commodity is classified as a “part,” you may submit a formal classification request to BIS using the free online submission system called SNAP-R.

Q.1: Where can I find a definition for the term “part” as used under the EAR?

A.1: The term “part” is defined in section 772.1 of the EAR.

Q2: How is the term “part” defined in the EAR?

A.2: "part" 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.

Q.3: If an Export Control Classification Number (ECCN) does not use the term “parts,” does that mean no “parts” are controlled under that ECCN?

A.3: If the term "parts" is not used in the control parameters of a particular ECCN that means that "parts" generically are not controlled under that ECCN. However, be advised that certain ECCNs may enumerate or otherwise describe a commodity that would also meet the "parts" definition, such as ECCN 1A005. ECCN 1A005 does not include a generic control on "parts," but 1A005.b does control hard body armor plates that provide ballistic protection less than NIJ level III (NIJ 0101.06, July 2008) or national equivalents. Such a plate would, in most cases, also meet the EAR definition of "part." In this case the parts are controlled under that ECCN.

Q.4: The “specially designed” definition in section 772.1 of the EAR includes a release paragraph under paragraph (b)(2) describing how to determine whether “parts” and minor “components” (such as nut-plates) are not “specially designed.” If these “parts” and minor “components” were never “specially designed,” why are they not excluded from the definitions of “part” and “component”?

A.4: Do not take paragraph (b)(2) of "specially designed" out of context on the CCL and try to apply a "specially designed" analysis to a paragraph that does not include "specially designed" in its control parameter. An analysis of the "specially designed" definition is only conducted when the paragraph being reviewed uses "specially designed" in the control parameter. In many cases, such as in the "600 series" .x paragraphs, broad catch-all provisions control non-specific "parts,"

"components," "accessories" and "attachments" that are denoted as being "specially designed" for the respective "600 series" ECCN or the related USML category referenced in those "600 series" ECCN paragraphs. In those cases, a "specially designed" "parts" analysis under paragraph (b)(2) is necessary to assess whether the "parts" and minor "components" are "specially designed." However, other ECCNs on the CCL use the generic term "parts," but without the modifier of "specially designed." In these cases, a "specially designed" "parts" analysis under paragraph (b)(2) is not necessary. However, "parts" and "components" specified in paragraph (b)(2) in the definition of "specially designed" could be controlled under the generic "parts" or "components" definitions or other broader terms used on the CCL such as "commodities." Also as noted, certain ECCNs may enumerate or otherwise describe a "part" or minor "component," including a "part" or minor "component" that was specified under paragraph (b)(2) in the definition of "specially designed."

Q.5: Looking at the definition of "part," it is clear to me that if I make a cast of a commodity and that commodity is a 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, that it would be clearly identifiable as a "part." However, there are other manufacturing processes that can be used to create the same commodity, i.e. welding or diffusion bonding, which technically would be combining two different elements, but substantively would be creating the same type of commodity (i.e., both would be single unassembled elements of a "component," "accessory," or "attachment" which are not normally subject to disassembly without the destruction or the impairment of design use). Does the manufacturing method make a difference in whether a commodity is considered a "part"?

A.5: The questioner is correct that "parts" made from castings are the easiest way to determine whether you are classifying a "part" compared to a "component." However, the definition of "part" also extends to other types of manufacturing processes where the commodity being created is a single unassembled element and, importantly, is not normally subject to disassembly without the destruction or the impairment of design use. These phrases from the definition of "part" help to refine the scope of what is considered a "part."

Must be a single element. For example, any commodity that includes assembly instructions or blue prints for connecting more than one single element, would take the commodity in question outside the scope of the definition of "part." In this example, the commodity would be considered an assembly, a term which under the EAR, is also referred to as a "component."

Must not normally be subject to disassembly without the destruction or the impairment of the commodity's design use. Manufacturing methods where a "part" is made by welding or diffusion bonding that permanently combines together elements to make a single unassembled element would meet this criterion from the definition because any disassembly would clearly destroy the commodity or at a minimum impair its design use.

