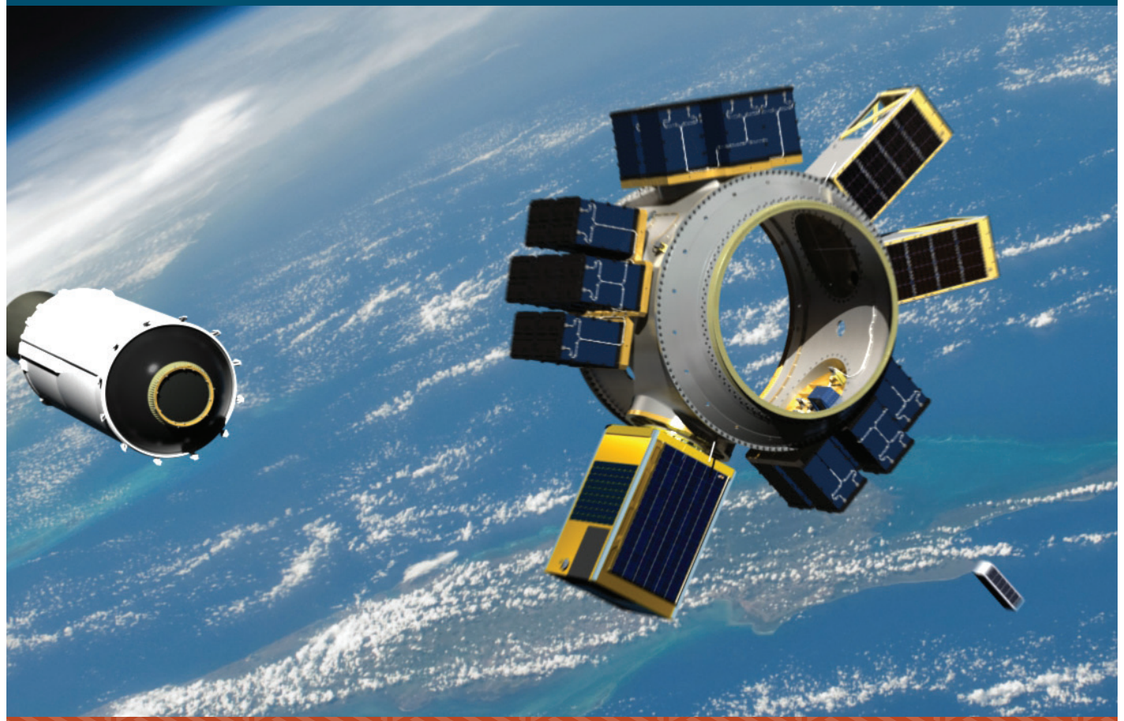
INTRODUCTION TO

U.S. Export Controls for the Commercial Space Industry



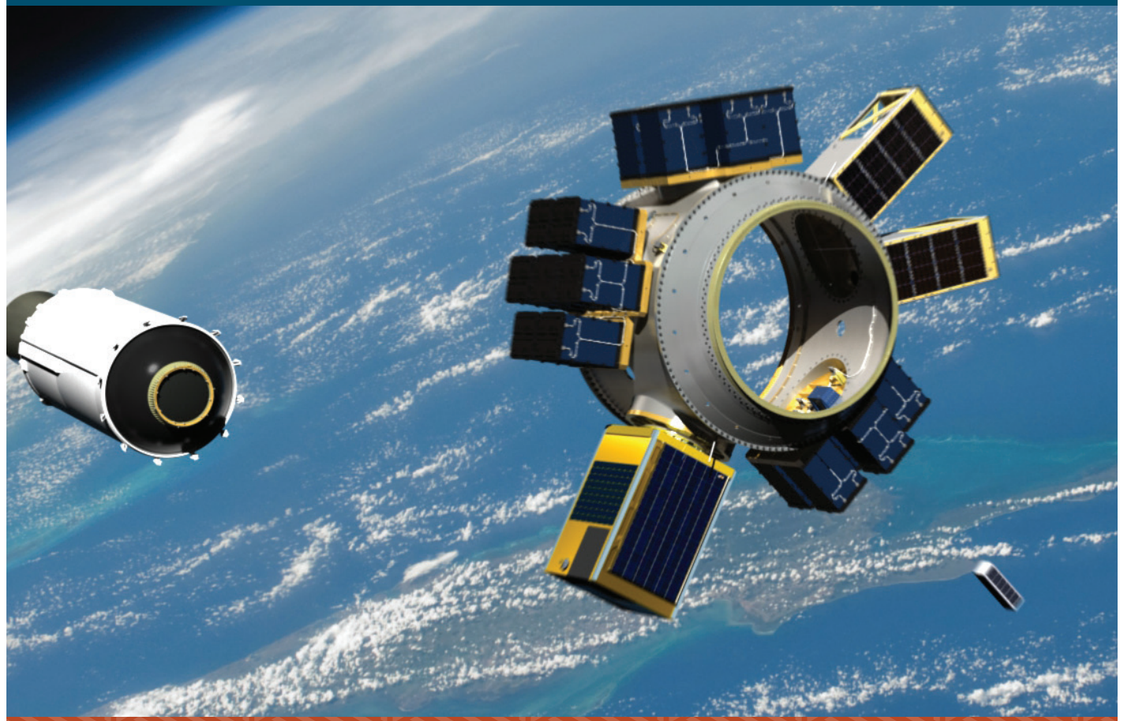
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Department of Commerce

Federal Aviation Administration

引言

美国出口管制针对商业航天行业



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商务部

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Purpose

This guidebook provides basic information to help commercial space organizations, especially emerging entrepreneurial firms, considering business in the international market. It is intended to serve as a starting point in the preparation for the export control process. This is an update to the 2008 edition and reflects changes due to the Export Control Reform initiative.

Because most space technologies are subject to export controls, it is your responsibility to be aware of the steps necessary to ensure that your operations are lawful. While this guidebook gives an overview of the general responsibilities and procedures, it cannot replace a full understanding of export regulations or discussions with regulatory bodies and legal counsel prior to any technology or information export. Please consult with the Department of State and Department of Commerce to ensure that your organization has the most recent information.

In particular, please note that export control regulations are subject to ongoing revision. Be sure to compare any regulatory text quoted in this publication with the latest official online version.

The U.S. Department of State is the final authority on International Traffic and Arms Regulations (ITAR).

www.pmddtc.state.gov

The U.S. Department of Commerce is the final authority on Export Administration Regulations (EAR).

www.bis.doc.gov

目的

本指南提供基本信息，以帮助商业航天
组织，尤其是新兴创业型企业，考虑在国际市场上开展业务。其旨在作为

准备出口管制流程的起点。本文件是2008年版的更新，反映了因出口管制改革倡议而产生的变化。

由于大多数空间技术受出口管制约束，您有责任了解确保您的运营合法所需的步骤。虽然本指南概述了一般责任和程序，但它不能替代对出口法规的全面理解，也不能替代在出口任何技术或信息之前与监管机构和法律顾问的讨论。请咨询国务院和商务部，以确保您的组织掌握最新信息。

特别提请注意，出口管制法规会不断修订。务必将本出版物中引用的任何法规文本与最新的官方在线版本进行比对。

美国国务院
是《国际武器贸易条例》
（ITAR）的最终权威机构。

www.pmddtc.state.gov

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（EAR）。

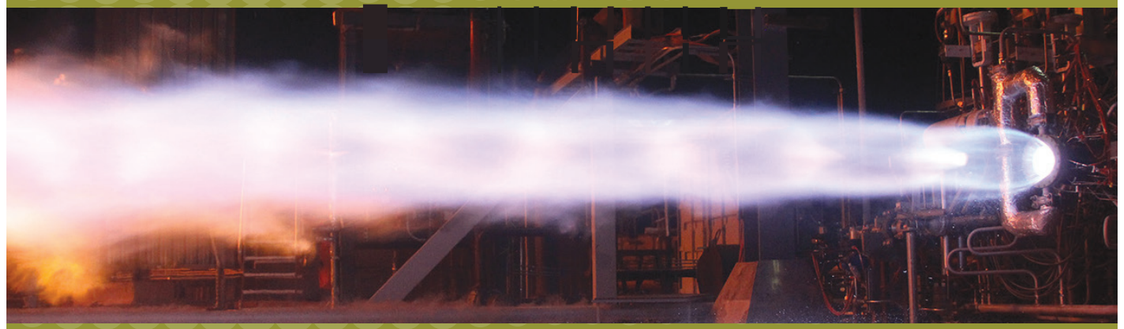
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SECTION

1



第



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BACKGROUND

背景

1.1 Export Control 101

1.1.1 DEFINITIONS: EXPORTS, DEEMED EXPORTS, AND RE-EXPORTS

An **export** is defined as: (1) an actual shipment or transmission out of the United States; (2) releasing or otherwise transferring technical data to a foreign person in the United States (a "**deemed export**"); (3) transferring registration, control, or ownership of any aircraft, vessel, or satellite by a U.S. person to a foreign person; (4) releasing or otherwise transferring a defense article to an embassy in the United States; or (5) performing a defense service on behalf of, or for the benefit of, a foreign person, whether in the United States or abroad.[1] A launch vehicle or payload shall not, by reason of the launching of such vehicle, be considered an export[2,3].

A **re-export** is the shipment or transmission of exported items from one foreign country to another, the deemed export of technical data within a foreign country, or the transfer of registration, control, or ownership of an exported aircraft, vessel, or satellite between foreign persons.[4,5]

1.1.2 THE REASONS FOR CONTROLS

The U.S. export control system is designed to prevent the spread of sensitive technologies to foreign actors that could threaten U.S. interests, while at the same time allowing U.S. companies to engage in legitimate commercial activity. Controlled technologies include defense articles (e.g., missiles), defense services (e.g., integration of a spacecraft onto a launcher), and dual use items (e.g., commercial spacecraft and components).

A U.S. company must seek and receive authorization from the U.S. government prior to exporting controlled technologies. Depending on the sensitivity of the item or service, the authorization may be in the form of a license, agreement, or license exception.

The deemed export rule requires companies to also seek and receive authorization from the U.S. government before releasing controlled technology

[1] 22 CFR § 120.17 and 15 CFR § 734.13
[2] 22 CFR § 120.17
[3] 15 CFR § 734.18
[4] 22 CFR § 120.19
[5] 15 CFR § 734.14

1.1出口管制101

出口**出口**定义为：(1) 实际从美国运出或传输；(2) 向在美国的外国人发布或以其他方式转让技术数据("**视同出口**");(3) 由美国人向外国人转让任何航空器、船舶或卫星的注册、控制或所有权；(4) 向美国境内的使馆发布或以其他方式转让国防物品；或 (5) 在美国境内或境外代表外国人或为外国人的利益执行国防服务。[1]运载火箭或有效载荷不得因该运载工具的发射而被视为出口[2,3]。

1.1.1定义：出口、视同出口、以及再出口

A**再出口**是指已出口物项从一个外国运往或传输至另一个外国、技术数据在外国境内的视同出口，或已出口的航空器、船舶或卫星的注册、控制或所有权在外國人之间的转让。[4,5]

1.1.2管制的原因

美国出口管制体系旨在防止敏感技术扩散至可能威胁美国利益的外国行为体，同时允许美国公司从事合法的商业活动。受管制技术包括国防物品(例如导弹)、国防服务(例如将航天器集成到运载火箭上)以及两用物项(例如商业航天器及部件)。

美国公司在出口受管制技术之前，必须寻求并获得美国政府的授权。根据物品或服务的敏感程度，授权形式可以是许可证、协议或许可例外。

视同出口规则要求公司在发布受管制技术之前，也必须寻求并获得美国政府的授权

1 22 CFR 734.13
2 22 CFR120.17
3 15 CFR734.18
4 22 CFR120.19
5 15 CFR734.14

or technical data to foreign persons within the United States. The deemed export rule exempts a person with permanent residence status, U.S. citizenship, and/or granted status as "protected individual".[6]

Since exported technologies may be re-exported or diverted from commercial buyers to hostile actors, most U.S. export controls are based on an item or service's inherent technical capabilities, not on its intended end use. For example, all launch vehicles are subject to restrictive export controls even if designed to serve purely commercial markets.

1.1.3 REGULATIONS AND RESPONSIBLE DEPARTMENTS

The U.S. export control process involves two sets of regulations and two lead departments.

The International Traffic in Arms Regulations (ITAR) process has been developed under the jurisdiction of the Department of State and is administered by the **Directorate of Defense Trade Controls (DDTC)**. The ITAR process controls items, information, or activities that could be used for threatening foreign military purposes, whether actual products (defense articles) or assistance (defense services). These products and services are detailed in the ITAR under the **United States Munitions List (USML)** and can be found at www.pmddtc.state.gov/regulations_laws/itar.html.

