



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
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INTRODUCTION

This Standard Operating Procedure (“SOP”) outlines the processes used to foster a culture of compliance with U.S. Export Controls¹ and the University of California - Policy on Export Control (“Export Control Policy”)². This SOP is in furtherance of the local Export Compliance Program Plan (“ECP”) maintained and regularly reviewed and updated by the campus Export Control Office.

PURPOSE AND SCOPE

This SOP outlines the basic steps used by the Export Control Office to determine export jurisdiction, classification, and licensing requirements. Early identification of export jurisdiction, classification, and licensing requirements applicable to university activities, services, products, components, software, technology, and technical data (“items”) will minimize UCR’s compliance risk exposure.

KEY TERMS AND DEFINITIONS

International Traffic in Arms Regulations (“ITAR”)

Codified at [22 CFR Parts 120-130](#), the ITAR regulates the export and re-export of conventional arms and other defense commodities, services, and technical data.

United States Munitions List (“USML”)

The USML is a list of articles, services, and related technical data designated³ as defense-related by the United States Government. The USML is found at [22 CFR Part 121](#).

ITAR License

Means a document bearing the word “license” issued by the Deputy Assistant Secretary of State for Defense Trade Controls, or his authorized designee, that permits the export, temporary import, or brokering of a specific defense article or defense service controlled under the ITAR.

Commodity Jurisdiction (“CJ”)

A CJ is the procedure used to obtain an official ruling from the Department of State if doubt exists as to whether an item is covered by the USML or instead subject to the EAR. The CJ procedure may also be used for consideration of a redesignation of an item currently covered by the USML. CJ requests are prepared by the Export Control Office and submitted to the relevant U.S. Government agency for processing.

Export Administration Regulations (“EAR”)

¹ U.S. Export Controls include without limitation the Export Administration Regulations (“EAR”), International Traffic in Arms Regulations (“ITAR”), and regulations and orders administered by the Treasury Department’s Office of Foreign Assets Control (“OFAC”)

² University of California – Policy on Export Control dated June 21, 2018, as amended. <https://policy.ucop.edu/doc/2000676/ExportControl>

³ This designation is pursuant to section 38 and 47(7) of the Arms Export Control Act ([22 U.S.C. 2278\(a\)](#) and [2794\(7\)](#))



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

Codified at [15 CFR Parts 730-774](#), the EAR controls the export and re-export of certain goods, technology, and services with civilian or military applications.

Subject to the EAR

This term refers to those items and activities over which the U.S. Department of Commerce, Bureau of Industry and Security (“BIS”) has jurisdiction.

Commerce Control List (“CCL”)

The CCL is a detailed set of entries describing items subject to the EAR. Entries on the CCL are identified by an Export Control Classification Number. The CCL is found at [15 CFR Part 774, Supplement No. 1](#) and is divided into ten broad categories. Each category is further subdivided into five product groups.

Categories	
0	Nuclear & Miscellaneous
1	Materials, Chemicals, Microorganisms and Toxins
2	Material Processing
3	Electronics
4	Computers
5	Part 1 - Telecommunications
	Part 2 - Information Security
6	Sensors and Lasers
7	Navigation and Avionics
8	Marine
9	Aerospace and Propulsion

Product Groups	
A	Systems, Equipment and Components
B	Test, Inspection and Production Equipment
C	Material
D	Software
E	Technology

Export Control Classification Number (“ECCN”)

The ECCN is an alpha-numeric code, e.g., 3A001, that describes the item and indicates licensing requirements. All ECCNs are listed in the CCL at [15 CFR Part 774, Supplement No. 1](#).

EAR License

Authority issued by BIS authorizing an export, reexport, or other regulated activity. The term “license” does not include authority represented by a “License Exception.”

