Commodity Classification Review

Correctly classify your dual-use goods and technology by searching the Commerce Control List (CCL) and its categories to determine the Export Control Classification Numbers (ECCN). The CCL is divided into ten broad categories, and each category is further subdivided into five product groups. The ECCN is an alpha-numeric code that describes the item and indicates licensing requirements. All ECCNs are listed in CCL (Supplement No. 1 to Part 774 of the EAR) which is available on https://www.bis.doc.gov/index.php/regulations/commerce-control-list-ccl.

Example 1. Commodity Classification Tables

For example, you plan to ship a semiconductor wafer that is described as a Gallium nitride wafer.

First, review the CCL to determine the Category. Don’t just search with a general term or two and assume the commodity is not on the list. This may take a bit of review as it’s much better to be thorough. A semiconductor is an “Electronic”, so it is Category 3. Next, review the Product Group. Gallium nitride is a “Material”, so it’s in Product Group C. Now we know our item to be shipped is on the CCL as 3C. We must determine the ECCN to complete the classification identification of the item.

An ECCN, is a designation that an item, which can be a tangible or intangible (i.e., software or technology), is controlled because of its specific performance characteristics, qualities, or designed-end use. An ECCN is much more narrowly defined and are focused on Product Group categories. An ECCN is five-digit alphanumeric designations that categorize items based on the nature of the product, i.e., type of commodity, software, or technology and its respective technical parameters.
Example 2. Supplement No. 1 to Part 774 of the EAR (CCL Chapter)

ECCNs are enumerated on the CCL, and each one lists important information that includes a general description of the controlled item(s), the reason(s) for control, available license exceptions, and, when necessary, additional details on related controls, and more specific item definitions.

Now, let’s determine the ECCN for the Gallium nitride wafer which we have determined is Category 3 and Product Group C by reviewing the Supplement No. 1 to Part 774 of the EAR (CCL Chapters) at https://www.bis.doc.gov/index.php/regulations/export-administration-regulations-ear. Review the CCL chapter on Category 3 “Electronic” until you find the Product Group C “Materials. Once you’ve found 3C you will review the chapter for the numerical code that meets the criteria of your item to
be shipped. For Gallium nitride wafer the numerical code is 005.a which describes the “materials” of the “electronic” you are shipping.

Example 3. Alpha-numeric Code

Please note, if your item falls under U.S. Department of Commerce jurisdiction and is not listed on the CCL, it is designated as EAR99. EAR99 items generally consist of low-technology consumer goods and do not require a license in many situations. However, if you plan to export an EAR99 item to an embargoed country, to an end-user of concern, or in support of a prohibited end-use, you may be required to obtain a license.