

**U.S. Department of State
Directorate of Defense Trade Controls**

DS-4076 COMMODITY JURISDICTION (CJ) DETERMINATION REQUEST FORM

GENERAL NOTES:

- A "ITAR" refers to the International Traffic in Arms Regulations (22 CFR parts 120-130).
- B "USML" refers to the United States Munitions List (§ 121.1 of the ITAR).
- C "EAR" refers to the Export Administration Regulations (15 CFR parts 730 through 774).
- D "CCL" refers to the Commerce Control List within the EAR.
- E "Jurisdiction" refers to the placement of a commodity (i.e., item, information, or service) under the control of a specific set of regulations (e.g., ITAR or EAR).
- F "Classification" refers to the specific placement of that commodity within its respective set of regulations (e.g., Category VIII(a)(1) of the ITAR, or Paragraph 9A610.x of the EAR).
- G Unless specified otherwise, all entries are required. Incomplete submissions may be Returned Without Action (RWA).
- H Provide descriptions in all applicable text fields and attach additional information when requested.
- I Do not state "see attached" in any block, as this will cause a submission to be rejected.
- J Do not provide replies in all caps.
- K All relevant materials and supporting documentation must be filed with the DS-4076 form at time of submission.
- L Each Commodity Jurisdiction (CJ) determination request must be accompanied by a cover letter, on the filer's letterhead, providing an executive summary of the request for determination.
- M Classified information shall not be included in the CJ determination request.
- N A filer need not register with the Directorate of Defense Trade Controls (DDTC) at the time a CJ determination request is submitted. However, in the event a filer is registered with DDTC, that information must be entered on the form.
- O Commodities and/or services may be exported or temporarily imported concurrent with a commodity jurisdiction submission. However, the filer is strongly encouraged to treat the export as subject to the ITAR and to obtain any required licensing approvals prior to export. Doing so may avoid export violations should the item or service be determined to be subject to the ITAR.
- P For assistance in completing this form, contact the DDTC Response Team at 202-663-1282 or by email at DDTCResponseTeam@state.gov.

BLOCK 1: FILER INFORMATION

- Filers registered with DDTC under 22 CFR 122 or 129 must enter their Registration Code in the space provided on the form.
- Those not registered with PM/DDTC should select “Not registered with PM/DDTC.”

Filer Type

- Select all registration type(s) applicable to the filer and complete information for all fields provided.
- U.S. persons, as defined by ITAR § 120.15, may select the following:
 - **Manufacturer/Exporter:** Person who engages in the United States in the business of either manufacturing or exporting or temporarily importing defense articles or furnishing defense services is required to register with DDTC (see ITAR § 122.1).
 - **U.S. Government:** A senior official acting in an official government agency capacity may select “U.S. Government,” in order to allow a U.S. government agency the ability to register and apply for export licenses or use established license exemptions (see ITAR § 126.4).
 - **Manufacturer’s Representative:** Person authorized by the manufacturer (U.S. or foreign) to file a DS-4076 on their behalf. Documentation from the manufacturer authorizing the filer to file on their behalf and to publicly release the information provided in Block 4 must be provided with the submission. This documentation must, as a minimum, include the manufacturer’s name and contact information. Without this authorization letter the CJ package may be RWA’d. A suggested authorization letter template is available on the DDTC website: www.pmdtc.state.gov.
 - **Other:** Persons requesting a determination not represented by a previously provided category (e.g., law firm representing the exporter, who is not the manufacturer). In this example, in addition to submitting documentation authorizing them to file on behalf of the manufacturer, the filer is also required to submit documentation authorizing them to submit on behalf of the exporter. Without these authorization letters the CJ package may be RWA’d. A suggested authorization letter template is available on the DDTC website: www.pmdtc.state.gov. This documentation may be combined with the Original Equipment Manufacturer (OEM) authorization letter discussed in the previous bullet.
- Foreign persons may select the following:
 - **Manufacturer/Exporter:** Person who engages in the business of either manufacturing or exporting or temporarily importing defense articles or furnishing defense services.
 - **Foreign Government:** A senior official acting in an official foreign embassy capacity may select “Foreign Government.”
 - **Other:** Persons requesting a determination not represented by a previously provided category (e.g., law firm representing the exporter, who is not the manufacturer). In this example, in addition to submitting documentation authorizing them to file on behalf of the manufacturer, the filer is also required to submit documentation authorizing them to submit on behalf of the exporter. Without these authorization letters the CJ package may be RWA’d. A suggested authorization letter template is available on the DDTC website: www.pmdtc.state.gov. This documentation may be combined with the OEM authorization letter discussed in the previous bullet.
- Complete all informational address fields.