Fundamental Research

Under the EAR ([§ 734.8](#)) and ITAR ([§ 120.34\(a\)\(8\)](#)), fundamental research generally means that information generated during and resulting from research is intended to be in the public domain and ordinarily shared with the scientific community. This type of information does not constitute technical data or technology as defined in the ITAR and EAR. As such, it is excluded from export controls. When conducting fundamental research, a fundamental research exclusion (“FRE”) is available if the resulting information is not subject to the ITAR or EAR meeting the following criteria:



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

- The research activity cannot constitute industrial development, designed, or utilization as indicated by any type of proprietary restriction imposed by the sponsor.
- The agreement and research activity may not include any type of contractual or national security restrictions, such as foreign national prohibitions or prepublication approval of the research results by the sponsor.

Specially Designed

This term means an item that is:

- 1) As a result of “development” has properties peculiarly responsible for achieving or exceeding the performance levels, characteristics, or functions in the relevant ECCN or USML paragraph; or
- 2) Is a “part,” “component,” “accessory,” “attachment,” or “software” for use in or with a commodity or defense article ‘enumerated’ or otherwise described on the CCL or the USML.

Dual Use

The term dual use means items that have both commercial and military or proliferation applications. This term does not imply that an item can be subject to different controls and licensing requirements based upon its use. Items are either subject to EAR or ITAR control, but no item can be subject to both sets of regulations.

Deemed Export

Under the ITAR, this term means releasing or otherwise transferring technical data to a foreign person in the United States.

Under the EAR this term means releasing or otherwise transferring technology or source code (but not object code) to a foreign person in the United States.

Office of Foreign Assets Control (“OFAC”)

The US Department of the Treasury’s Office of Foreign Assets Control administers and enforces economic and trade sanctions based on US foreign policy and national security goals against targeted foreign countries and regimes, terrorists, international narcotics traffickers, those engaged in activities related to the proliferation of weapons of mass destruction, and other threats to the national security, foreign policy or economy of the United States.

Sanctions Programs

OFAC administers a number of different sanctions programs. The sanctions can be either comprehensive or selective, using the blocking of assets and trade restrictions to accomplish foreign policy and national security goals.

Economic Sanctions

An economic sanction is a ban on certain types of trade. Under OFAC regulations an economic sanction may include prohibitions on imports and exports of items and services.

Embargo



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Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

An embargo is the complete or partial limitation of trade and commerce with a country or group of countries. Under OFAC regulations an embargo may include prohibitions on imports and exports of items and services.

Prohibited Transaction

This phrase means transactions or activities in which US persons may not engage unless authorized by OFAC or allowed under a general license, specific license, or exemption.

OFAC License

An authorization from OFAC to engage in a transaction that otherwise would be prohibited. There are two types of licenses: general licenses and specific licenses.

General License

A general license authorizes a particular type of transaction for a class of persons without the need to apply for a license. General licenses are issued by OFAC and persons engaging in transactions pursuant to a general license must make sure that all conditions of the license are strictly observed.

Specific License

A specific license is a written document issued by OFAC to a particular person or entity, authorizing a particular transaction in response to a written license application.

Specially Designated Nationals (“SDNs”)

As part of its enforcement efforts, OFAC publishes a list of individuals and companies owned or controlled by, or acting for or on behalf of, targeted countries. It also lists individuals, groups, and entities, such as terrorists and narcotics traffickers designated under programs that are not country-specific. Collectively, such individuals and companies are called "Specially Designated Nationals" or "SDNs." Their assets are blocked and U.S. persons are generally prohibited from dealing with them.

DETERMINING EXPORT JURISDICTION

Self-Determination

Start with reviewing [22 CFR §120.11](#) of the ITAR. If your item is enumerated on the ITAR’s USML in [22 CFR §121.1](#), including one of its “catch-all” paragraphs, you are subject to the export jurisdiction of the U.S. Department of State, Directorate of Defense Trade Controls (“DDTC”).

Items that are not enumerated on the ITAR or under the exclusive jurisdiction of another agency, are subject to the export jurisdiction of the U.S. Department of Commerce, Bureau of Industry and Security (“BIS”) under the Export Administration Regulations (“EAR”). The EAR governs only items “subject to the EAR”.

Commodity Jurisdiction (“CJ”) Determination Request

The Export Control Office may submit an electronic CJ request to DDTC if doubt exists as to whether an item is covered by the USML or instead subject to the EAR.



