

## CJ FAQs

### **Q: What is a commodity jurisdiction determination?**

**A:** A commodity jurisdiction (CJ) determination is made by the Department of State, in consultation with other government agencies, when doubt exists as to whether a commodity (i.e., articles, technical information, and services) is covered by the United States Munitions List (USML). Determinations typically distinguish whether a commodity is on the USML and controlled by the International Traffic in Arms Regulation (ITAR) or on the Commerce Control List and controlled by the Export Administration Regulations (EAR). Please reference ITAR §120.4.

### **Q: How do I go about submitting a request for a CJ determination?**

**A:** Detailed instructions for submitting CJ requests are located at <https://cj.pmddtc.state.gov>. If you encounter any technical issues during this activity, please contact the DDTTC Service Desk at (202) 663-2838.

### **Q: What is the difference between “jurisdiction” and “classification” of an item?**

**A:** “Jurisdiction” refers to the set of regulations to which an item is subject (e.g., ITAR vs EAR), whereas “classification” refers to the specific control within the respective control list for that set of regulations (e.g., United States Munitions List (USML) *Category VIII(a)(2)*, or Commerce Control List (CCL) *Export Control Classification Number (ECCN) 9A610.a*).

### **Q: Can persons self-determine the jurisdiction and/or classification of their items?**

**A:** Yes. The vast majority of all jurisdictions and classifications are self-determined by either the original equipment manufacturer (OEM) or via a third party. If, however, after following the Order of Review (ITAR §121.1(b)) doubt remains regarding the jurisdiction and/or classification, we recommend you submit a CJ request with the Department of State for an authoritative determination. For additional assistance, see the decision tools provided at <http://pmddtc.state.gov/ECR/index.html>.

### **Q: When should I submit a CJ?**

**A:** You should submit a CJ request when you are unable to positively self-determine the jurisdiction and/or classification of a commodity via the Order of Review (ref. ITAR §121.1(b)). For more on the Order of Review, please see the web site at [https://www.pmddtc.state.gov/licensing/decision\\_tools.html](https://www.pmddtc.state.gov/licensing/decision_tools.html).

### **Q: How long does the CJ process take?**

**A:** Typically, the CJ process takes about 45-55 business days. However, this can vary significantly based on many factors, one of which is the potential USML category that would control the subject of the CJ request. Please review the chart located under the “CJ Statistics” tab under “Commodity Jurisdiction” on the left side of this page to get a better sense of the processing times by USML category. In general, the newer and/or more complex the technology, the longer a CJ is apt to take.

**Q: What type of information do I need to provide for a CJ request?**

**A:** The type of information required varies according to the nature of the request. In general, the more complex the item is, the greater the detail required. For specific guidance on what to include in your request, please reference the document “Tips for a Successful CJ application” located at [http://pmddtc.state.gov/commodity\\_jurisdiction/documents/TipsCJApplication.pdf](http://pmddtc.state.gov/commodity_jurisdiction/documents/TipsCJApplication.pdf)

**Q: What is the purpose of the cover letter?**

**A:** The cover letter is intended to serve as an executive summary describing the commodity to be reviewed and the context in which it is to be used. Applicants may use the cover letter to further develop points addressed in the online application form, and to provide a high-level overview of each document included as supporting material to the request.

**Q: If I experience IT-related issues while completing the online application form, whom should I contact for assistance?**

**A:** Please contact the DDTC Service Desk at (202) 663-2838.

**Q: If I have questions related to the CJ process, whom should I call?**

**A:** Please contact the DDTC Response Team at (202) 663-1282 or [DDTCResponseTeam@state.gov](mailto:DDTCResponseTeam@state.gov).

**Q: If I disagree with a final CJ determination issued by State, what is my recourse?**

**A:** If you disagree with a final CJ determination and have additional facts not included in the original submission, you may submit a new CJ request. If you disagree with the determination and have no additional facts to present, then you may appeal the determination in accordance with ITAR §120.4(g) for review by the Deputy Assistant Secretary of State for Defense Trade Controls. The Deputy Assistant Secretary’s decision can be appealed to the Assistant Secretary for Political-Military Affairs.