Q.6. What about semi-permanent forms of manufacturing? For example, what if the manufacturing process I use to make the "part" consists of gluing two pieces of material

together or a press fitting to form a single unassembled element, where the bond could be broken, but could later be reassembled with minimal impairment of design use?

A.6: Any type of manufacturing method that is not permanent (meaning the commodity could be disassembled without the destruction or impairment of the commodity's design use), such as gluing or press fitting, would take the commodity outside the scope of the definition of "part," which would most likely mean the commodity is a "component."

Q.7: If I have a single unassembled commodity that includes certain inserts that can be removed (such as a helix coil that could be pulled out) does that commodity fall under the definition of a "part"?

A.7: Any commodity that includes more than one element where one of the elements is intended to be able to be removed, or is capable of being removed, without the destruction or the impairment of the commodity's design use would take that commodity outside the scope of the "parts" definition. Such a commodity is most likely a "component."

Q.8: Can a commodity that includes moving elements, such as door hinge, be considered a single element of a "part"?

A.8: No, a "part" cannot have any moving elements. In order to have moving elements the commodity would need to consist of more than one single unassembled element, which would take the commodity outside the scope of the "parts" definition.

Note: Flexing and bending are not considered moving elements. Certain "parts" may be capable of flexing and bending or may have been designed to flex and bend.

Q.9: In applying the "parts" definition, does it matter how big or small the "part" is in relation to the larger "component," "accessory," or "attachment" and how important of a role must the "part" play in the larger "component," "accessory," or "attachment" to be considered a "part" under the EAR?

A.9: The criteria of the definition of "part" is not based on the overall size of the "part." In many cases, a "part" may be small, but in other cases a "part" may be very large. The importance of the "part" in the overall functioning of the larger "component," "accessory," or "attachment" into which it is incorporated has no bearing on whether a commodity is considered a "part."

Q.10: If I determine my commodity is not classified under an ECCN, such as an ECCN in a "xY0zz" ECCN that does not control "parts," does that mean that all the "technology" related to my "part" is not controlled either?

A.10: In many cases the classification of a commodity's "technology" will be related to the classification of the commodity, but there are several exceptions. For example, "technology" may be more highly controlled than the related commodity. But generally speaking if the "part" was not controlled under a specific ECCN then the related "technology" would not likely be controlled either. However, an important qualifier is that if the "technology" is related to other

TABLE 1: QUICK TIPS FOR DETERMINING WHEN YOU MAY HAVE A "PART"

Questions to ask:	Explanation for why it may be a "part":
Is the commodity made from a casting?	A commodity that is made from a single casting is likely a single unassembled element and will also meet the other criteria of the "parts" definition.
Is the commodity permanently affixed, such as having been welded together or some other permanent form of manufacturing?	Although such a commodity may involve more than one element initially, the commodity that results from the manufacturing process, provided it meets the other criteria of the definition of "parts," would also be considered a "part."

TABLE 2: QUICK TIPS FOR DETERMINING WHEN DO NOT HAVE A "PART"

Questions to ask:	Explanation for why it likely is NOT a "part":
Does the commodity use an assembly print or blue print as part of the manufacturing process for that single assembled element?	Commodities that use an assembly print are considered an assembly, also known as a "component." Therefore, these commodities are not "parts" regardless of the size of the "component" or its overall function in a larger "component" (such as a major "component"), "accessory" or "attachment."
Does the commodity use semi-permanent forms of bonding or assembly, such as gluing or press fitting, in order to create the commodity?	Commodities that use semi-permanent forms of bonding or assembly, such as gluing or press fitting, in order to create the commodity are not considered "parts" because in many cases these commodities can be disassembled without its destruction or the impairment of its design use.

Does the commodity include any moving parts?	A commodity that includes moving "parts" is more than a single unassembled element. Therefore, such a commodity is not a "part" and would likely be classified as a "component." *Note: Flexing and bending are not considered moving elements. Certain "parts" may be capable of flexing and bending or may have been designed to flex and bend.*
Does the commodity include any inserts that are intended to be removed or could potentially be removed from the commodity, such as a helix coil or a bracket?	A commodity that includes an insert that can be removed is more than a single unassembled element. Therefore, such a commodity is not a "part" and would likely be classified as a "component."

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