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

Pursuant to [22 CFR § 120.12](#), CJ requests must identify the item, and include a history of the item's design, development, and use. Brochures, specifications, and any other documentation related to the item may also be submitted as electronic attachments per DDTC's CJ procedure instructions.

DDTC will provide a preliminary response within 10 working days of receipt of a complete CJ request. If after 45 days DDTC has not provided a final CJ determination, the Export Control Office may request in writing to the Director, Office of Defense Trade Controls Policy that this determination be given expedited processing.

DETERMINING EXPORT CLASSIFICATION

Self-Classification

To classify an item on the USML

- Begin with a review of the general characteristics of the item. This should guide you to the appropriate USML category, whereupon you should attempt to match the particular characteristics and functions of the article to a specific entry within that USML category.
- If the entry includes the term “specially designed,” refer to [22 CFR § 120.41](#) to determine if the article qualifies for one or more of the exclusions articulated in § 120.41(b).
- An item described in multiple entries should be categorized according to an enumerated entry rather than a specially designed catch-all paragraph.

To classify an item subject to the EAR against the CCL

- Begin with a review of the general characteristics of the item. This will usually guide you to the appropriate category (0 through 9) on the [CCL](#).
- Once the potentially applicable CCL categories are identified, determine which product group within the CCL category or categories (i.e., A, B, C, D, or E) is applicable to the item.
- The next step in the classification analysis is to determine whether it is described in a 9x515 ECCN or “600 series” ECCN paragraph other than a “catch-all” paragraph such as a “.x” paragraph that controls unspecified “parts” and components” “specially designed” for items in that ECCN or the corresponding USML paragraph. Refer to the order of review set out in [Supplement No. 4 to Part 774](#) of the EAR for step by step instruction.
- If the item is not described under any ECCN of any category of the CCL, then the item is designated as EAR99. EAR99 items may require a license if destined for a prohibited or restricted end user, end use or destination.

Classification Requests

For items not subject to the ITAR or the exclusive jurisdiction of another agency, if an ECCN cannot be determined, the Export Control Office may submit a request to BIS for a formal classification, advisory opinion, or licensing decision.

Pursuant to [§ 748.3](#) of the EAR, classification requests must be supported by any descriptive literature, brochures, precise technical specifications, or papers that describe the items in sufficient technical detail to



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

enable classification by BIS submitted as PDF files attached to the SNAP-R submission unless a paper submission is authorized pursuant to [§ 748.3](#) of the EAR. Classification requests are limited to six items per request.

BIS will issue a determination that each item identified in the classification request is either described by an ECCN in the CCL or not described by an ECCN and, therefore, an EAR99 item.

Purchased items

When purchasing items from an external source, procurement must contact the source (vendor / supplier or manufacturer) of the items to request the applicable export jurisdiction and classification of the items they are providing⁴. Export jurisdiction and classifications provided by an external source must be sent to the Export Control Office for review and validation.

DETERMINING LICENSING REQUIREMENTS

General

To assist with license determinations, perform Restricted Party Screening (RPS)⁵ using Visual Compliance for all foreign parties involved in the transaction, including the end user, affiliated entity for international scholars and collaborators and any of the parties involved in throughout the transaction, including partner resources such as supercomputing centers.

ITAR

A license is required for any defense article or defense service enumerated on the ITAR's USML prior to the export or deemed export taking place.

EAR

Step 1: What is your items ECCN and Reasons for Control?

Step 2: Do General Prohibitions 4 – 10 of the EAR apply?

- If Yes, a license is required
- If No, proceed to Step 3

Step 3: Using the Commerce Country Chart ([Supplement No. 1 to Part 738](#)), is there an "X" in the box based on the based on the country you are exporting to?

Step 4: Perform RPS to determine if the end-user is listed on any restricted parties list requiring export approval.

Step 5: Determine if the end-use is prohibited requiring export approval.