- Check if attaching an authorization letter authorizing you to file on the manufacturer’s behalf and to publicly release the information in Block 4.
 - An Authorization Letter must be submitted if Filer Type Manufacturer’s Representative or Other was selected.

Point of Contact

- Provide the name, telephone number and e-mail of the Point of Contact.

Technical Point of Contact

- Provide the name, telephone number and e-mail of the Technical Point of Contact.
- The Technical Point of Contact should be a person with technical skills and knowledge within the filer’s organization.
- If this person is the same as the main Point of Contact, then leave this field blank.

Original Equipment Manufacturer Information (OEM)

- Provide all informational address fields of the Original Equipment Manufacturer (OEM).
- This must be completed if Filer Type Other was selected.

Third Party Information

- Provide all informational address fields of the Third Party.
- This must be completed if Filer Type Manufacturer’s Representative or Other was selected.

BLOCK 2: CJ DETERMINATION TYPE

- Select “New Submission,” “Resubmission,” or “Related to a U.S. Government request,” as appropriate.
 - If this is a new submission, select “New Submission” and proceed to Block 3.
 - If this is a resubmission, select “Resubmission” and provide the case number of the previously issued commodity jurisdiction determination that is being requested for re-review.
 - Select the reason(s) for resubmission: “Returned Without Action (RWA),” “Reconsideration,” or “Redesignation of article or service current covered by the USML,” as appropriate.
 - If the original commodity jurisdiction was “Returned Without Action” by the Department of State, then select “Returned Without Action (RWA).”
 - If the filer wishes to provide additional supplemental information that may change the outcome of the previous determination, then select “Reconsideration.”
 - If the filer has received a previous determination and wishes to appeal by recommending the Department of State reclassify or alter the jurisdiction of a particular commodity, then select “Redesignation of article or service currently covered by the USML.”
 - Provide a concise description of the reason for resubmission in the text field provided.
 - If this is related to a U.S. government request, select “Related to a U.S. Government request” and proceed to “If related to a U.S. Government request:”
 - Provide the U.S. Government reported disclosure and/or case number, if applicable.
 - Provide the name of the requesting U.S. Government Agency.

- Provide the U.S. Government Point of Contact to include the name, telephone number and email from the requesting agency.

BLOCK 3: COMMODITY/SERVICE TYPE

- Select all applicable commodity/service types whose jurisdiction and/or classification is/are being submitted for determination.
 - If the commodity is a system, equipment, or an assembled article ready for its intended use, select "End Item" (see ITAR § 120.45).
 - If the commodity is an item that is useful only when used in connection with an end-item (includes any assembled element that forms a portion of an end-item without which the end-item is inoperable), select "Component/Major" (see ITAR § 120.45).
 - If the commodity is an item that is useful only when used in connection with an end-item, (includes any assembled element of a major component), select "Component/Minor" (see ITAR § 120.45).
 - If the commodity is an item that is any single unassembled element of a major or a minor component, accessory, or attachment which is not normally subject to disassembly without the destruction or the impairment of designed use, select "Part" (see ITAR § 120.45).
 - If the commodity is an item that is an associated article for any component, equipment, system, or end-item, and is not necessary for its operation, but which enhances its usefulness or effectiveness, then select "Accessory/Attachment" (see ITAR § 120.45).
 - If the commodity is firmware and/or a related unique support tool (such as a computer, linker, editor, test case generator, diagnostic checker, library of functions, and system test diagnostics) directly related to equipment or systems covered under any category of the U.S. Munitions List, select "Firmware" (see ITAR § 120.45).
 - If the commodity is software (includes but is not limited to system functional design, logic flow, algorithms, application programs, operating systems, and support software for design, implementation, test, operation, diagnosis and repair), select "Software" (see ITAR § 120.45).
 - If software, all additional software questions are required. If a question is not applicable, enter "N/A."
 - If the commodity is a combination of parts, components, accessories, attachments, firmware, software, equipment, or end-items that operate together to perform a function, select "System" (see ITAR § 120.45).
 - If the commodity is a service that may meet the definition of a "defense service" as described in the ITAR, select "Service" (see ITAR § 120.9).
 - If the commodity is information that may meet the definition of "technical data" as described in the ITAR, select "Information" (see ITAR § 120.10).