The **Export Administration Regulations (EAR)** process controls items and technologies considered to be "dual use", meaning applicable to commercial or military use. These items are detailed in the EAR under the **Commerce Control List (CCL)**. The Commerce Department's **Bureau of Industry and Security (BIS)** administers the EAR process.

The vast majority of commercial spacecraft and components fall under the jurisdiction of the EAR.

Complete information about the CCL can be found at: www.bis.doc.gov/regulations/export-administration-regulations-ear.

[6] 8 U.S.C. § 1324b(a)(3)

或向美国境内的外国人提供技术数据。视同出口规则豁免拥有永久居民身份、美国公民身份和/或被授予"受保护个人"身份的人员。[6]

由于出口的技术可能被再出口或从商业买家转移给敌对行为者，大多数美国出口管制基于物品或服务的固有技术能力，而非其预期最终用途。例如，所有运载火箭均受限制性出口管制约束，即使其设计仅服务于纯商业市场。

1.1.3法规与负责部门

美国出口管制流程涉及两套法规和两个牵头部门。

《国际武器贸易条例ITAR》的流程是在国务院管辖下制定的，并由国防贸易管制局DDTC管理。ITAR流程管制可用于威胁外国军事目的的物品、信息或活动，无论是实际产品(国防物品)还是援助(国防服务)。这些产品和服务在ITAR下的美国军需品清单USML中有详细说明，可在www.pmddtc.state.gov/Regulations_laws/itar.html查阅。

《出口管理条例》(EAR)对被视为"两用"的物项和技术进行管制，即既可用于商业用途也可用于军事用途。这些物项在EAR中于商业管制清单清单(CCL)下详细列明。商务部工业与安全局(BIS)BIS)负责管理EAR流程。

绝大多数商业航天器和部件属于EAR的管辖范围

关于CCL的完整信息可查阅：www.bis.doc.gov/regulations/export-administration-regulations-ear.

6 8 美国法典1324b(a)(3)

Figure 1: Authorization Hierarchy for U.S. Export Controls

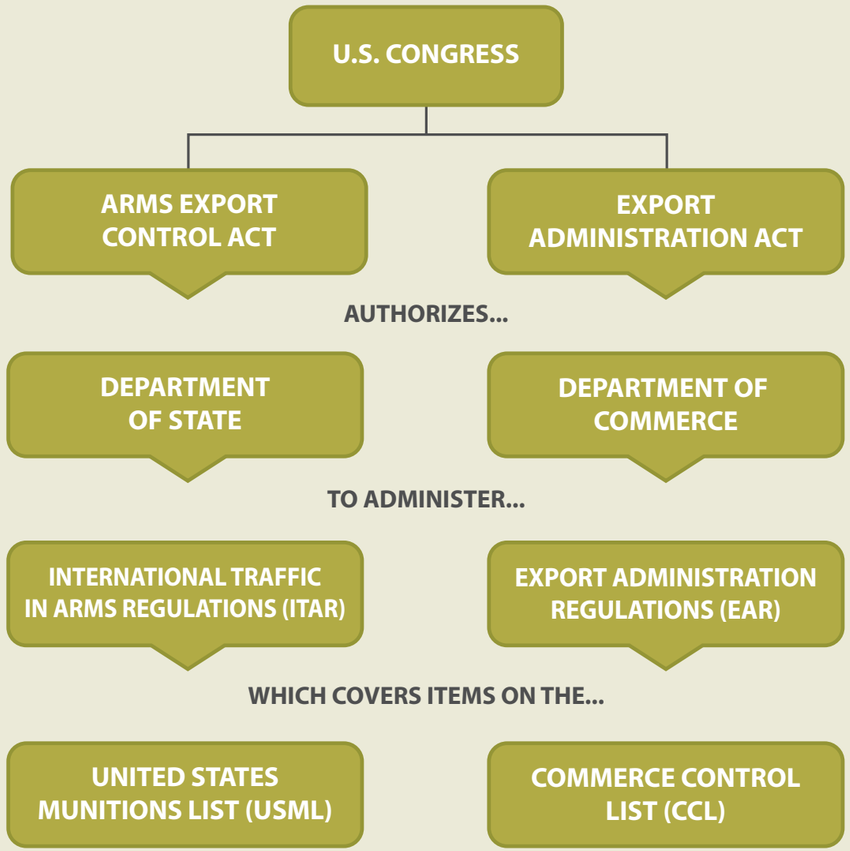
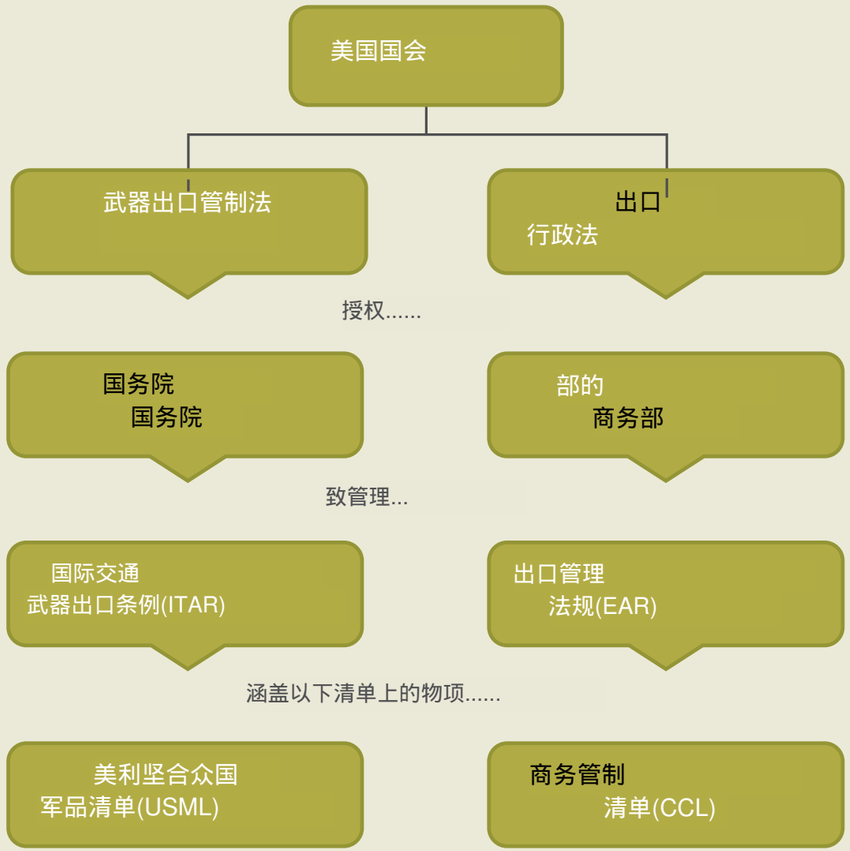


图1:美国出口管制授权层级



1.1.4 MULTILATERAL COMMITMENTS

The United States aligns its export control regulations with several major multilateral control regimes to which it is committed. Of particular interest to commercial space companies are the Missile Technology Control Regime (MTCR), which controls items needed for missile development, production, and operation, and the Wassenaar Arrangement (WA), charged with promoting transparency and greater responsibility in transfers of conventional arms and dual use goods and technologies to prevent destabilizing accumulations. Additional information on MTCR and WA, including a list of member states, can be found at www.mtcr.info and www.wassenaar.org, respectively.

1.1.4多边承诺

美国将其出口管制法规与其承诺遵守的若干主要多边管制制度保持一致。商业航天公司特别关注的是导弹技术控制制度(MTCR)，该制度管制导弹开发、生产和运行所需的物项，以及瓦森纳安排(WA)，负责促进常规武器和两用货物及技术转让的透明度和更大责任，以防止破坏稳定的积累。有关 MTCR 和 WA 的更多信息(包括成员国名单)可分别在www.mtcr.info和www.wassenaar.org查阅。

1.2 What's Changed Under Export Control Reform

1.2.1 SATELLITE EXPORT CONTROL REFORM

The National Defense Authorization Act for Fiscal Year 2013 authorized the removal of satellites and related items from the USML. As a result, the Department of State revised the ITAR and USML Category XV (Spacecraft and Related Articles) in rules that became effective in November 2014.[7,8] The Commerce Department made parallel revisions to the EAR and CCL.[9,10] The Category XV revision was one element of a broader Export Control Reform initiative begun in 2009 to place "higher walls" around a smaller set of "crown jewels" and unleash U.S. exports of products and services outside the walls. The government now focuses its oversight on the most critical national security priorities while enabling U.S. businesses to improve their competitiveness in key defense and technology sectors.

The Category XV update represented a sea change for the space industry, ending a 15-year period during which nearly all U.S. satellites and components were controlled as defense articles under ITAR. Prior to satellite export control reform, Category XV was a short list of very broad controls with little or no performance criteria to distinguish capabilities. This meant that anything from a complete space system to every nut, bolt, and screw used on that system was ITAR controlled. Today, both the USML and the CCL provide greater clarity on what is controlled, removing many items from stricter ITAR controls and making it easier for you to understand and comply with export regulations.

The USML now functions as a "positive control list" describing the few items and services remaining under ITAR, with the rest falling to EAR. Satellite export control reform reversed the ITAR "see through rule"[11] (see Section 2.2.4) and rationalized most controls based on technical criteria. With so many space-

[7] 79 FR 27180 (May 13, 2014)
[8] 79 FR 66608 (November 10, 2014)
[9] 79 FR 27417 (May 13, 2014)
[10] 79 FR 67055 (May 13, 2014)
[11] Prior to 2014, if a satellite contained any part or component controlled under the ITAR, the entire satellite was subject to the ITAR. Today, satellites subject to the EAR generally remain under the EAR even if they contain ITAR-controlled components.

1.2出口下有何变化 管制改革

1.2.1卫星出口管制改革

2013 财年国防授权法案授权将卫星及相关物项从 USML 中移除。因此，国务院在 2014 年 11 月生效的规则中修订了 ITAR 和 USML 第 XV 类(航天器及相关物品)。[7,8]商务部对 EAR 和 CCL 作出了相应修订。[9,10]第 XV 类的修订是始于 2009 年的更广泛出口管制改革计划的一个要素，该计划旨在围绕更小范围的"皇冠上的明珠"筑起"更高的围墙"，并释放美国产品和服务在围墙之外的出口。政府现在将监管重点放在最关键的国家安全优先事项上，同时使美国企业能够提高其在关键国防和技术领域的竞争力。

第十五类的更新对航天产业而言是一场巨变，终结了几乎所有美国卫星及部件均作为ITAR下的国防物项受管制的15年时期。在卫星出口管制改革之前，第十五类是一份简短而极为宽泛的管制清单，几乎没有或完全没有用于区分能力的性能标准。这意味着从完整的空间系统到该系统上使用的每一颗螺母、螺栓和螺钉都受ITAR管制。如今，USML和CCL都对受管制物项作出了更明确的规定，将许多物项从更严格的ITAR管制中移除，使您更容易理解和遵守出口法规。

USML现在作为"正面管制清单"运作，描述仍受ITAR管辖的少数物项和服务，其余则归入EAR。卫星出口管制改革逆转了ITAR的"穿透规则"[11](见第2.2.4节)，并基于技术标准合理化了大多数管制。由于如此多的太空

7 79 FR 27180（2014年5月13日）
8 79 FR 66608(2014年11月10日)
9 79 FR 27417（2014年5月13日）
10 79 FR 67055（2014年5月13日）
[11]2014年之前，如果卫星包含任何受ITAR管制的零件或组件，则整颗卫星均受ITAR管辖。如今，受EAR管辖的卫星即使包含ITAR管制的组件，通常仍属EAR管辖。

related items and services removed from ITAR control, U.S. exporters now face a lighter burden in terms of licensing and compliance.

Items and services transferred from the USML to the CCL include (but are not limited to):

- *Communication satellites that do not contain classified components;*
- *Remote sensing satellites with certain performance parameters;*
- *Any spacecraft parts, components, accessories, attachments, equipment, or systems that are not specifically identified in the USML; and*
- *Most radiation-hardened microelectronic circuits.*

1.2.2 MAJOR PROCESS CHANGES UNDER EXPORT CONTROL REFORM

The revised export control regulations now allow companies to export and re-export items and components to designated foreign allies without any licensing for the vast majority of their export activities. Most items on the CCL are eligible for several license exceptions, including a **Strategic Trade Authorization (STA)**, that allows the unlicensed export, re-export, and in-country transfer of products to 36 U.S. allies. Eight other countries are eligible to receive certain items under STA, provided all terms of the license exceptions have been met. Complete information about STA exceptions can be found in 15 CFR § 740.20.

With USML Category XV now serving as a positive control list, the former practice of requesting a Commodity Jurisdiction (CJ) determination (of whether a space-related item is covered by ITAR or EAR) is now largely unnecessary. The Departments of State and Commerce continue to conduct regular reviews of USML Category XV in consultation with industry to identify additional items that should be moved to EAR jurisdiction.