⁴ Refer to Standard Operating Procedure (SOP) Procurement Services / Purchasing SOP for instruction on how to request export jurisdiction and classification for purchased items <https://exportcontrol.ucr.edu/documents-and-procedures>

⁵ Refer to Standard Operating Procedure (SOP) Restricted Party Screening, End-Use & End-User Checks for further information on the RPS process <https://exportcontrol.ucr.edu/documents-and-procedures>



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

OFAC

Activities that require a license from OFAC include the following:

- Importing items from a sanctioned country (for instance, samples extracted for analysis)
- Exporting, reexporting, selling, or supplying items or technology to a sanctioned country (for example, research samples).
- Transferring funds to or from a sanctioned country (for instance, an honorarium to a guest speaker who is a national of Iran).
- Importing the service from a sanctioned country or exporting a service to a sanctioned country. A service generally includes providing anything of value (examples of services include human subjects research involving surveys or interviews and providing technical assistance with the research question).
- Engaging in a transaction with an SDN or other restricted party that involves blocked property
- Facilitating transactions with the sanctioned country or attempting to evade the regulations (for instance a researcher may not send a research sample to a colleague in France to have that colleague send the sample to Iran).
- Attending a conference in a sanctioned country

LICENSE EXCEPTIONS AND EXEMPTIONS

ITAR

Under the ITAR, Exemptions authorize the export, re-export, retransfer, or temporary import of defense articles or defense services without the need for specific DDTC approval. For a complete listing of ITAR Exemptions and general rules of applicability, refer to [22 CFR § 125.4](#).

EAR

Under the EAR, there are two types of License Exceptions: ECCN based, and Situation based. See [Part 740](#) of the EAR to determine which License Exception is available for the transaction. If more than one License Exception is available, use whichever is easiest. For comprehensively sanctioned countries, consider [Part 746](#) and [OFAC regulations](#) before using a License Exception.

OFAC

OFAC regulations often provide general licenses authorizing the performance of certain categories of transactions. OFAC also issues specific licenses on a case-by-case basis under certain limited situations and conditions. Guidance on how to request a specific license is found at [31 CFR § 501.801](#).

REVIEW AND SUBMISSION OF LICENSE APPLICATIONS

ITAR



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

In accordance with Export Control Policy, all license applications for the export, re-export, or transfer of a defense article or defense service are managed by the Associate Director of Export Control in the Office of Ethics, Compliance and Audit Services (“ECAS”) at the University of California Office of the President (“UCOP”).

EAR

Instructions for license applications are found in [Supplement No. 1 to part 748](#) of the EAR. The Export Control Office is responsible for preparing, reviewing, and submitting license applications for the export, re-export or transfer of item(s) subject to the EAR using the SNAP-R on-line licensing system.

OFAC

Applications for specific licenses to engage in any transactions prohibited by or pursuant to OFAC regulations, or sanctions programs must be signed, either manually or electronically, and filed through OFAC's Reporting and License Application Forms page (<https://licensing.ofac.treas.gov/>). The Export Control Office is responsible for preparing, reviewing, and submitting license applications to OFAC.

Note: License reviews, application and approvals or denials can take up to 3-6 months (or longer for OFAC) before a final determination is made. Each license is for a specific export transaction.

MANAGING APPROVED EXPORT LICENSES

Upon receipt of an approved license, the Export Control Office will provide copies to the individuals responsible for their implementation and performance of a project; outlining any license provisos or limitations that must be adhered to are understood. The Export Control Office will provide training as needed to ensure all provisos or limitations of approved licenses are maintained.

For tracking purposes, a log of all license applications (approved or denied) shall be maintained by the Export Control Office. All relevant documents in support of a license application (approved or denied) will be maintained by the Export Control Office in accordance with applicable recordkeeping procedures outlined in this SOP.

RECORDKEEPING

All documents created or modified in the performance of this SOP should be retained and managed in accordance with relevant Export Control regulations and as captured in the UC Records Retention Schedule⁶. In the event of conflict between the retention periods in the regulations and the UC Records Retention Schedule, the periods specified by the regulations shall take precedence. If the controlling agencies have no stated requirements, records should be kept no longer than as required by the UC Records Retention Schedule. To verify or obtain record retention information and instructions please contact the Export Control Office.

