

Tips for a Successful Commodity Jurisdiction (CJ) Submission

A good CJ application tells a story. It is the biography of your product – where it came from, what it was designed to do, and how it is actually being used. What can you tell us about its genesis? Is it the heir to a distinguished lineage, being derived from earlier products? Or is it a brand-new, cutting-edge concept and a revolutionary approach? Is it produced to serve a single purpose or solve a specific problem, or is it versatile across a variety of functions and industries? Is it designed for military or commercial applications, or both? In addition, in some cases, it might be helpful to explain what the product is not, and what it cannot do.

Bear in mind that your story has two distinct audiences. On the one hand are the engineers, who will pore over your product's technical drawings and assess its properties and capabilities. On the other hand are the regulators, who must determine whether, and where, your product is controlled on either the U.S. Munitions List (USML) or the Export Administration Regulations (EAR). The first group would appreciate technical precision and completeness. The second group would be grateful for a thorough layman's description of the product laid out in clear, grammatically correct prose. A successful CJ application will leave both audiences satisfied.

Support documentation is vital in all CJ cases. If your commodity is a physical piece of hardware, you should at a minimum provide technical drawings. While including all the technical information required by the engineers to understand your commodity, you should avoid submitting duplicative or extraneous material. If you do not give us enough information on which to base a jurisdiction determination, your application will be returned without action, or delayed while we request from you the additional information we need.

If it is not self-evident why you have submitted a particular support document, explain somewhere in your application why you have included it. Labeling all attachments will prevent confusion during the review.

Complete all blocks on your DS-4076 form, using "N/A" sparingly and only as appropriate. To avoid unnecessary delays in the processing of your request, you should provide all information you deem relevant at the outset.

Finally, in order to make the story of your commodity as compelling as possible, provide us with a cover letter that ties all the relevant information together into a single narrative. Conclude your application with a regulatory analysis of your product, including where it might potentially fall on both the USML and the EAR. We will evaluate your application based on the USML and EAR orders of review; you should do likewise in the course of preparing your submission. If you think through your application enough to do your own informal regulatory analysis, then you will probably provide us sufficient information to do a formal jurisdiction determination.

CJ Application FAQs

Q: Do I have to fill out all the fields?

A: Only fields marked with an asterisk are required, but do fill out all the fields that are relevant to your request.

Q: What if it is a required field but it is not applicable to my request?

A: If it is a required question but is not relevant to you or your product, put "N/A" in the text field.

Q: The directions state that a cover letter is required. Is this the case?

A: Yes, a cover letter must be submitted with every CJ request. This should provide a short executive summary of your request and put the request in a broader context, if applicable.

Q: Why do we need to submit both a cover letter and the DS-4076?

A: The DS-4076 covers the specifics of your commodity and how it relates to the regulations. Your cover letter should be a summary of your commodity and the broader context in which it is used. You can also use your cover letter to develop points addressed in the DS-4076 and also to focus on more specific issues that may not be captured on the DS-4076. The cover letter should also include a concise overview of all your supporting materials and why each document has been submitted with your application.

Q: What if I have classified materials to submit?

A: Classified information may not be forwarded through DECCs. If you have classified information associated with your request, your DS-4076 or cover letter should clearly indicate that there is classified information pursuant to this case. The CJ analyst will reach out to you with the procedure for forwarding that information.

Q: There is mention of an authorization letter template in the instructions for Block 1. Where can I find it?

A: It can be found on the CJ webpage on the DDTC website.

Q: What if the original equipment manufacturer (OEM) no longer exists or will not give authorization for a CJ request?

A: Indicate in your cover letter why you could not get the authorization letter from the original equipment manufacturer. DDTC will determine on a case-by-case basis whether applications without an OEM authorization letter can be processed.

Q: When should I select “related to a U.S. government request”?

A: If your request is indirectly or directly related to ANY U.S. government action (e.g., requested by a U.S. government agency, law enforcement investigation, DDTC disclosure, etc.) you should check this box.

Q: In Block 1, what is the difference between point of contact and technical point of contact?

A: The point of contact should be someone in your organization who is authorized to submit your request as well as answer questions DDTC may have. The technical point of contact should be someone in the organization who is authorized to answer technical questions about the commodity that is the subject of the CJ request. These persons may or may not be the same individual.

Q: I am a paid consultant for a manufacturer of USML/CCL items. How do I fill in Block 1 of the DS-4076 for my business? For the manufacturer?

A: As a consultant for the manufacturer, you are considered to be a manufacturer’s representative on the DS-4076. Provide your company’s information at the top (i.e., “filer” section) and your client’s information in the “Original Equipment Manufacturer (OEM) Information” section.

Q: I represent an exporter who is not the original equipment manufacturer. How do I fill in Block 1 of the DS-4076 for my firm? For my client, the exporter? For the manufacturer?

A: As the exporter’s representative, you should click the “other” box. This will allow you to fill out the appropriate three blocks: “filer” (you), “third party information” (your client, the exporter), and “Original Equipment Manufacturer (OEM) Information” (the manufacturer).