Satellite export control reform has created a less restrictive environment for foreign nationals working on U.S. space projects.[12] Previously, foreign nation-

[12] 22 CFR § 120.16

相关物项和服务已从ITAR管制中移除，美国出口商目前在许可和合规方面的负担有所减轻。

从USML转移至CCL的物项和服务包括(但不限于)::

- 通信卫星其不不包含机密部件；
- 具有特定性能参数的遥感卫星；
- 任何航天器零件、组件、附件、附属件、设-备、或系统其未未明确列明于USML;以及和
- 大多数抗辐射微电子电路。

1.2.2 出口管制改革下的重大流程变化

修订后的出口管制法规现在允许公司在绝大多数出口活动中，无需任何许可即可向指定外国盟友出口和再出口物项及组件。CCL上的大多数物项符合若干许可例外的条件，包括StrategicTradeAutho-rization(STA)，该许可例外允许向36个美国盟友进行无需许可的出口、再出口和境内转移。另有八个国家有资格根据STA接收某些物项，前提是许可例外的所有条款均已满足。有关STA例外的完整信息可在15 CFR740.20.中查阅。

由于USML第XV类现已成为正面管制清单，以往请求商品管辖权(CJ)裁定(即判定某航天相关物项受ITAR还是EAR管辖)的做法现已基本不必要。国务院和商务部继续与业界协商，定期审查USML第XV类，以识别应转移至EAR管辖的其他物项。

卫星出口管制改革为参与美国太空项目的外国公民创造了限制更少的环境。[12]此前，外国

12 22 CFR120.16

As of the date of this publication, the 36 allied countries eligible for License Exception STA are: Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, South Korea, Spain, Sweden, Switzerland, Turkey, the United Kingdom. Licensing Exception STA also contains limited exceptions for the following countries: Albania, Hong Kong, India, Israel, Malta, Singapore, South Africa, and Taiwan.

als required an ITAR license or agreement to work on any element of a satellite that contained ITAR controlled parts. Today, an organization can maintain appropriate controls on ITAR-controlled parts while allowing foreign nationals to work on the rest of the spacecraft, if it is controlled by the EAR. If the entire satellite is subject to the EAR, foreign national cooperation is even easier, especially if the foreign national is from an STA eligible country.

截至本公告发布之日,符合LicenseExceptionSTA资格的36个盟国为:阿根廷、澳大利亚、奥地利、比利时、保加利亚、加拿大、克罗地亚、捷克共和国、丹麦、爱沙尼亚、芬兰、法国、德国、希腊、匈牙利、冰岛、爱尔兰、意大利、日本、拉脱维亚、立陶宛、卢森堡、荷兰、新西兰、挪威、波兰、葡萄牙、罗马尼亚、斯洛伐克、斯洛文尼亚、韩国、西班牙、瑞典、瑞士、土耳其、英国。LicenseExceptionSTA还包含针对以下国家的有限例外:阿尔巴尼亚、香港、印度、以色列、马耳他、新加坡、南非、以及台湾。

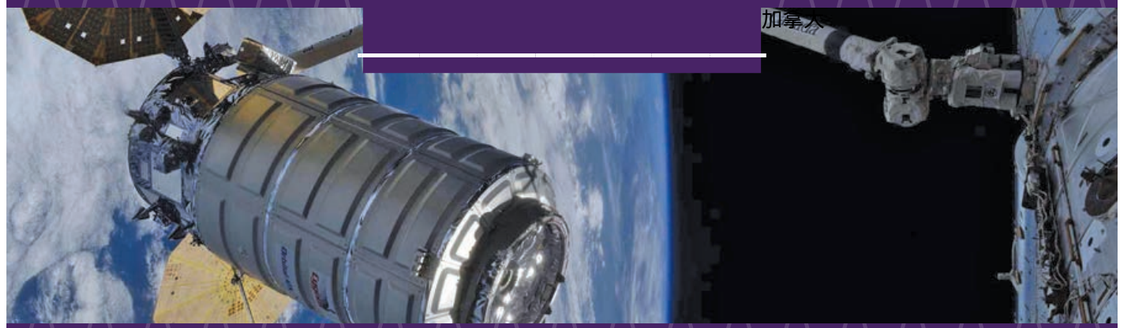
民需要ITAR许可证或协议才能参与含有ITAR管制部件的卫星任何要素的工作。如今，机构可以对ITAR管制部件维持适当管控，同时允许外国国民参与航天器其余部分的工作(若该部分受EAR管制)。如果整颗卫星均受EAR管辖，外国国民合作会更加便利，尤其是当该外国国民来自STA合格国家时。

SECTION

2



第



UNDERSTANDING THE CONTROL LISTS AND HOW THEY WORK

了解管制清单与如何他们工作

2.1 Overview

The purpose of this section is to familiarize you with the regulatory framework established by the satellite export control reform, including the revised U.S. Munitions List, the revised Commerce Control List, and the "Order of Review" that describes how to use the lists. You will need a proper understanding of the overarching framework and the two control lists before proceeding to Section 3 (How to Apply for a License or Use a License Exception).

2.1.1 POSITIVE CONTROLS

Under satellite export control reform, the USML and CCL function with "positive" controls. This means the lists contain paragraphs of "control text" providing specific descriptions of the items and services they control. An item or service that matches the control text of a given paragraph is considered "captured" by that paragraph and by the list in which the paragraph appears.

Conversely, an item that does not meet *all* of the specified criteria in a paragraph of control text is not captured by that paragraph. Positive control text generally does not state what it *doesn't* capture. The USML does include notes clarifying what isn't captured by certain paragraphs, but the notes are not considered control text.

As an example, USML Category XV(a)(2) describes spacecraft that "autonomously detect and track moving ground, airborne, missile, or space objects other than celestial bodies, in real-time using imaging, infrared, radar, or laser systems." A commercial satellite that tracks ships via their Automated Information System (AIS) transmissions, but does *not* use imaging, infrared, radar, or laser systems, would not be captured by this paragraph.

2.1.2 THE ORDER OF REVIEW: FIRST ITAR, THEN EAR

The relationship between the USML and the CCL is established by the "Order of Review," a step-by-step process used to determine which export regulations apply to an item or service. The Order of Review starts with the most sensitive technologies, which are subject to the strictest export controls, and proceeds through progressively lower levels of sensitivity and control.

The USML includes this guidance on the Order of Review: "In order to classify an item on the USML, begin with a review of the general characteristics of

2.1概述

本节旨在使您熟悉卫星出口管制改革所建立的监管框架，包括修订后的美国军品清单、修订后的商业管制清单，以及说明如何使用这些清单的"审查顺序"。在进入第3节(如何申请许可证或使用许可例外)之前，您需要正确理解总体框架和这两份管制清单。

2.1.1阳性对照

在卫星出口管制改革下，USML和CCL以"肯定式"管制运作。这意味着清单包含若干段"管制文本"，对其所管制的物项和服务作出具体描述。符合某一段管制文本的物项或服务即被视为被该段以及该段所在清单"捕获"。

反之，未满足管制文本某一段中所有规定标准的物项不被该段捕获。肯定式管制文本通常不说明其不捕获的内容。USML确实包含说明某些段不捕获哪些内容的注释，但这些注释不被视为管制文本。

例如，USML Category XV(a)(2) 描述了这样的航天器："使用成像、红外、雷达或激光系统，实时自主探测并跟踪移动的地面、空中、导弹或太空物体(天体除外)。"通过其自动识别系统(AIS)传输跟踪船舶、但不使用成像、红外、雷达或激光系统的商业卫星，不属于本段的管辖范围。

2.1.2审查顺序：先ITAR,然后EAR

USML与CCL之间的关系由"审查顺序"确立，这是一个用于确定哪些出口法规适用于某物项或服务的分步流程。审查顺序从最敏感的技术开始(这些技术受最严格的出口管制)，然后逐步经过敏感性和管制程度递减的层级。

USML包含以下关于审查顺序的指引："为了对USML上的物项进行归类，首先审查

Figure 2: Export Controls on Space Related Items

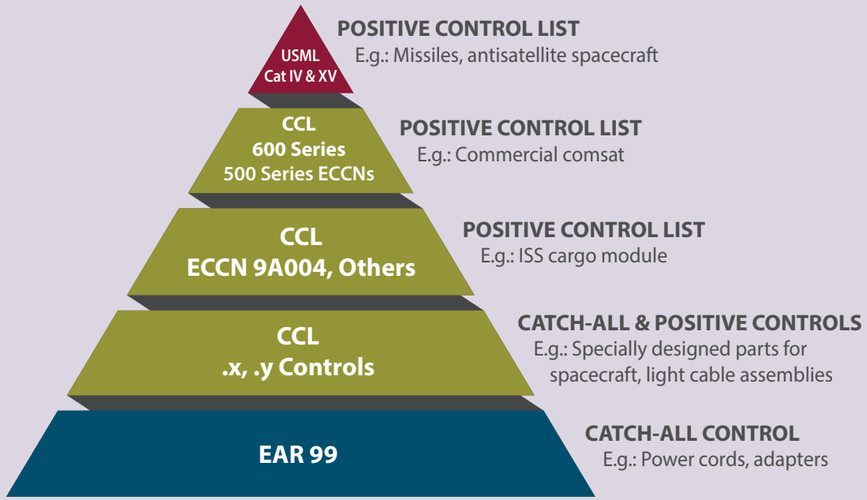
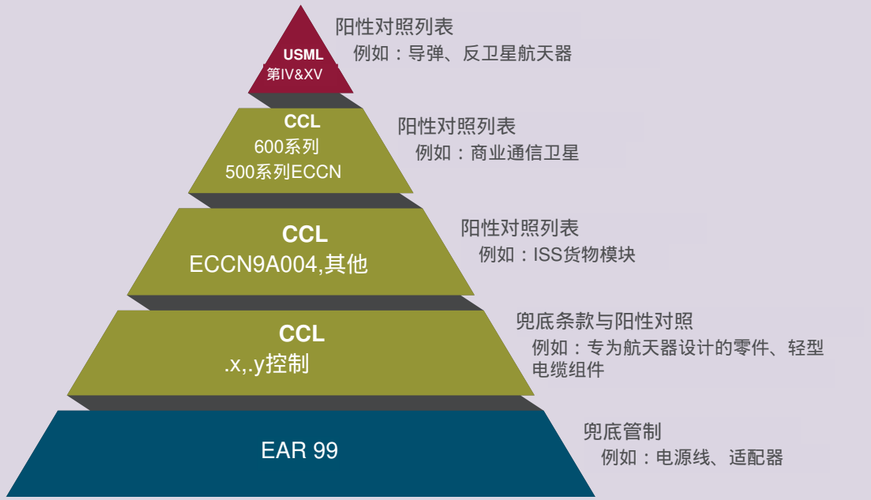


图2:对航天相关物项的出口管制



the item. This should guide you to the appropriate category, whereupon you should attempt to match the particular characteristics and functions of the article to a specific entry within that category…. articles not controlled on the USML may be subject to another U.S. government regulatory agency."[13] For space systems, USML Category XV provides further guidance on the Order of Review; Paragraphs XV(a), XV(b), and XV(e) end with notes stating that any spacecraft, ground control system, or spacecraft part not described by the USML automatically falls to EAR control. The EAR includes an appendix providing step-by-step instructions for following the Order of Review within the CCL.[14]

Figure 2 shows the overall concept behind the Order of Review. At the top is the USML, which lists the most critical space technologies. Below that is the CCL, which captures other space technologies. At the bottom is a loosely controlled category known as "EAR99" that applies to the least sensitive exports. The pyramid shape is meant to convey that the USML lists only a few space related items and services, while the CCL controls the majority of them, and many others are simply EAR99.

Following the Order of Review means starting at the top of the pyramid and working your way down until an item or service is captured. If an item or service is not fully described in one tier of control, then you proceed to the next tier until it is captured. Once you know which tier it falls under, then you know which controls apply to the export – e.g., ITAR licensing, EAR licensing, or license exceptions.

The overview above describes the Order of Review at the broadest level. Within each control list, there are finer levels of detail to the Order of Review. For each category (e.g., USML Category XV), a review must start at the first paragraph of control text and proceed stepwise through each enumerated entry until reaching the end of the paragraph. You must do this for each paragraph until reaching the end of the entire category. Individual paragraphs or entries may employ logical constructs affecting the Order of Review, including catch-all controls, catch and release constructs, and carve-outs.