BLOCK 4: COMMODITY/SERVICE TYPE

- Complete all fields.
- Certain information contained in this block shall be released to the public unless specifically requested by the filer to withhold from publishing (see Block 13). Information to be published will be limited to the following entries: product name, generic description, determination, and determination date.

- Only one commodity may be entered into block 4; variants require separate submission.
 - Variants of a commodity or a family of commodities closely related, that is, where major characteristics and descriptive information of the commodity are essentially the same and would be included in the same U.S. Munitions List category and subcategory as the subject of the CJ determination request, may be added.
 - To add information about a variant or family of commodities, add an additional record via the Add button.
 - If the filer wishes to have multiple parts or components of the same system evaluated, add an additional record using the Add button.
 - Include all necessary documentation in Block 5 for each commodity/service provided in Block 4.
- If the commodity/service website differs from the manufacturer’s website, then provide the link in the “Commodity/Service Website” text field. Otherwise, state “same as above.”
- If the information is restricted for public release, such as research funded by the U.S. Government where specific access and dissemination controls protecting information resulting from the research are applicable, then provide a concise explanation of the circumstances regarding those restrictions in the text field provided (see ITAR § 120.11).

BLOCK 5: COMMODITY/SERVICE DETAILED DESCRIPTION

- Provide a detailed description of the item, software, information, or service. At a minimum, describe what it does, how it operates, the components and/or systems that are used in or with it, and identify the end use platform in which the item is to be integrated, incorporated, etc. if it is a minor component.
- Select the type of each respective document: cover/transmittal letter summarizing the request, blue prints, marketing materials, drawings, schematics, or other. Examples of “other” documentation include brochures, course syllabus’/handouts, training materials, etc. Then describe each supporting document attached with the submission.

BLOCK 6: SPECIAL/UNIQUE CHARACTERISTICS AND CAPABILITIES

- Select all special or unique characteristics and capabilities that apply to the commodity(ies) to be reviewed and include a concise description of the characteristic and/or capability in the text field provided.
- When considering whether the commodity in question has been “specially designed,” refer to ITAR §§ 120.41 and 121.1 for guidance regarding the application of this descriptor to the product.
- Select “Other” if a special characteristic and/or capability applies but is not listed in this block and provide a short description of the attribute in the applicable text field.

BLOCK 7: COMMODITY ORIGIN

- Select yes or no for each question. If yes is selected, provide a concise explanation of the commodity’s origin.
- When describing the commodity’s origin, refer to ITAR § 120.41 for guidance on how to respond to each of the questions posed in this block. Specifically, refer to the following paragraphs:
 - “Was or is this commodity being developed with knowledge for use in or with a particular commodity (e.g., F/A-18 or HMMWV)?” see ITAR § 120.41(b)(5), Note 2 to paragraph (b)(3), and Notes 1 and 2 to paragraphs (b)(4) and (5).

