

TIPS FOR A SUCCESSFUL COMMODITY JURISDICTION APPLICATION

A good commodity jurisdiction (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 scientific 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 data required by the engineers to understand your commodity, you should avoid submitting duplicative or extraneous material. Try to hit that Goldilocks sweet-spot between too little information on the one hand, and reams of irrelevant data on the other. If you don't give us enough information on which to base a jurisdiction determination, your application will be returned without action, or delayed while we ask you to track down the additional information we need.

If it's not self-evident why you have submitted a particular support document, please explain somewhere in your application. Do not leave us guessing why you included certain documentation, or which attachment is which. Label them, and explain (if it's not self-evident) why you are providing them.

Please 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, as it is better to err on the side of providing too much information than too little.

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 (both the DS-4076 form and the cover letter) 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.