[13] 22 CFR § 121.1(b)
[14] 15 CFR § 774, Supp. No. 4

该物项。这应引导您找到适当的类别，然后您应尝试将该物品的特定特性和功能与该类别内的特定条目相匹配……未受 USML 管制的物品可能受另一个美国政府监管机构的管辖。"[13]对于太空系统，USML Category XV 提供了关于审查顺序的进一步指导；第 XV(a)、XV(b) 和 XV(e) 段末尾的注释指出，任何未被 USML 描述的航天器、地面控制系统或航天器部件自动归入 EAR 管制。EAR 包含一个附录，提供在 CCL 内遵循审查顺序的分步说明。[14]

图 2 显示了审查顺序背后的总体概念。最上方是 USML，其中列出了最关键的太空技术。其下方是 CCL，涵盖其他太空技术。最下方是一个管制较宽松的类别，称为"EAR99"，适用于敏感度最低的出口。金字塔形状旨在传达：USML 仅列出少量太空相关物项和服务，而 CCL 管制其中大多数，还有许多其他物项仅属于 EAR99。

遵循审查顺序意味着从金字塔顶端开始，逐级向下，直到某物项或服务被捕获。如果某物项或服务未在某一管制层级中被完整描述，则继续进入下一层级，直到其被捕获。一旦知道其属于哪一层级，就知道哪些管制适用于该出口--例如ITAR许可、EAR许可或许可例外。

上述概述在最宏观层面描述了审查顺序。在每个管制清单内，审查顺序还有更细的细节层次。对于每个类别(例如 USML Category XV)，审查必须从管制文本的第一段开始，逐步经过每个列举条目，直至该段结束。您必须对每一段都这样做，直至整个类别结束。个别段落或条目可能采用影响审查顺序的逻辑结构，包括兜底管制、捕获与释放结构以及排除条款。

13 22 CFR121.1(b)
[14]15 CFR774，补充件第4号

2.1.3 CATCH-ALL CONTROLS

A catch-all control is one that does not capture specific items by name or functional capability but by other means. An example would be USML Category XV(a)(13), which captures all classified spacecraft regardless of function. Another example is ECCN 9A515.x, which controls unspecified parts, components, accessories, or attachments that are "specially designed" for a spacecraft but are not listed on the USML or ECCN 9A515. (See section 2.1.5 of this guidebook.)

2.1.4 CATCH AND RELEASE

Some enumerated paragraphs on the USML and CCL use a "catch and release" construct that initially captures a range of items but then applies a second criterion, which if met releases less sensitive items from the paragraph. Sometimes the release criteria appear in notes, so it is important to check all notes associated with the control text. See Appendix B for an example of how the catch and release construct applies to hosted payloads funded by the Department of Defense.

Once an item or service is released from a given paragraph, you must still evaluate it against the following paragraphs before you can be sure it is released from the entire category. In the case of the USML, you must evaluate the item or service against all relevant categories before you can be sure it is released from ITAR control.

2.1.5 SPECIALLY DESIGNED

The "specially designed" criteria appear throughout the USML and CCL to narrow the scope of some control paragraphs. The term is defined using the catch and release framework. An item may be caught by the specially designed criteria if (and only if) it:

(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 controlled commodity or defense article.

However, the item drops out of the specially designed definition if it meets any of the release criteria identifying it as a general commodity. For example,

2.1.3兜底管制

兜底管制是指不按名称或功能能力捕获特定物项，而是通过其他方式捕获的管制。一个例子是USML第XV(a)类(13)项，它捕获所有保密航天器，不论其功能。另一个例子是ECCN 9A515.x，它管制为航天器"专门设计"但未列入USML或ECCN 9A515的未列明零件、组件、附件或附加装置。(见本指南第2.1.5节。)

2.1.4捕获与放行

USML和CCL上的一些列举段采用"捕获与释放"结构，即先捕获一系列物项，然后适用第二项标准，若满足该标准则将敏感度较低的物项从该段中释放。有时释放标准出现在注释中，因此检查与管制文本相关的所有注释非常重要。关于捕获与释放结构如何适用于国防部资助的搭载载荷的示例，见附录B。

一旦某物项或服务从某一段中释放，您仍必须对照后续各段进行评估，才能确定其已从整个类别中释放。就USML而言，您必须对照所有相关类别评估该物项或服务，才能确定其已从ITAR管制中释放。

2.1.5特别设计

"专门设计"标准贯穿USML和CCL，用以缩小某些管制段的范围。该术语采用捕获与释放框架进行定义。物项可能(且仅当)符合以下情形时被专门设计标准捕获：

(1) 因开发而具有专门负责达到或超过相关ECCN或USML段落中性能水平、特性或功能的属性；或

(2) 是用于或与受管制商品或国防物品一起使用的零件、组件、附件、附属物或软件。

但是，如果物项满足任何将其识别为一般商品的释放标准，则不再属于专门设计定义的范围。例如，

fasteners and wires are not "specially designed," even when built for USML satellites. Refer to 22 CFR § 120.41 and 15 CFR § 772.1 for the complete release criteria applicable to the USML and CCL.

The Departments of State and Commerce offer online tools to help you determine whether items are specially designed. These are available at: www.pmddtc.state.gov/licensing/dt_SpeciallyDesigned.htm (ITAR) and www.bis.doc.gov/index.php/specially-designed-tool (EAR).

2.1.6 SPACE-QUALIFIED

Like "specially designed," the term "space-qualified" appears throughout the USML and CCL to narrow the scope of some control paragraphs. An item is space-qualified if it is designed, manufactured, or qualified through successful testing for operation at altitudes greater than 100 km above the surface of the Earth. [15, 16] An item only needs to meet one of the three criteria to be considered space-qualified. "Designed" and "manufactured" are synonymous with "specially designed," so the catch and release construct described in Section 2.1.5 applies if using those criteria.[17,18]

A determination that a specific item is space-qualified by virtue of testing alone does not mean that other items in the same production run or model series are space-qualified if not individually tested. For example, the act of space-qualifying an individual chip designed for ground use does not make the chip's entire product line "space-qualified" and subject to tighter export controls.[19,20]

2.1.7 CARVE-OUTS

USML Category XV contains several notes making explicit exceptions or "carve-outs" to the ITAR controls for space-related articles and technology, including but not limited to:

- International Space Station (ISS) - Technology exports specifically designed for use on the ISS are subject to the EAR jurisdiction and do

[15] 22 CFR § 121.1, Note 3 to USML Category XV(e)
[16] 15 CFR § 772.1
[17] 22 CFR § 121.1, Note 4 to USML Category XV(e)
[18] 15 CFR § 772.1, Note 2 to "Space-qualified" definition
[19] 22 CFR § 121.1, Note 4 to USML Category XV(e)
[20] 15 CFR § 772.1, Note 1 to "Space-qualified" definition

紧固件和导线不属于"专门设计"，即使是为USML卫星制造的。适用于USML和CCL的完整释放标准参见22 CFR 772.1。

国务院和商务部提供在线工具，帮助您确定物项是否属于专门设计。这些工具可在以下网址获取：www.pmddtc.state.gov/licensing/dt_specially designed.htm(ITAR)和www.bis.doc.gov/index.php/specially-designed-tool(EAR)。

2.1.6空间合格

与"专门设计"一样，"太空合格"一词贯穿于 USML 和 CCL，以缩小某些管制段的范围。如果某物项是为在地球表面以上 100 km 以上的高度运行而设计、制造或通过成功测试取得合格，则该物项即为太空合格。[15,16]物项只需满足三项标准之一即可被视为太空合格。"设计"和"制造"与"专门设计"同义，因此如果使用这些标准，则适用第 2.1.5 节所述的捕获与释放结构。[17,18]

认定某一特定物项仅因测试而具备航天资格，并不意味着同一生产批次或型号系列中的其他物项在未单独测试的情况下也具备航天资格。例如，对为地面使用设计的单个芯片进行航天资格认定的行为，并不会使该芯片的整个产品线成为"航天资格"并受到更严格的出口管制。[19,20]

2.1.7除外条款

USML第XV类包含若干注释，对航天相关物品和技术的ITAR管制作出明确例外或"排除"，包括但不限于：

- 国际空间站(ISS)--专为在国际空间站上使用而设计的技术出口受EAR管辖，且不

[15]22 CFR121.1,USML第XV(e)类注释3
16 15 CFR772.1
[17]22 CFR121.1,USML第XV(e)类注释4
[18]15 CFR772.1,"航天资格"定义注释2
[19]22 CFR121.1,USML第XV(e)类注释4
[20]15 CFR772.1,"航天资格"定义注释1

not require a license under certain conditions.[21]

- James Webb Space Telescope (JWST) – Control of the JWST has been transferred to the jurisdiction of the EAR (ECCN 9A004), including primary and secondary payloads as well as the parts, components, accessories, or attachments that are specially designed for use in or with the telescope.[22]
- Telemetry Data – Telemetry data as defined in the ITAR is subject to the EAR and designated EAR99.[23] Additionally, processing of such data does not cause such data to be subject to the ITAR or EAR regulations.
- Spaceflight Passenger or Participant Experience – Activities and technology/technical data required for spaceflight passenger or participant experience (space tourism, research, education, etc.) are also not subject to the ITAR or EAR.[24]

[21] 15 CFR § 774, Supp. No. 1, ECCN 9A004, (w)-(y)
[22] 15 CFR § 774, Supp. No. 1, ECCN 9A004, (u)-(v) and (y)
[23] 22 CFR § 121.1, Note 3 to USML Category XV(f) and 15 CFR § 774, Supp. No. 1, Note 2 to Category 9E
[24] 15 CFR § 774, Supp. No. 1, Note 2 to ECCN 9E515(e)

在特定条件下不需要许可证。[21]

- 詹姆斯·韦伯空间望远镜(JWST)--JWST的管制已移交至EAR管辖(ECCN 9A004)，包括主载荷和次载荷以及专为在该望远镜中使用或与其一起使用而设计的零件、组件、附件或附属物。[22]
- 遥测数据--ITAR中定义的遥测数据受EAR管辖并被指定为EAR99。[23]此外，对此类数据的处理不会使此类数据受ITAR或EAR法规管辖。
- 航天飞行乘客或参与者体验--航天飞行乘客或参与者体验(太空旅游、研究、教育等)所需的活动和技术/技术数据也不受ITAR或EAR管辖。[24]

[21] 15 CFR774，第1号补编，ECCN 9A004,(w) - (y)
[22] 15 CFR774，第1号补编，ECCN 9A004,(u) - (v) 和 (y)
23 22 CFR 774, Supp. No. 1, Note 2 to Category 9E
[24] 15 CFR774，第1号补编，ECCN 9E515(e) 注2

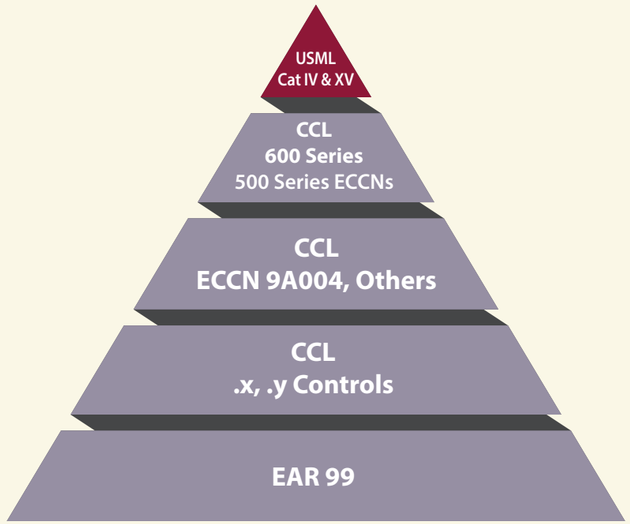
2.2 The United States Munitions List

2.2.1 USML OVERVIEW

The United States Munitions List (USML) is a list of articles, services, and related technical data designated as defense articles and defense services pursuant to the Arms Export Control Act.[25] Your organization should obtain a working knowledge of export restrictions under the USML as they apply to items or services you may potentially send overseas.

All items and services described on the USML require export authorization by the State Department. Items require licenses and services require approved agreements such as a Technical Assistance Agreement (TAA).