- “Was or is this commodity being developed with knowledge for use in or with a type of commodity (e.g., aircraft or machine tool)?” see ITAR § 120.41(b)(5), Note 2 to paragraph (b)(3), and Notes 1 and 2 to paragraphs (b)(4) and (5).
- “Was or is this commodity being developed with knowledge that it would be used in or with defense articles enumerated on the U.S. Munitions List?” see ITAR § 120.41(b)(4), Note 2 to paragraph (b)(3), Notes 1 and 2 to paragraphs (b)(4) and (5), and Note to paragraph (b).
- “Was or is this commodity being developed with knowledge that it would be used in or with commodities not on the U.S. Munitions List?” see ITAR § 120.41(b)(4), Note 2 to paragraph (b)(3), and Notes 1 and 2 to paragraphs (b)(4) and (5).
- “Regardless of form or fit, is this commodity a fastener, washer, spacer, insulator, grommet, bushing, spring, wire, or solder?” see ITAR § 120.41(b)(2).
- “Does this commodity have the same function and performance capabilities as another commodity used in or with an item that is both (a) currently or formerly in production and (b) not enumerated on the U.S. Munitions List?” see ITAR § 120.41(b)(3), Note to paragraph (b), and Notes 1 and 3 to paragraph (b)(3).
 - If “yes” applies in the above, state if these commodities (i.e., the commodity being submitted for review and the like commodity “used in or with an item [not in production and] not enumerated on the USML”) have the same or “equivalent” form and fit? See ITAR § 120.41(b)(3) and Notes 4 and 5 to paragraph (b)(3) for guidance on responding to this question.
 - If yes, provide information on the manufacturer of the like commodity (i.e., the item “used in or with an item [not in production and] not enumerated on the USML”), and attach supporting documentation on the like product demonstrating the equivalency of its form and fit to the commodity submitted for review.
- “Are identical or comparable products available through foreign means?” see ITAR § 120.41(b)(3) and Notes 4 and 5 to paragraph (b)(3) for guidance on responding to this question.
 - If yes, provide information on the manufacturer of the like commodity (i.e., the item “used in or with an item [not in production and] not enumerated on the USML”), and attach supporting documentation on the like product demonstrating the equivalency of its form and fit to the commodity submitted for review.

BLOCK 8: PRODUCT DEVELOPMENT STAGE

- Select the current stage of product development for the item submitted for review, as applicable. For products that are currently under production, select “Design complete/Sales.”
- Select “Other” for a stage that is not represented in the block. For example, most services do not translate well to descriptors for actual stages of product development. In this instance, in the text field provided, briefly describe the state of the proposed services (e.g., under contract—not being performed, proposed, etc.). See ITAR §120.41 Note 2 to Paragraph (b)(3).

BLOCK 9: FUNDING HISTORY

- Select all sources of funding, as applicable.
 - If the development or production of the commodity (to include provision of services) was funded by the U.S. government, select “U.S. Government (USG) Agency” provide the following information:

- Identify which agency provided funds and include USG contract numbers and points of contact, attach a copy of the Contract Statement of Work, identify the percentage of the total funding that was provided by a USG agency, and list the date(s) of the contracts and funding authorizations in the text fields provided.
- If the development or production of the commodity (to include provision of services) was funded by a foreign government agency, select “Foreign Government Agency” provide the following information:
 - Identify the country or countries and respective government agency(ies) that provided the funding in the text field provided. Be sure to describe the type of funding that was provided (e.g., Foreign Military Sales, etc.).
- If the development or production of the commodity (to include provision of services) was funded by a U.S. or foreign contractor, select “U.S. or Foreign Contractor” provide the following information:
 - Provide the name of the contractor along with the contact number for the person, company, or organization providing the funds.
- If the development or production of the commodity (to include provision of services) was university funded, select “University Funded” and provide the following information:
 - Provide the name of the university along with the contact number for the person, company, or organization providing the funds.
- If the development or production of the commodity (to include provision of services) was self-funded or select “Self-funded.”

BLOCK 10: SALES INFORMATION

- Identify whether there have been any sales of the item being reviewed during the past 5 years.
 - If yes, identify the purchaser(s), their respective country, nomenclature/model numbers, stated end-use(s) and user(s), as well as sales date(s) and number units sold.
 - If the filer wishes to provide information relevant to the sales that has not been previously covered, this information should be included in the text field provided.
 - If No, explain why no sales have occurred in the specified period if the subject item has been fully developed.
- Note: Military and Commercial sales data for the last 5 years must be provided, as well as a listing of military and commercial customers. This information pertains specifically to the commodity/services in Block 4.