⁶ University of California – Records Retention Schedule <https://recordsretention.ucop.edu/>



Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

QUESTIONS

Should you have questions or concerns regarding the applicability of the contents of this SOP, please contact the Export Control Office at exportcontrol@ucr.edu for assistance.

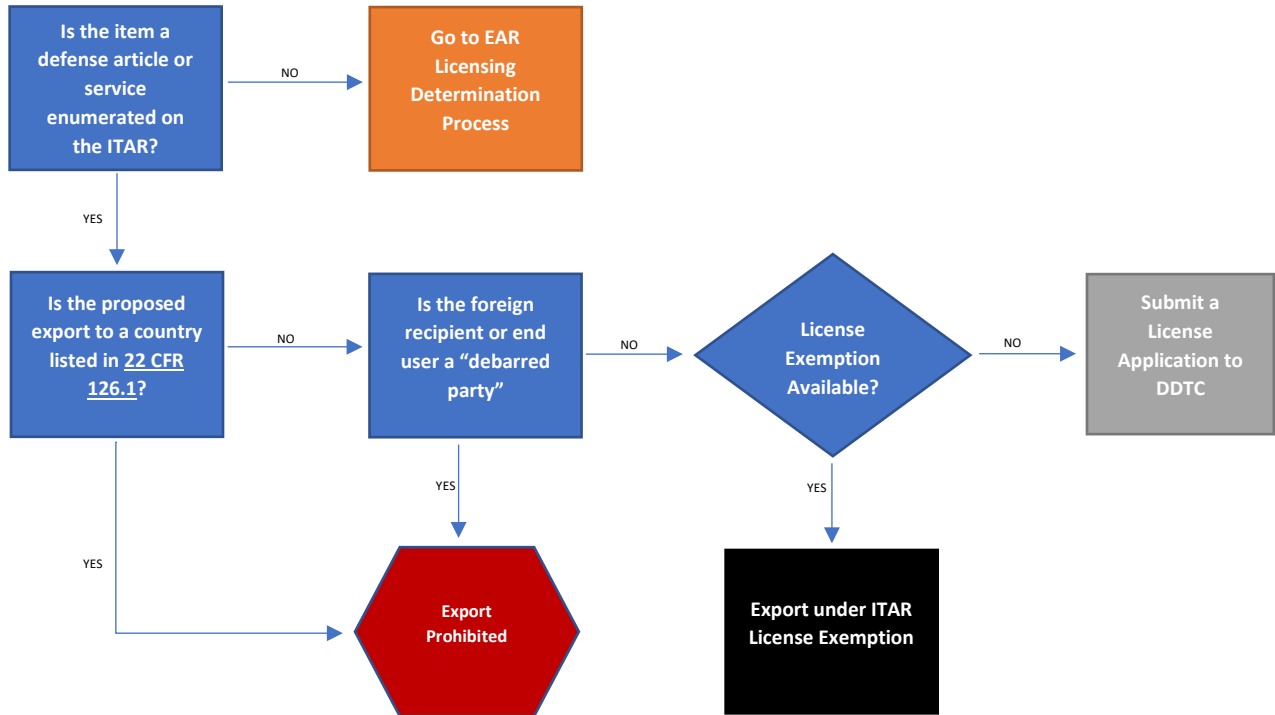
Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
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Revision Date:	09/10/2025

APPENDIX A – REVISION HISTORY

Date	Reason	Notes
10/04/2021	Final Version Release	Initial release
01/17/2023	Updated regulatory definitions and process maps. Deleted 'Drafted by' and 'Checked by' columns from Revision History table.	
09/10/2025	Updated format, headers, and made minor grammatical changes throughout for simplified reading. Updated hyperlinks.	