Figure 3: The USML Category IV and XV



[25] 22 CFR § 121.1

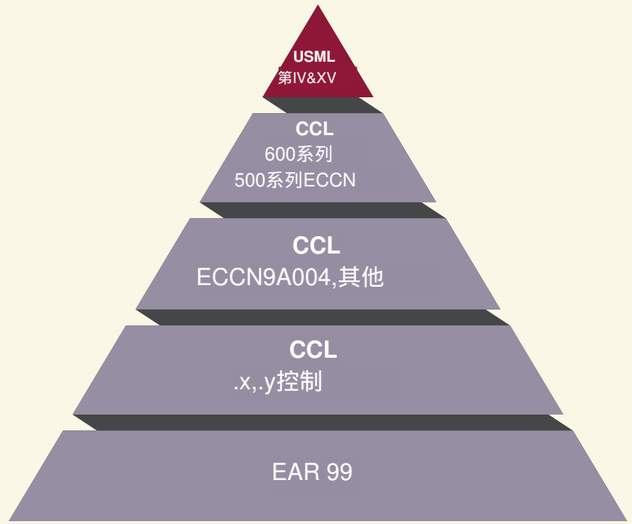
2.2美国军火清单

2.2.1USML概述

美国军火清单(USML)是一份依据《武器出口管制法》被指定为国防物品和国防服务的物品、服务及相关技术数据的清单。[25]贵组织应掌握 USML 下出口限制的实用知识，因为这些限制适用于您可能向海外发送的物品或服务。

USML 上描述的所有物品和服务均需要国务院的出口授权。物品需要许可证，服务需要经批准的相关协议，例如技术援助协议(TAA)。

图3:USML类别IV和XV



25 22 CFR121.1

2.2.2. USML CATEGORIES IV AND XV

The USML is divided into 21 categories of defense articles and services. Those most relevant to the space industry are **Category IV** and **Category XV.** Relevant paragraphs from each category are summarized below.

Category IV — Launch Vehicles, Guided Missiles, Ballistic Missiles, Rockets, Torpedoes, Bombs, and Mines
(a) Rockets, space launch vehicles (SLVs), missiles, bombs, torpedoes, depth charges, mines, and grenades
(b) Launchers for rockets, SLVs, and missiles
(c) Apparatus and devices specially designed for the handling, control, activation, monitoring, detection, protection, discharge, or detonation of the articles enumerated in paragraphs (a) and (b)
(d) Rocket, SLV, and missile power plants
(h) Systems, subsystems, parts, components, accessories, attachments, or associated equipment
(i) Technical data and defense services directly related to the defense articles described in paragraphs (a) through (h) and classified technical data directly related to items controlled in ECCNs 0A604, 0B604, 0D604, 9A604, 9B604, or 9D604 and defense services using the classified technical data

Category XV — Spacecraft and Related Articles
(a) Spacecraft, including satellites and space vehicles, that meet certain criteria
(b) Ground control systems or training simulators, specially designed for telemetry, tracking, and control (TT&C) of spacecraft in paragraph (a)
(e) Spacecraft parts, components, accessories, attachments, equipment, or systems, as described
(f) Technical data and defense services directly related to the defense articles described in paragraphs (a) through (e) and classified technical data directly related to items controlled in ECCNs 9A515, 9B515, or 9D515 and defense services using the classified technical data

2.2.2. USML类别IV和XV

USML 分为 21 类国防物品和服务。与航天工业最相关的是类别IV和类别XV。以下概述了每个类别的相关段落。

第IV类-运载火箭、导弹、弹道导弹、火箭、鱼雷、炸弹和水雷
(a) 火箭、航天运载火箭(SLV)、导弹、炸弹、鱼雷、深水炸弹、水雷和手榴弹
(b) 火箭、SLV和导弹的发射装置
(c) 专为处理、控制、激活、监测、探测、防护、释放或引爆 (a) 和 (b) 段所列物品而设计的装置和设备
(d) 火箭、SLV及导弹动力装置
(h) 系统、子系统、零件、组件、附件、附属物或相关设备
(i) 与 (a) 至 (h) 段所述国防物品直接相关的技术数据和国防服务，以及与 ECCN 0A604、0B604、0D604、9A604、9B604 或 9D604 所管制物项直接相关的机密技术数据，以及使用该机密技术数据的国防服务

第XV类-航天器及相关物项
(a) 符合特定标准的航天器，包括卫星和空间飞行器
(b) 专为 (a) 段中航天器的遥测、跟踪和控制(TT&C)而设计的地面控制系统或训练模拟器
(e) 航天器零件、组件、附件、附属物、设备或系统，如所述
(f) 与 (a) 至 (e) 段所述国防物品直接相关的技术数据和国防服务，以及与 ECCN 9A515、9B515 或 9D515 所管制物项直接相关的机密技术数据，以及使用该机密技术数据的国防服务

2.2.3 SPECIAL CONTROLS ON THE USML

Note that paragraphs may be marked with a leading asterisk (*), or a trailing "(MT)". These markings will aid you in understanding that the specified items fall under special controls in addition to those established by the applicable ITAR/EAR control text.

Be sure to read the Category and its corresponding paragraphs as well as all of the technologies encompassed by the paragraph, including the SME and MTCR designators and the explanatory notes embedded in the paragraphs, to help with analyzing the classification of the technology you wish to export.

Cue	What does this tell me?
*	The paragraph lists Significant Military Equipment (SME) - special export controls are imposed
(MT)	The paragraph lists items that fall under the Missile Technology Control Regime (MTCR) Annex - special export controls are set in this agreement
(MT if…) or (MT for…)	Items described in the paragraph that also meet the criteria in the parentheses are subject to MTCR controls. Items that only meet the criteria outside the parentheses are subject to ITAR/EAR controls and not MTCR controls.
Note	Notes at end of paragraph give added explanation on intended coverage and term definitions

2.2.4 INTEGRATION RULE AND HOSTED PAYLOADS

Export Control Reform brought a paradigm shift for EAR controlled satellites containing ITAR controlled components. The inclusion of such components in a satellite no longer "flips" its jurisdiction from EAR to ITAR, as it did under the old "see-through rule." Under the new "integration rule," an ITAR controlled component moves to EAR control upon its (irreversible) integration into an EAR spacecraft.

This is documented in Note 1 to USML Category XV(a), which states, "Spacecraft described in ECCNs 9A004 and 9A515 remain subject to the EAR even if defense articles described on the USML are incorporated therein, except

2.2.3USML上的特殊管制

请注意，段落可能标有前导星号(*)或尾部"(MT)"。这些标记将帮助您理解，指定物项除适用 ITAR/EAR 管制文本所确立的管制外，还属于特殊管制。

务必阅读类别及其对应段落以及该段落所涵盖的所有技术，包括 SME 和 MTCR 标识以及段落中嵌入的解释性注释，以帮助分析您希望出口的技术的归类。

提示	这告诉我什么？
*	该段列出了重要军事装备(SME)--施加了特殊的出口管制
(MT)	该段列出了属于导弹技术控制制度(MTCR)附件范围内的物项--该协议规定了特别出口管制
(MT如果…)或(MT用于…)	该段所述同时满足括号内标准的物项受MTCR管制。仅满足括号外标准的物项受ITAR/EAR管制，不受MTCR管制。
注	段末注释对预期覆盖范围和术语定义作出补充说明

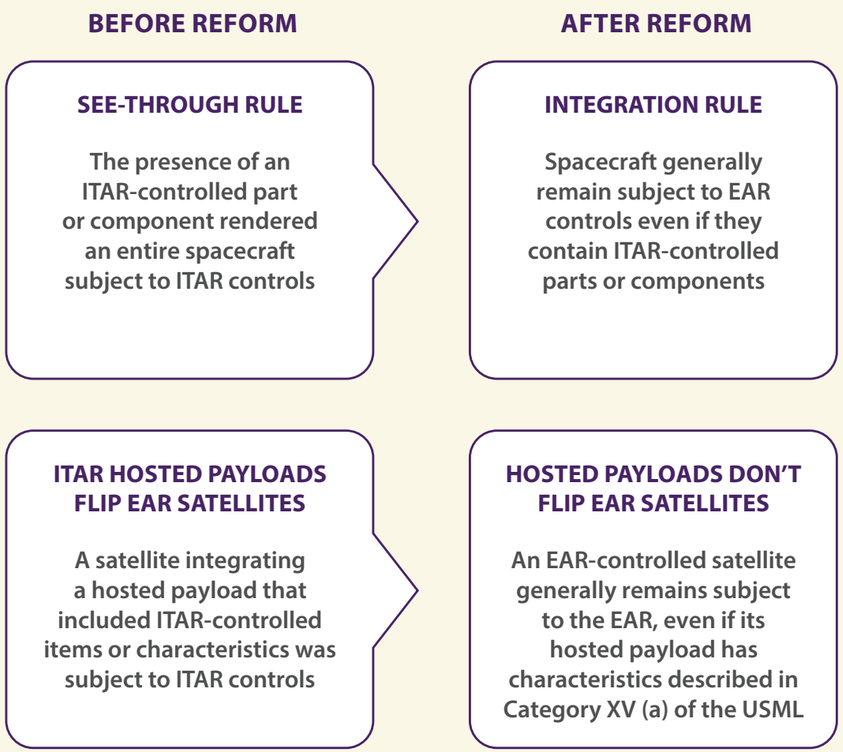
2.2.4集成规则与托管有效载荷

出口管制改革为包含ITAR管制组件的EAR管制卫星带来了范式转变。此类组件纳入卫星后，不再像旧"透视规则"下那样将其管辖权从EAR"翻转"至ITAR。根据新"整合规则",ITAR管制组件在(不可逆地)整合到EAR航天器后即转为EAR管制。

这一点记录于USML第XV(a)类注释1，其中规定："ECCN 9A004和9A515所述航天器即使纳入了USML所述防务物品，仍受EAR管辖，除非

when such incorporation results in a spacecraft described in this paragraph."

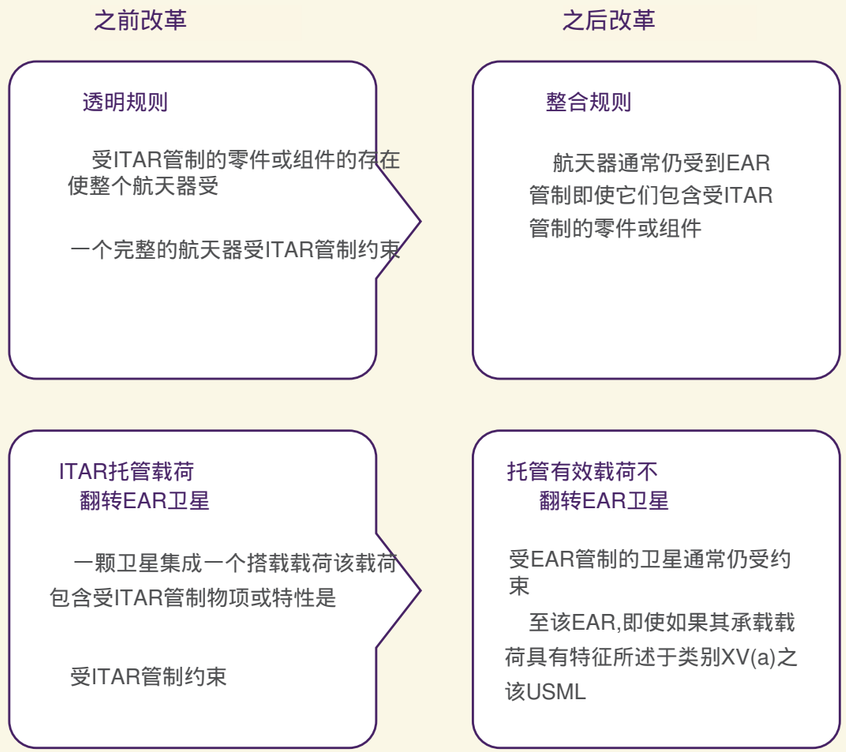
Furthermore, adding an ITAR-controlled hosted payload to an EAR-controlled satellite also does not "flip" the satellite to ITAR. This is documented in Note 2 to USML Category XV(e), which states, "An ECCN 9A004 or ECCN 9A515.a spacecraft remains a spacecraft subject to the EAR even when incorporating a hosted payload performing a function described in paragraph (a) of this category."



Be sure to familiarize yourself with the definitions of primary, secondary, and hosted payloads in Chapter XV Note 1 to paragraph (e)(17) of the USML. See Appendix B for an example of how the Order of Review applies to a DoD-funded hosted payload.

此类纳入导致产生本段所述航天器。"

此外，在EAR管制卫星上添加ITAR管制的搭载载荷也不会使该卫星"翻转"至ITAR。这一点记录于USML第XV(e)类注释2，其中规定："ECCN 9A004或ECCN 9A515.a航天器即使纳入执行本类(a)段所述功能的搭载载荷，仍属于受EAR管辖的航天器。"



请务必熟悉 USML 第 XV 章注释 1 第 (e) (17) 段中关于主要、次要和搭载有效载荷的定义。有关审查顺序如何适用于国防部资助的搭载有效载荷的示例，见附录 B。

2.2.5 LAUNCH-RELATED SERVICES

With regard to satellite launch-related changes to the USML, Categories IV and XV more precisely describe the defense services that still warrant control under the ITAR:

- Providing assistance (including training) in the integration of a satellite to a launch vehicle, including both planning and on-site support, regardless of (i) the jurisdiction (EAR or ITAR), ownership, or origin of the satellite or (ii) whether technical data is used; and,
- Providing assistance (including training) in the launch failure analysis of a launch vehicle, regardless of (i) the jurisdiction (EAR or ITAR), ownership, or origin of the launch vehicle or (ii) whether technical data is used.

