

Commodity Jurisdiction (CJ) FAQs

1. Q: Purpose: What is a CJ?

A: The purpose of a commodity jurisdiction request, or CJ, is to determine whether an item or service is covered by the U.S. Munitions List (USML) and therefore subject to export controls administered by the U.S. Department of State pursuant to the Arms Export Control Act (AECA) and the International Traffic in Arms regulations (ITAR). If after reviewing the USML and other relevant parts of the ITAR, in particular ITAR §120.3 and §120.4, you are unsure of the export jurisdiction of an item or service, you should request a CJ determination.

2. Q: Licensing Jurisdiction: Is my item controlled on the U.S. Munitions List (Department of State) or the Commerce Control List (Department of Commerce)?

A: The Directorate of Defense Trade Controls (DDTC) cannot provide a definitive answer without undertaking a Commodity Jurisdiction (CJ) review of your item and making an official CJ determination. However, most manufacturers are able to self-classify their items by reviewing International Traffic in Arms Regulations (ITAR) §120.2, 120.3, and 120.4 (which relate to the CJ process) and ITAR §121.1 (the U.S. Munitions List or USML). It is important to review all of these sections since some items that could be considered civil (e.g., hunting rifles and commercial satellites) are captured on the USML for export purposes. If, after reviewing the pertinent sections of the ITAR, you still are not sure if your item is controlled on the USML, then submit a CJ request. Guidelines for submitting the CJ request can be found online at http://pmdtc.state.gov/commodity_jurisdiction/index.html

3. Q: Registration Requirements: Does our company need to register prior to the submission of a CJ request?

A: Registration with DDTC is NOT required prior to submission of a CJ request.

4. Q: Person Submitting CJ: Who can submit a CJ request?

A: We prefer that the manufacturer submit the request because of the background and sales information required. However, a designated representative may submit a CJ request on the manufacturer's behalf. In such cases, the CJ request package must include a letter of authorization from the manufacturer on company letterhead signed by a company official, a mailing address, and phone number.

5. Q: Reconsideration of USML Item: I believe the jurisdiction for my product has changed. Can I use the CJ process to potentially move it to the Commerce list?

A: A CJ request may be used for consideration of the re-designation of an item or service currently covered by the USML, which could result in the item or service being moved to the licensing jurisdiction of the Department of Commerce.

6. Q: Reconsidering of USML Category: I believe the USML category and/or sub category for my product has changed. Can I use the CJ process to obtain a new USML classification?

A: No, the CJ process will not be used for purpose of requesting clarification of existing USML category or subcategory. Such requests are submitted under a General Correspondence (GC) to the Directorate of Defense Trade Controls Licensing Directorate, not through the CJ process.

7. Q: Licensing Requirements: Can I export my item during the CJ review process?

A: A response from DDTC to a CJ request determines the proper licensing authority for an item or service. It is not a license or approval to export. If you want to export your item or perform service while the CJ determination is in the review process, you must be registered and obtain the appropriate approval from DDTC prior to export. Please check the DDTC website for information on registration and licensing.

8. Q: Classified Information: If my item contains classified information, may I use the CJ process?

A: Classified information must not be included, or referred to, in the form or attachments thereto. For issues that may pertain to classified information, contact the DDTC Response Team.

9. Q: Submitting Request for Similar or Like Items: I have several items that are very similar. May I submit one CJ covering those items, or a catalog of like items?

A: The CJ form addresses single items, not a group, family or catalog of items.

10. Q: Selling Civil Item to Foreign Military: I am selling my civil item to a foreign military. Does this make it USML and do I need an export license from State?

A: You do not need an export license from DDTC if your item is not controlled on the USML. That remains true even if you are selling the item to a foreign military. The end-user does not determine export jurisdiction.

11. Q: Timeline for CJ Completion: How long does it take to get a CJ determination?

A: It varies depending on the complexity of the request and the recommendations of the reviewing agencies. Our goal is to complete CJ requests in 60 days. However, timelines have been significantly reduced in part due to the introduction of electronic submission capability.

12. Q: L-100/C-130 Spares Parts Jurisdiction: Has there been a change regarding export jurisdiction for L-100/C-130 spare parts?

A: Please go to http://pmdtc.state.gov/licensing/aircraft_parts.html for an announcement on this subject. Included on this page is the relevant *Federal Register* notice and common Q's and A's on the topic.

13. Q: Uploading Supplemental Documents to the DS-4076 Submission Package: Do I

upload supporting documents and other attachments onto the DS-4076 form the same way as done with a DSP form for DTrade?

A: No, supporting documents are not uploaded into the D-4076 like what is done for a DTrade export license application. Each attachment is a separate document that will be uploaded with the DS-4076 into a submission package. All additional documentation file formats must be in the following types: BMP, CSV, GIF, JPEG, JPG, PDF, PNG, RTF, TIF, TXT and XML.

14. Q: Submitting Supplemental Information: I have some additional information that may be helpful as a supplement to a CJ already submitted. The CJ was submitted electronically through EFS on the DDTC web portal. Is there a way to add to the supplements of an electronic CJ without retracting the CJ and starting over? Can I provide it directly to the agency that requested the information?

A: At this time, supplemental information in support of an electronically submitted CJ cannot be uploaded electronically. There are two methods for providing additional information.

- i. The information can be sent via open e-mail to DDTCResponseTeam@state.gov. Include in the Subject line the CJ case number. In the body of the e-mail indicate the DS-4076 Block number to which the information corresponds, and reason/s for supplemental submission such as another USG agency requested the information.
- ii. If the information includes proprietary information that you would prefer not to send via open e-mail, the information must be delivered to DDTC Policy as a PDF on a CD, properly marked to include CJ case number, CJ Block number to which the information corresponds, and reason/s for supplemental submission such as another USG agency requested the information. The proper address is:

Directorate of Defense Trade Controls

Attn: DTCP

PM/DDTC, SA-1, 13th Floor

2401 E Street, NW

U.S. Department of State

Washington, DC 20522-0113

In either case, the information will be downloaded into the official electronic CJ file and distributed to the interagency working groups. Only information formally submitted to DDTC can be considered in the CJ review process.

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