BLOCK 11: EXPORT/CLASSIFICATION INFORMATION

- Identify whether the item to be reviewed has been previously exported.
 - If yes, provide a concise narrative regarding the export history, as well as whether the item was exported as part of a Foreign Military Sale(FMS) (see ITAR § 126.6)(c). Provide the license number as well as the FMS case number.
- Identify whether the item to be reviewed has been the subject of a previous Department of Commerce classification request.
 - If yes, attach a copy of the classification determination (or “CCATS”).

- If the filer believes that the commodity may be covered by the U.S. Munitions List and has been exported without authorization from the U.S. Department of State, please be informed of the voluntary disclosure process at 22 CFR 127.12. Voluntary disclosures are handled by the Office of Defense Trade Controls Compliance, Directorate of Defense Trade Controls (DDTC). The filer should direct any questions to the DDTC Response Team at (202) 663-1282.

BLOCK 12: REASON FOR SUBMITTING CJ REQUEST

- Provide an explanation for the CJ request in the text field “Explanation.” In order for DDTC to properly understand why the filer was unable to self-determine the appropriate jurisdiction and/or classification of the item to be reviewed, this block provides a text field for the filer to state the reason(s) for submitting a CJ determination request.
- In the text field, “Order of Review analysis,” describe the analysis conducted by the filer, pursuant to ITAR § 121.1(b)(1), which preceded the CJ determination request submission. The Order of Review is used to help filers match the particular characteristics and functions of their articles with specific entries in the U.S. Munitions List.
- If applicable, state the U.S. Munitions List category and/or subcategory that appears to best match the item to be reviewed, in the text field marked “Suggested U.S. Munitions List (USML) category and/or subcategory.” For items believed to be subject to the EAR, leave this field blank.
- If applicable, state the Commerce Control List Export Control Classification Number (ECCN) that appears to best match the item to be reviewed, in the text field marked “Suggested Export Administration Regulations, Export Control Classification Number (ECCN).” For items believed to be subject to the ITAR, leave this field blank.
- If applicable, state the rationale for arriving at the above conclusion(s) regarding the classification of the item to be reviewed. If “specially designed” was considered during the analysis, provide a summary of the conclusions regarding the assessment of this attribute. See ITAR § 120.41.

BLOCK 13: PUBLICATION

- Information to be published will be limited to the following entries: product name, generic description, and determination and determination date. In the text field provided, identify the data in Block 4 that is proprietary and should be withheld from public notice.

BLOCK 14: OTHER

- Provide any additional information not previously requested that should be considered by the Department of State when reviewing the submitted commodity jurisdiction request.

BLOCK 15: APPLICANT/SUBMITTER’S CERTIFICATION

- The filer certifies as to the accuracy and completeness of the information provided and has not knowingly omitted information that could have an impact on the final determination. Please note, the signatory will be the addressee on the final determination letter for this CJ.

Privacy Act Statement

AUTHORITIES: The information is sought pursuant to Exec. Order No. 13637, 22 U.S.C. 2778, 22 CFR § 120.3, 22 CFR § 120.4, and 22 CFR Part 121.

PURPOSE: The purpose of a commodity jurisdiction determination request is to provide the U.S. Government with information concerning the design, manufacture, export, brokering, and sale of certain defense articles which may or may not be controlled under the United States Munitions List (USML, 22 CFR Part 121) and are therefore subject to the export licensing jurisdiction of the Department of State. This information will be used to determine the correct classification of items under the USML.

ROUTINE USES: The information supplied on this form is made available to appropriate agencies for law enforcement or pursuant to a court order. It may also be used to send required reports to Congress about certain defense transactions. More information on the Routine Uses for the system can be found in the System of Records Notice State-42, Munitions Records.

DISCLOSURE: Providing this information is voluntary and designed to assist individuals and companies to properly determine the classification of certain defense articles. Failure to provide the information requested on this form may result in adverse determinations by the U.S. Government as regards the proper classification of defense articles manufactured, sold, or brokered by the respondent.