2.2.5 发射相关服务

关于 USML 中与卫星发射相关的变更，第 IV 类和第 XV 类更准确地描述了仍须根据 ITAR 管制的防务服务：

- 在卫星与运载火箭集成方面提供协助(包括培训)，包括规划和现场支持，无论 (i) 卫星的管辖(EAR或ITAR)、所有权或原产地，还是 (ii) 是否使用技术数据；以及，
- 在运载火箭发射失败分析方面提供协助(包括培训)，无论 (i) 运载火箭的管辖(EAR或ITAR)、所有权或原产地，还是 (ii) 是否使用技术数据。

2.3 The Commerce Control List

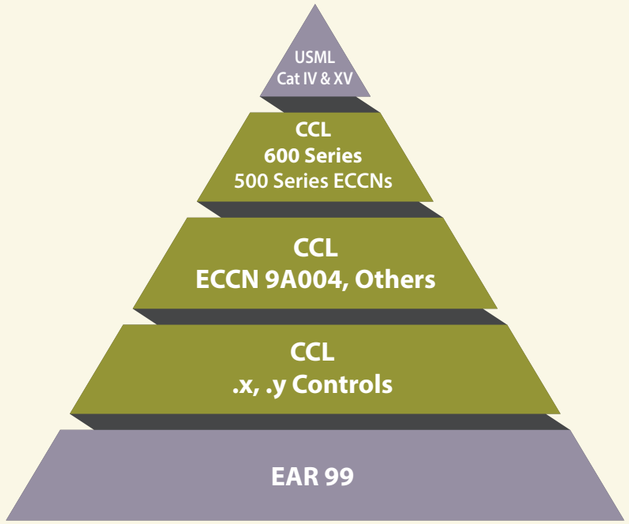
2.3.1 CCL OVERVIEW

The Commerce Control List (CCL) is a list of commercial or dual use items (i.e., commodities, software, and technology) subject to the EAR licensing authority of the Bureau of Industry and Security (BIS), part of the Department of Commerce.[26]

The CCL divides items into ten broad **Categories**, with spacecraft and related items falling under Category 9 (Aerospace and Propulsion).

Each CCL category is subdivided into five **Product Groups**: (A) Equipment, Assemblies, and Components; (B) Test, Inspection and Production Equipment; (C) Materials; (D) Software; and (E) Technology.

Figure 4: Commerce Control List



[26] 15 CFR § 774

2.3商业管制清单

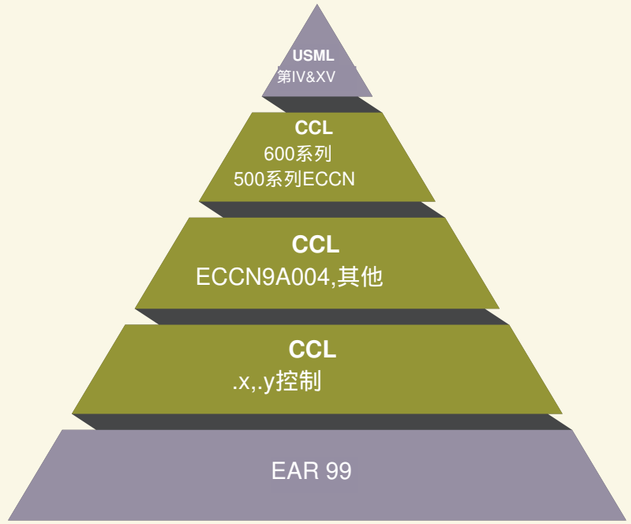
2.3.1CCL概述

商业管制清单(CCL)是一份商业或两用物项(即商品、软件和技术)清单，受美国商务部下属的美国工业与安全局(BIS)的 EAR 许可权限管辖。[26]

CCL 将物项分为十个大类**类别**，其中航天器及相关物项归入第 9 类(航空航天与推进)。

CCL 的每个类别又细分为五个产品组:(A) 设备、组件和部件；(B) 测试、检验和生产设备；(C) 材料；(D) 软件；(E) 技术。

图4:商业管制清单



26 15 CFR774

An item that falls into a specific category and product group is given an **Export Control Classification Number (ECCN).** An ECCN categorizes items based on the nature of the product, i.e. type of commodity, software, or technology and its respective technical parameters.

2.3.2 CCL CONTROLS

Each ECCN begins with a table citing which licensing requirements and licensing policies (control policies) apply to which of the following paragraphs, along with the applicable recipient countries.[27] The control policies are shown using two-letter codes such as NS (national security), MT (missile technology), and RS (regional stability). 15 CFR § 742 explains each of the CCL control policies.

For example, ECCN 9A515 indicates that MT controls apply to microcircuits in paragraphs 9A515.d and 9A515.e(2) when usable in missiles for protecting missiles against nuclear effects. Among other things, this means that such microcircuits are ineligible for unlicensed export under License Exception STA.[28]

Reason for Controls	
AT - Anti-Terrorism	**NS** - National Security
CB - Chemical & Biological Weapons	**NP** - Nuclear Nonproliferation
CC - Crime Control	**RS** - Regional Stability
CW - Chemical Weapons Convention	**SS** - Short Supply
EI - Encryption Items	**UN** - United Nations Embargo
FC - Firearms Convention	**SI** - Significant Items
MT - Missile Technology	**SL** - Surreptitious Listening

[27] 15 CFR § 738
[28] 15 CFR § 740.20(b)(2)(iii)

归入特定类别和产品组的物项会被赋予一个出口管制归类编号(ECCN)。ECCN 根据产品性质，即商品、软件或技术的类型及其各自的技术参数，对物项进行分类。

2.3.2CCL管制

每个ECCN均以一个表格开头，列明哪些许可要求和许可政策(管制政策)适用于以下哪些段落，以及适用的接收国。[27]管制政策以双字母代码表示，例如NS(国家安全)、MT(导弹技术)和RS(地区稳定)。15 CFR742对CCL各项管制政策逐一作出说明。

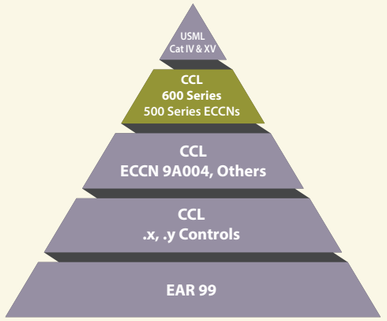
例如，ECCN 9A515表明，当第9A515.d段和第9A515.e(2)段所述微电路可用于导弹以保护导弹免受核效应影响时，MT管制适用于这些微电路。这意味着，除其他事项外，此类微电路不符合根据许可例外STA进行无许可证出口的条件。[28]

理由用于管制	
AT- 反恐	**NS**- 国家安全
CB- 化学与生物武器	**NP**- 核不扩散
CC- 犯罪控制	**RS**- 区域稳定
CW- 《化学武器公约》	**SS**- 供应短缺
EI- 加密物项	**联合国**- 联合国禁运
FC- 枪支公约	**SI**- 重要项目
MT- 导弹技术	**SL**- 秘密监听

27 15 CFR738
28 15 CFR740.20(b)(2)(iii)

2.3.3 ECCN 600 SERIES

As part of the ECR, BIS has added a "600 Series" to the CCL to control less sensitive military items, which no longer warrant control on the USML. The 600 series items are subject to more flexible licensing provisions than under the ITAR, but will be subject to somewhat stricter export and re-export licensing controls than most other items controlled under the EAR. Licenses from BIS will still be required to export and re-export most 600 series items worldwide (minus Canada), unless an EAR license exception is available. (See Section 3.3 of this guidebook.)



2.3.4 ECCN 500 SERIES (9X515)

Under the ECR initiative, dual use satellite technologies removed from USML Category XV were added to the CCL under ECCNs 9A515, 9B515, 9D515, and 9E515, which are collectively referred to as "9x515".

ECCN	Items Described
9A515	Spacecraft, ground control systems and training simulators, microelectronic circuits and discrete electronic components, pressure suits, remote sensing satellite components, and specially designed parts, components, accessories, and attachments
9B515	Related test, inspection, and production equipment
9D515	Related software
9E515	Related technology

2.3.3ECCN600系列

作为ECR的一部分，BIS在CCL中增设了"600系列"，以管制敏感度较低、不再需要在USML上管制的军事物项。该

600系列物项适用比ITAR下更为灵活的许可规定，但将受到比EAR下管制的大多数其他物项略为严格的出口和再出口许可管制。除非有可用的EAR许可例外，否则向全球(加拿大除外)出口和再出口大多数600系列物项仍需获得BIS的许可证。(见本指南第3.3节。)

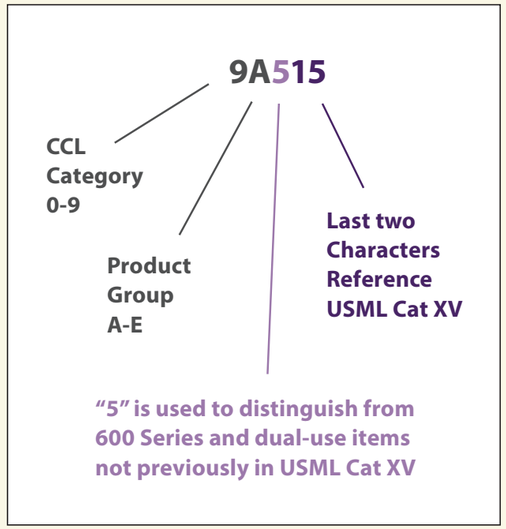


2.3.4ECCN500系列(9X515)

根据ECR倡议，从USML第XV类中移除的两用卫星技术被添加到CCL中，归入ECCN 9A515、9B515、9D515和9E515，统称为"9x515"

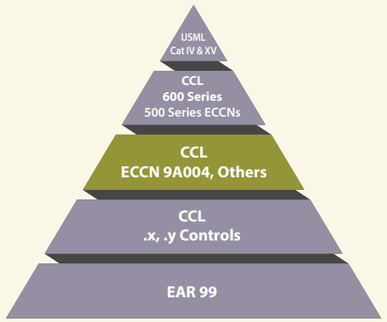
ECCN	物品所述
9A515	航天器、地面控制系统和训练模拟器、微电子电路和分立电子元件、压力服、遥感卫星部件，以及专门设计的零件、组件、附件和 附件
9B515	相关测试、检验和生产设备
9D515	相关软件
9E515	相关技术

Figure 5: Decoding ECCN Notations



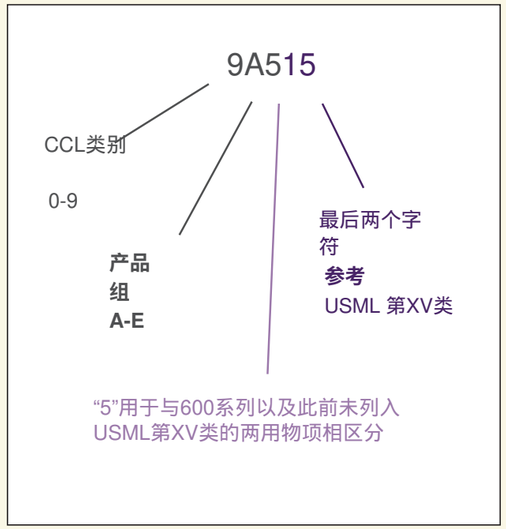
2.3.5 ECCN 9A004

In addition to 9x515, the CCL includes ECCN 9A004, which is applicable to the International Space Station (ISS) and all specially designed parts and components, as well as the James Webb Space Telescope (JWST) and most specially designed parts and components. Inclusion of these two large-scale, international projects in the CCL facilitates collaboration across international borders without jeopardizing national security.



Paragraphs a. through f. of ECCN 9A004 apply to certain space launch vehicles, spacecraft, spacecraft buses, spacecraft payloads, on-board systems or equipment, and terrestrial equipment. They are listed here in order to harmonize ECCN 9A004 with the Wassenaar Dual-Use List, even though the controls for these items are found under ECCN 9A515.