**Q: Do I need to register prior to submitting a CJ?**

**A:** No. Registration is not required for a CJ request.

**Q: Is there a fee associated with submitting a CJ?**

**A:** No. There is no fee associated with submitting a CJ request.

**Q: Who may submit a CJ?**

**A:** Anyone may submit a CJ request. However, we recommend that the original equipment manufacturer (OEM) or its representative submit CJ requests as they are best positioned to explain the development and manufacturing history of the commodity. If you are not the OEM, please have the OEM fill out an authorization letter; a template is located here: [http://pmddtc.state.gov/commodity\\_jurisdiction/documents/AuthorizationLetter.pdf](http://pmddtc.state.gov/commodity_jurisdiction/documents/AuthorizationLetter.pdf).

If you are unable to obtain information from the OEM or if the OEM no longer exists, you may still submit a CJ request. Please be sure to note this on your application.

**Q: May I submit a CJ for an item at the same time that I submit a license request to the Department of State for the same item?**

**A:** Both requests may be processed concurrently. However, DDTC recommends that you not seek a license until after you've formally submitted a CJ determination request. Staggering your requests in this manner will permit you to annotate on the license request that a CJ determination action is pending. When noting this, be sure include your CJ number and CJ POC. On the license application, identify the item in question by the USML category paragraph that best describes your item. **DO NOT** cite Category XXI unless previously authorized by the Director, Office of Defense Trade Controls Policy.

**Q2: As a follow-on to the above, if the item is not described in any category, may I then use USML Category XXI on the license?**

**A2:** Per ITAR §121.1, you may only designate an item as Category XXI after receiving approval from the Director, Office of Defense Trade Controls Policy.

**Q: How long is a CJ valid?**

**A:** There is no expiration date for a CJ. However, if the section of the regulations that controls your item changes, then the jurisdiction of your item may change. If this is the case, you may self-determine your item's jurisdiction based on the new regulation, or submit a new CJ request. In addition, if the article has been modified or otherwise changed, the original CJ determination may no longer be valid.

**Q: Since receiving a CJ determination on my item, there have been some changes to the USML/CCL control. Is the CJ determination still valid?**

**A:** If in the response to your original request DDTC determined the item to be not subject to the ITAR, and provided your item has not been modified such that it no longer meets the description included in the original request, the CJ determination remains valid.

If, however, the original determination found the item to be subject to the ITAR, then you should conduct an analysis of the item via the Order of Review (ITAR §121.1(b)) and, if still unclear, submit a CJ determination request.

**Q: How do I know if my product has transitioned to Commerce's Export Administration Regulations (EAR)?**

**A:** Start with an Order of Review analysis, as described in ITAR §121.1(b). This is the same procedure used to self-determine an item. If after completing the Order of Review you still have doubt regarding the jurisdiction of the item, then you should submit a CJ request using the online application form.

**Q: If I have classified information to provide in support of my CJ request, how should I submit that to the Department?**

**A:** Classified information MAY NOT be submitted through the electronic system used to submit CJ requests. If you have classified information associated with your request, please so indicate in your online application form or cover letter. The analyst assigned to your case will contact you with options for relaying that information via proper channels.

**Q: I have several items that are very similar. May I submit a single CJ to cover all of these items?**

**A:** Yes. However, when submitting a request for items that are related (e.g., same function, similar capabilities, different variants of the same product line), please clearly describe the distinctions and similarities between and among the commodities. To be clear, you cannot submit a single CJ submission for two or more unrelated items. Doing so will cause your application to be returned without action (RWA).

**Q: I am certain that my item is not controlled on the USML; however, I am unaware of its classification on the Commerce Control List. Should I submit a CJ for this purpose?**

**A:** No. If you are sure your item is not controlled on the USML, we recommend that you request a Commodity Classification Request (CCATS) from the Department of Commerce. Please see the Department of Commerce, BIS Office of Exporter Services, for more information on this request. It may be reached at (202) 482-4811 or <https://www.bis.doc.gov/index.php/licensing/commerce-control-list-classification>

**Q: I am unsure how I should interpret a passage in the ITAR that could affect the control of my product. Should I submit a CJ or an advisory opinion request?**

**A:** If you are asking a question about the interpretation of the regulations or what a specific part of the regulations means, you should submit an Advisory Opinion request pursuant to ITAR §126.9(c).

**Q: I requested a CCATS from the Department of Commerce and received an ECCN number for my product. Does this mean it is Commerce controlled?**

**A:** See §748.3 of the EAR.