Q: In Block 2, my request is related to a DDTC voluntary disclosure, but I no longer see “related to a compliance matter.” What box do I check?

A: Check “related to a U.S. government request.” When you check this option, a text box will appear allowing you to identify the related voluntary disclosure.

Q: I don’t understand the options in Block 3.

A: Refer to the instructions for the DS-4076, which will give you a definition for each item.

Q: In Block 3, can I select multiple commodity/service options?

A: Yes. However, be sure to provide supporting documentation for *all* items indicated. For example, if you select “System” and “Services,” be sure to specify the precise services

envisioned in connection with the system, including separate marketing brochures, sales information, etc. The jurisdiction for a piece of hardware, and the services, software, or technical information associated with that hardware, may be different. Be sure to clarify how such related items are interconnected, and provide supporting documentation for all.

Q: How many items are allowed on a CJ application?

A: CJ applications are limited to a single item or set of related items. When submitting a request for a family of items, highlight the distinctions between and among each item within the family. You cannot submit a single CJ submission for two unrelated items. This will cause your application to be returned without action (RWA).

Q: Why is a part number required in Block 4? Doesn't this prevent applicants from submitting CJs for families of items?

A: This field is required if there is a part number associated with the item. If you are submitting a CJ for a family of items, you can put N/A in the part number field or, for example, "multiple," "many," etc. When employing any of these options, provide specific part numbers elsewhere in your supporting documentation.

Q: Is all information in Block 4 available for publication?

A: Unless instructed otherwise, DDTC will publish the name of your product, a brief description of the product, the name of the product's manufacturer, and the determination for the product.

Q: In Block 7, what does "available through foreign means" mean? Does this mean that there are identical or comparable products available for purchase from manufacturers/sellers located in foreign countries?

A: Yes. It refers to manufacturers not in the United States who are producing items identical or comparable to the one you have submitted for a CJ determination request.

Q: Block 8 asks for my product's development stage. What are you looking for in each section?

A: We need to gain a clear understanding of where your product stands in the development/production process. Are you still in R&D, just starting to market a new product, or do you already have sales? Pick the category that best fits. If you believe that none of them fits, select "Other" and explain. If you pick one category but you believe your situation still needs further clarification, add that explanation to your cover letter.

Q: How many years of sales data should I include in the submission?

A: We ask for only the last 5 years of sales. If you wish to provide additional sales information, either do so in the text field provided or put that information in your cover letter. Domestic sales should be included as part of the submission. If needed, the analyst may ask for additional sales information.

Q: If end-use does not determine jurisdiction, why do you ask for sales information?

A: End-use does not determine jurisdiction. However, in order to determine the correct jurisdiction and classification of your item, end-use is important for certain releases from “Specially Designed” and in categories that specify “military end-user.” It can also help determine which government agencies may need to review your CJ request.

Q: In Block 11, you ask for Foreign Military Sales (FMS) information and a license number, but we do not need a DDTC license for FMS cases. What information are you looking for in this section?

A: Provide any FMS Letter of Offer and Acceptance number in Block 11.

Q: In Block 12, why do you need me to explain why I am submitting a CJ application?

A: The feedback you provide us via Block 12 is one of our primary means of gauging the clarity of the existing regulations. We wish to understand any difficulties you may have encountered in the self-determination process, to inform any future regulation changes.

Q: Block 12 asks for the suggested USML and CCL categories. If I identify a USML category as suggested, will you be more likely to determine that my item is USML? And conversely, if I only list a CCL category, does that mean that you are more likely to determine that my item is CCL?

A: While listing one or both is unlikely to directly influence the outcome of a CJ determination review, it nevertheless helps us understand your perspective and may serve to highlight a particular aspect of your product that is not readily apparent. For example, if you cite a specific ECCN for a product that our analysts had not initially considered, there is a possibility that a particular attribute or characteristic of your product may have been overlooked.

Q: I am confused as to the purpose of Block 13. Could you please clarify?

A: Block 13 has two objectives. First, it asks the filer if there are any objections to publishing on the DDTC website certain information regarding the product (name of your product, a brief description of the product, the name of the product’s manufacturer, and the determination for the product). Reasons for not publishing (e.g., proprietary) should be identified in this

block. Second, if the information for an item is to be published on the website, Block 13 allows you to provide your preferred description of the item.

Q: What do you expect to see in the Block 14 text field?

A: Provide any additional information that you think was not fully elicited in the rest of the application. If there is other information you would like DDTC to consider, submit it in Block 14.

Q: Where do I attach my supporting documents?

A: All attachments should be uploaded in the Block 14 tab.

Q: Should I attach a PDF copy of the DS-4076?

A: No, you do not need to submit a copy of the CJ form other than the one you completed in the DECCs system.

Q: When do I receive my CJ number?

A: After you submit your request in DECCs you will receive a pop-up window that includes your CJ number.

Q: Who receives the final determination letter?

A: The final letter will be sent to the email address provided in Block 15 and any others requested on the DS-4076.