图5:ECCN标注解读



2.3.5 ECCN 9A004

除9x515外，CCL还包括ECCN 9A004，该条目适用于国际空间站(ISS)及所有专门设计的零件和组

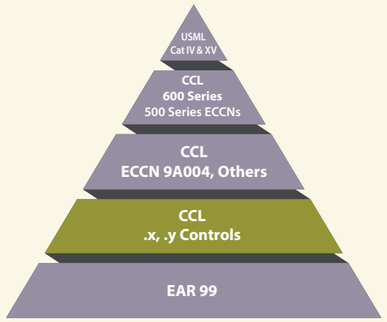


件，以及詹姆斯·韦伯空间望远镜(JWST)和大多数
专门设计的零件和组件
组成部分。纳入这两个大型
规模，国际项目在
CCL 促进跨领域协作
国际边界而不危及
破坏国家安全。

ECCN 的 a.至 f.段
9A004适用于某些航天运载火箭、航天器、航天器平台、
航天器有效载荷、星载系统或设备以及地面设备。此处列出这些物项是为了使ECCN 9A004与瓦森纳两用清单保持一致，尽管这些物项的管制规定见于ECCN 9A515。

2.3.6 USE OF THE NEW PARAGRAPHS .X AND .Y IN THE CCL

The revised EAR regulations introduced two new constructs known as paragraphs .x and .y to certain ECCNs. The .x paragraph is a catch-all control that captures specially designed items that were not previously enumerated in a given ECCN. For example, ECCN 9A515 lists various spacecraft and related commodities in paragraphs .a through .e, then 9A515.x captures all other specially designed parts, components, accessories, and attachments for spacecraft and related commodities that are not specifically listed.



The paragraph .y construct is an enumerated list that follows the .x catch-all control. A .y control covers items that would otherwise be within scope of a .x control but have been identified in an interagency-cleared commodity classification as warranting a higher level of control than EAR 99. For example, 9A515.y includes flight cable assemblies for spacecraft applications.

2.3.7 HOSTED PAYLOADS SUBJECT TO EAR

Spacecraft enumerated in categories 9A004 or 9A515.a remain subject to the EAR even when incorporating a hosted payload performing a function described in USML Category XV(a). All spacecraft incorporating primary or secondary payloads that perform a function described in Category XV(a) are controlled in Category XV(a).[29]

[29] 22 CFR § 121.1, Note 2 to USML Category XV(e)(17)

2.3.6使用CCL中新增段落.X和.Y的方法CCL

修订后的EAR法规在某些ECCN中引入了两种新构造，称为段落.x和.y。.x段落是一项兜底管制，



用于捕获此前未在特定ECCN中列明的专门设计物项。例如，ECCN 9A515在.a至.e段落中列出了各类航天器及相关商品，随后9A515.x捕获所有其他未具体列明的、专门用于航天器及相关商品的零件、组件、附件和附属物。

.y段落构造是紧随.x兜底管制之后的列明清单。.y管制涵盖本应属于.x管制范围、但已在经跨机构批准的commodity classification中被认定需要比EAR 99更高管制水平的物项。例如，9A515.y包括用于航天器应用的飞行电缆组件。

2.3.7受EAR管辖的搭载载荷载荷受EAR管辖

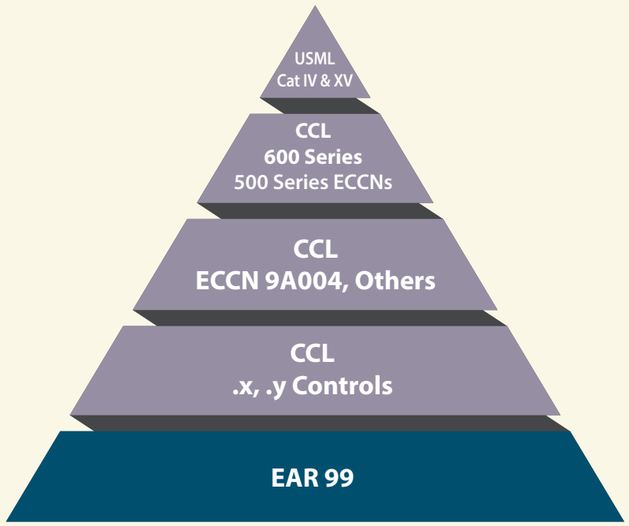
列于9A004类或9A515.a类的航天器，即使搭载执行USML第XV(a)类所述功能的载荷，仍受EAR管辖。所有搭载执行第XV(a)类所述功能的主载荷或次载荷的航天器均受第XV(a)类管制。[29]

[29]22 CFR121.1,USML第XV(e)类注释2第(17)项

2.4 EAR99

Items subject to the EAR but not identified on the CCL are identified by the designator "EAR99." EAR99 items generally consist of low-technology consumer goods and do not require a license in many situations. However, if you plan to export an EAR99 item to an embargoed country, to an end-user of concern, or in support of a prohibited end-use, you may be required to obtain a license.

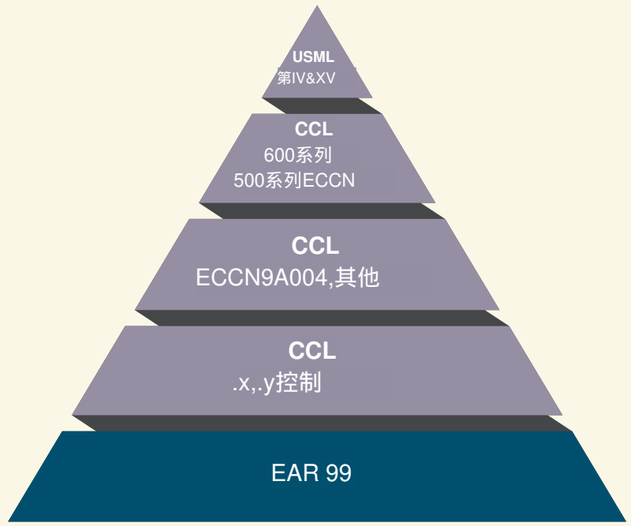
Figure 6: EAR 99



2.4 EAR99

受EAR管辖但未在CCL中标识的物项以"EAR99"标识符标识。EAR99物项通常包括低技术消费品，在许多情况下无需许可证。但是，如果您计划将EAR99物项出口至禁运国家、出口给受关注的最终用户，或用于支持被禁止的最终用途，您可能需要获得许可证。

图6:EAR99



SECTION

3



第 SECTIO

3

TTC



HOW TO APPLY FOR A LICENSE OR USE A LICENSE EXCEPTION

如何申请许可证或使用许可例外或使用许可例外许可例外许可例外

3.1 Perform Self-Assessment

Determination of the relevant export control jurisdiction for exported products, data, and services is a key component of any export compliance program. Be fully aware of your company's products, services, technology, and the extent of your engagement in business practices that involve foreign nationals or foreign operations (i.e. facility tours, design, development, delivery, insurance) prior to export. You should know or be able to ascertain:

- What technology or information you are exporting,
- Where you are exporting it,
- Who will receive it,
- Why it is needed, and
- How it will be used.

3.1.1 FOLLOW THE ORDER OF REVIEW

To determine which controls apply to your company's item, you must assess it according to steps outlined in the Order of Review. The following outline is an overview of the steps you should take to make your determination:

1. Review the USML category by category and paragraph by paragraph, in the order they appear on the ITAR. You can use the Order of Review online decision tool provided by the Department of State at: www.pmddtc.state.gov/licensing/dt_OrderofReview.htm

2. If you find that your item or service matches any of the descriptions listed on the USML, then it is subject to ITAR controls. (Proceed to Section 3.5 of this guidebook.)

3. If your item has not been described and enumerated on the USML, it is a dual use item subject to the EAR and you will need to determine the licensing requirements for your item or technology.

4. Next, review the Export Control Classification Numbers (ECCNs) of the CCL to determine whether any of them apply to your item or technology. You should begin by reviewing the 600 series items on the CCL.

5. If your item or technology is not controlled by the 600 series, review the 500 series items. For space companies, the most relevant 500 series ECCNs are 9A515, 9B515, 9D515, 9E515. Items specific to the Interna-

3.1执行自我评估

确定出口产品、数据和服务的相关出口管制管辖权是任何出口合规计划的关键组成部分。在出口之前，应充分了解贵公司的产品、服务、技术，以及贵公司参与涉及外国国民或外国运营(即设施参观、设计、开发、交付、保险)的商业活动的程度。您应当知道或能够查明：

- 您正在出口何种技术或信息，
- 您出口的目的地，
- 谁将收到它，
- 为何需要，以及
- 将如何使用。

3.1.1 遵循审查令的

为确定适用于贵公司物项的管制，您必须按照审查顺序中列出的步骤对其进行评估。以下概要概述了您应采取的步骤，以作出您的判定：

1. 按照ITAR上出现的顺序，逐类逐段审查USML。您可以使用国务院提供的在线审查顺序决策工具：www.pmddtc.state.gov/licensing/dt_Order of Review.htm

2. 如果您发现您的物品或服务符合USML上列出的任何描述，则该物品或服务受ITAR管制。(请继续阅读本指南第3.5节。)

3. 如果您的物品未在USML上描述和列举，则属于受EAR管制的两用物品，您需要确定您的物品或技术的许可要求。

4. 接下来，审查CCL的出口管制分类编号(ECCN)，以确定其中是否有任何编号适用于您的物品或技术。您应首先审查CCL上的600系列物品。

5. 如果您的物品或技术不受600系列管制，请审查500系列物品。对于航天公司而言，最相关的500系列ECCN是9A515、9B515、9D515、9E515。专用于国际

tional Space Station or James Webb Space Telescope are classified as 9A004.

6. If your item does not fall in any of the above categories, it could be found elsewhere so be sure to check other ECCNs. If after review of the other ECCNs, you find your item is not listed, it is designated EAR99 and does not require a license. (Proceed to Section 3.2 of this guidebook.)

7. If your item is classified by an ECCN, you will need to determine if you are eligible for a Strategic Trade Authorization (STA) license exception. An STA authorizes the unlicensed export, re-export, and in-country transfer of specified items on the CCL to 36 NATO countries and certain other allies, provided all requirements for the use of the license have been met. Note that 9x515 items that are controlled for missile technology (MT) reasons may not be exported, re-exported, or transferred (in-country) under License Exception STA. (Proceed to Section 3.3 of this document.)

8. If your item or technology does not qualify for an STA, you may be eligible for other 500 series license exceptions. If you determine that your export is eligible for a license exception, you may use the coded designation of that license exception on your export documents. For example, use the code "LVS" for shipments of limited value or "RPL" for replacement parts and equipment, among others. (Proceed to Section 3.3 of this document.)

9. If your item is not eligible for an STA or other License Exception, then you must apply for an export license. (Proceed to Section 3.4 of this document.)

10. Finally, you may wish to consider applying for a dual license (both ITAR and EAR) depending on the nature of your export. (Proceed to Section 3.6 of this document.)

空间站或詹姆斯·韦伯空间望远镜的物项归类为9A004。

6. 如果您的物品不属于上述任何类别，则可能在其他类别中找到，因此请务必检查其他ECCN。如果在审查其他ECCN后，您发现您的物品未被列出，则其被指定为EAR99，不需要许可证。(请继续阅读本指南第3.2节。)

7. 如果您的物项由 ECCN 分类，您需要确定您是否符合战略贸易授权(STA)许可例外的资格。STA 授权向 36 个北约国家及某些其他盟国无许可证出口、再出口和境内转移 CCL 上的特定物项，前提是已满足使用该许可的所有要求。请注意，因导弹技术(MT)原因受管制的 9x515 物项不得根据许可例外 STA 出口、再出口或境内转移。(请继续阅读本文件第 3.3 节。)

8. 如果您的物品或技术不符合STA资格，您可能有资格获得其他500系列许可例外。如果您确定您的出口符合许可例外资格，您可以在出口文件上使用该许可例外的编码标识。例如，对于有限价值的货运使用代码"LVS"，对于替换零件和设备使用"RPL"等。(请继续阅读本文件第3.3节。)

9. 如果您的物品不符合STA或其他许可例外资格，则您必须申请出口许可证。(请继续阅读本文件第3.4节。)

10. 最后，根据您出口的性质，您可能希望考虑申请双重许可证(ITAR和EAR)。(请继续阅读本文件第3.6节。)

3.1.2 USE THE BIS ORDER OF REVIEW DECISION TREE

In addition to the guidance found in 15 CFR § 774, Supp. No. 4, you can also use the corresponding web-based decision tool at: www.bis.doc.gov/export-control-classification-interactive-tool.

3.1.3 DE MINIMIS RULE

Integrating U.S. components into a foreign made spacecraft does not cause that spacecraft to fall under U.S. export controls if certain conditions are met. Under the *de minimis* rule, the foreign-made spacecraft is not subject to U.S. jurisdiction under the EAR as long as: (1) the value of the controlled U.S. content comprises 25% or less of the total value of the item and is not destined for a country subject to U.S. arms embargo; or (2) the value of the controlled U.S. content comprises 10% or less of the total value of the item and is destined for a country subject to a U.S. embargo.[30]

Guidelines regarding the de minimis rules can be found at: www.bis.doc.gov/forms-documents/pdfs/1382-de-minimis-guidance/file

BIS also provides a tool to assist you in determining whether a non-U.S.-made item located outside the United States is subject to the EAR and can be found at: www.bis.doc.gov/de-minimis-direct-product-rules-decision-tool

3.1.4 SPECIAL CONSIDERATIONS FOR LAUNCH VEHICLES

By U.S. statute, the launch of a launch vehicle, reentry vehicle, or payload is not considered an export, if the launch occurs from the United States (or U.S. territory). Therefore, a launch vehicle does not require an export license from the Department of State or Department of Commerce when built and launched in the United States.[31] However, the operation of the commercial launch vehicle generally requires a launch license or permit from the Federal Aviation Administration (FAA). FAA licensing requirements are in place to protect public health and safety, property, U.S. national security and foreign policy interests, and international obligations of the U.S.[32]

The launch of a U.S. launch vehicle outside the United States requires ITAR authorization in compliance with MTCR controls. The applicable MTCR con-

[30] As of the date of this publication, Cuba, Iran, North Korea, Sudan and Syria are comprehensively embargoed countries (15 CFR § 740, Supp. No. 1, Country Group E).