Export Compliance Plan Standard Operating Procedure (SOP) Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

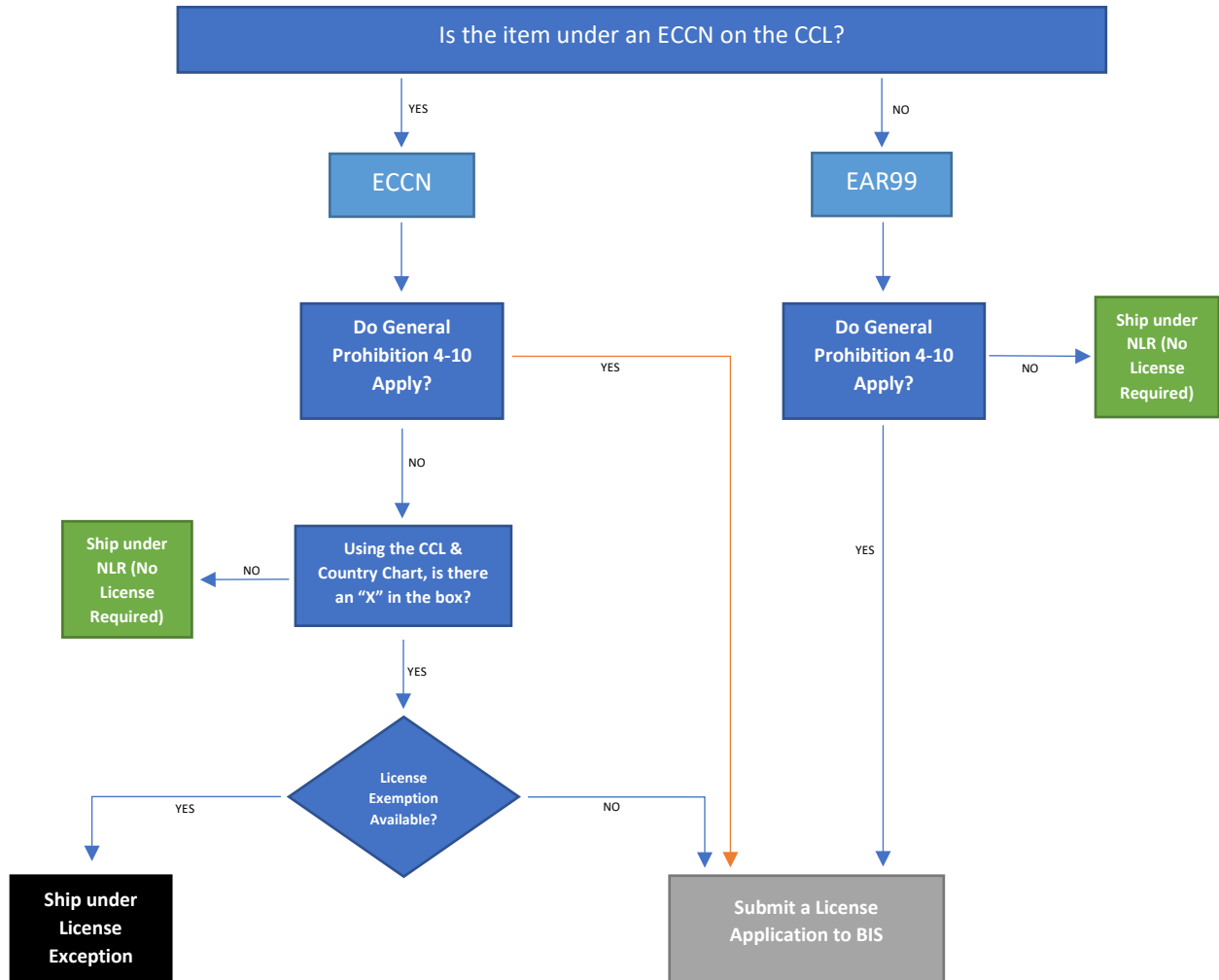
APPENDIX B - PROCESS MAP – ITAR LICENSING



Note: Items subject to the ITAR can only be exported with a license or license exemption.

Export Compliance Plan Standard Operating Procedure (SOP)	
Export Jurisdiction, Classification & Licensing Requirements	
Document Number:	ECP-20210110-SOP5
Issue Date:	10/04/2021
Revision Date:	09/10/2025

APPENDIX C - PROCESS MAP – EAR LICENSING



Note: Not all items subject to the EAR need an export license so there are additional steps required to determine applicable licensing requirements.