[31] 51 U.S.C. § 50919(f)

[32] Information on FAA launch licensing can be found at ast.faa.gov.

3.1.2使用BIS审查令决定树

除15 CFR774, Supp.No.4中的指导外，您还可以使用相应的基于网络的决策工具：www.bis.doc.gov/ export-control-classification-interactive-tool。

3.1.3DE最低限额规则

如果满足某些条件，将美国成分集成到外国制造的航天器中不会导致该航天器受美国出口管制约束。根据deminimis规则，只要满足以下条件，外国制造的航天器就不受EAR下的美国管辖：(1) 受管制美国成分的价值占物项总价值的25%或以下，且不运往受美国武器禁运的国家；或 (2) 受管制美国成分的价值占物项总价值的10%或以下，且运往受美国禁运的国家。[30]

有关最低含量规则的指南可在以下网址查阅：www.bis.doc.gov/ forms-documents/pdfs/1382-de-minimis-guidance/file

BIS还提供一款工具，协助您确定位于美国境外、非美国制造的物项是否受EAR管制，可在以下网址查阅：www.bis.doc.gov/de-minimis-direct-product-rules-decision-tool

3.1.4运载火箭的特别考虑

根据美国法规，如果发射发生在美国(或美国领土)，运载火箭、再入飞行器或有效载荷的发射不被视为出口。因此，在美国建造并发射的运载火箭不需要国务院或商务部的出口许可证。[31]然而，商业运载火箭的运营通常需要联邦航空管理局(FAA)颁发的发射许可证或执照。FAA许可要求旨在保护公共卫生和安全、财产、美国国家安全和外交政策利益以及美国的国际义务。[32]

在美国境外发射美国运载火箭，需要依据MTCR管制获得ITAR授权。适用的MTCR管

[30]截至本出版物发布之日，古巴、伊朗、朝鲜、苏丹和叙利亚为全面禁运国家(15 CFR740, Supp.No.1, Country Group E)。

31 51 U.S.C.50919(f)

[32]有关FAA发射许可的信息，可访问ast.faa.gov。

trols establish a presumption of denial for exports of U.S. launch vehicles, even to other launching states.

A U.S. company wishing to apply for a launch vehicle export license must work with the State Department and the government of the recipient nation to establish a Technology Safeguards Agreement (TSA) covering the export. Contact information for the State Department is in Appendix A.

管制对美国运载火箭的出口确立了推定拒绝原则，即使对其它发射国也是如此。

希望申请运载火箭出口许可证的美国公司，必须与国务院及接收国政府合作，就该出口订立技术保障协议(TSA)。国务院的联系信息见附录A。

3.2 How to Export EAR99 Items

If your item falls under the U.S. Department of Commerce jurisdiction and is not listed on the CCL, it is designated with the ECCN code EAR99. These items generally consist of low-technology consumer goods and usually do not require a license, unless you find that you are exporting to an embargoed country, to an entity or end-user of concern, or in support of a prohibited end-use.

Most exports from the United States that are not under the jurisdiction of the ITAR do not require a license. This is because items either are not on the CCL (EAR99), or the ECCN controls do not apply to the country of destination. In these circumstances, you can export under the designation of "No License Required "and enter "NLR" in your export documents.

3.2如何出口EAR99物项

如果您的物项属于美国商务部管辖且未列入CCL，则被指定为ECCN编码EAR99。这些物项通常由低技术消费品构成，一般不需要许可证，除非您发现出口目的地为禁运国家、出口对象为受关注实体或最终用户，或用于支持被禁止的最终用途。

大多数不受ITAR管辖的美国出口不需要许可证。这是因为物项要么未列入CCL(EAR99)，要么ECCN管制不适用于目的地国家。在此情况下，您可以"无需许可证"的名义出口，并在出口文件中填写"NLR"。

3.3 How to File EAR STA or Other License Exceptions

An export license exception is an authorization that allows you to export or re-export, under stated conditions, items subject to the EAR that would otherwise require a license. Each exception has a three-letter symbol that is used for export clearance purposes. There are many license exception designations and several of them have applicability to "500 series" items, such as Limited Value Shipments (LVS), government and International Organizations (GOV), Aircraft, Vessels, and Spacecraft (AVS), in addition to the aforementioned STA and others.[33] If you meet specified terms and conditions, you can declare one of the license exception designations, which will serve as a general authorization to export.

The following steps will help you determine if you are eligible for a License Exception and how to proceed with export clearance:

1. Use the BIS on-line tool to determine if you are eligible for License Exception STA. The tool can be found at: www.bis.doc.gov/statool.
2. If you are eligible for a License Exception, apply for an Automated Commercial Environment (ACE) account.[34] ACE is the primary system through which the U.S. government tracks, controls and processes all imported and exported goods. An Automated Export System (AES) filing is required for most exports from the United States to a foreign country if valued at U.S. $2,500 or more.
3. To complete the application, you will need your Employer Identification Number (EIN), which is also known as a Federal Tax Identification Number.
4. Next, access the AES through ACE to file your Electronic Export Information (EEI).[35] The first requirement for participation in AES is a Letter of Intent (LOI). The LOI is a written statement of a company's commitment to develop, maintain, and adhere to Customs and Border Patrol

[33] 15 CFR § 740
[34] Application form: ace.cbp.dhs.gov/acexpub/acexpub_Apps/ExporterAccountApplication/expForm.php
[35] 15 CFR § 758.1

3.3 如何提交EARSTA或其他许可例外申请

出口许可例外是一种授权，允许您在规定条件下出口或再出口原本需要许可证的受EAR管辖物项。每个例外都有一个三字母符号，用于出口清关目的。有许多许可例外标识，其中若干适用于"500系列"物项，例如低价值货运(LVS)、政府和国际组织(GOV)、飞机、船舶和航天器(AVS)，以及前述的STA和其他例外。[33]如果您满足指定的条款和条件，您可以申报其中一个许可例外标识，该标识将作为一般出口授权。

以下步骤将帮助您确定是否符合许可例外资格，以及如何办理出口清关：

1. 使用BIS在线工具确定您是否符合许可例外STA资格。该工具可在以下网址找到：www.bis.doc.gov/statool。
2. 如果您符合许可例外资格，请申请自动化商业环境(ACE)账户。[34]ACE是美国政府跟踪、控制和处理所有进出口货物的主要系统。从美国出口到外国的大多数价值在2,500美元或以上的出口需要提交自动化出口系统(AES)申报。
3. 要完成申请，您需要您的雇主识别号(EIN)，也称为联邦税务识别号。
4. 接下来，通过ACE访问AES以提交您的电子出口信息(EEI)。[35]参与AES的第一项要求是意向书(LOI)。LOI是公司承诺开发、维护和遵守海关与边境保护局

33 15 CFR740
[34] Application form: ace.cbp.dhs.gov/acexpub/acexpub_Apps/ExporterAccountApplication/ expForm.php

35 15 CFR758.1

and Census performance requirements and operations standards as a participant in AES. If you register to file exports to AES using the free internet application, AES*Direct*, your on-line registration satisfies the requirement for the LOI.[36]

5. In addition to the LOI and other information, you will need the following to complete your entry:

   a. EIN
   b. Correct License Code that corresponds to the appropriate License Exception symbol (e.g., LVS, GOV)
   c. Correct Export Control Classification Number (ECCN) (e.g., 9A515) for all exports of items under a license exception.
   d. Item description (must be stated in Commerce Control List (CCL) terms)
   e. Destination Control Statement (DCS)
   f. Power of attorney or other written authorization (if someone is acting as an authorized agent on your behalf)

A complete guide to filling out your EEI can be found at: www.census.gov/foreign-trade/aes/aesdirect/AESDirect-User-Guide.pdf.

6. From the ACE portal it is possible to run reports of the EEI that have been submitted by your company or submitted by someone else on your company's behalf.

Remember, when using a license exception symbol, you are making a legal representation to the U.S. government that you have followed the appropriate guidelines and that the export meets all of the specified terms and conditions of the license exception you are using to authorize the export. License exceptions are still subject to routine reviews by BIS to ensure compliance with the EAR.

[36] www.cbp.gov/trade/aes/letter-intent/register

以及人口普查局作为AES参与方的绩效要求和操作标准的书面声明。如果您注册使用免费互联网应用程序AES*Direct*申报出口，您的在线注册即满足LOI要求。[36]

5. 除LOI和其他信息外，您还需要以下内容来完成您的报关：

   a. EIN
   b. 与相应许可例外符号(例如LVS、GOV)对应的正确许可证代码
   c. 许可例外下所有物品出口的正确出口管制分类编号(ECCN)(例如9A515)。
   d. 物品描述(必须以商业管制清单(CCL)术语表述)
   e. 目的地管制声明(DCS)
   f. 授权书或其他书面授权(如果有人作为您的授权代理人行事)

填写EEI的完整指南可在以下网址找到：www.census.gov/ foreign-trade/aes/aesdirect/AESDirect-User-Guide.pdf。

6. 从ACE门户可以运行由贵公司提交或由他人代表贵公司提交的EEI报告。

请记住，使用许可例外符号即意味着您向美国政府作出法律陈述，表明您已遵循相应指南，且该出口符合您用以授权该出口的许可例外的所有规定条款和条件。许可例外仍须接受BIS的例行审查，以确保符合EAR。

[36] www.cbp.gov/trade/aes/letter-intent/register

3.4 How to Apply for an EAR License When Required

If your product does not qualify for NLR, License Exception, or STA, then you must apply for an export license.

To apply for a license, use the Simplified Network Application Process (SNAP-R), the online license application system that the BIS provides to the public. As an exporter or re-exporter, you have the ability to submit export and re-export applications and commodity classification requests via the internet in a secure environment. You also will receive same day acknowledgment of your submission and can obtain online validations (e.g. electronic facsimile of export license) from BIS.

You must have a Company Identification Number (CIN) and an active user account to access SNAP-R. The first step to obtaining your CIN is to enter your information and agree to the *Terms & Conditions* for using the SNAP-R system as stated on the registration form at snapr.bis.doc.gov/snapr. The system will then verify the email address you entered; once verified, further instructions to set up your user account will be delivered.

Once your license application is received, the BIS will coordinate with the appropriate government agencies for review. You should budget approximately 45 days for this process.

For additional information, visit the BIS website at: www.bis.doc.gov/licensing/simplified-network-application-process-redesign-snap-r.

3.4如何在需要时申请EAR许可证

如果您的产品不符合NLR、许可例外或STA资格，则必须申请出口许可证。

要申请许可证，请使用简化网络申请流程(SNAP-R)，这是BIS向公众提供的在线许可证申请系统。作为出口商或再出口商，您能够在安全环境中通过互联网提交出口和再出口申请以及商品归类请求。您还将收到提交的当日确认，并可从BIS获得在线验证(例如出口许可证的电子传真件)。

您必须拥有公司识别号(CIN)和有效的用户账户才能访问SNAP-R。获取CIN的第一步是在snapr.bis.doc.gov/snapr上的注册表中输入您的信息，并同意其中所述的SNAP-R系统使用条款与条件 。随后系统将验证您输入的电子邮件地址；验证通过后，将发送有关设置用户账户的进一步说明。

收到您的许可证申请后，BIS 将与相关政府机构协调进行审查。您应为该流程预留约 45 天的时间。

如需更多信息，请访问 BIS 网站：www.bis.doc.gov/ licensing/simplified-network-application-process-redesign-snap-r。

3.5 How to Apply for an ITAR License or Agreement When Required

3.5.1 REGISTER WITH STATE DDTC IF NEEDED

If you have concluded that the item or service you wish to export is subject to the ITAR, the next step is to register with the Directorate of Defense Trade Controls (DDTC), if you have not done so already. The period of validity for new and renewal registrations is twelve months from the date of issuance. Registration does not confer any export privileges but is a prerequisite to export licensing approval.

The registration process:

- Informs the U.S. government about the U.S. defense industry (legal status, export eligibility, foreign ownership/affiliations, legally responsible personnel, areas of activity);
- Serves as a channel to provide industry with information about export regulations and government concerns; and
- Helps validate the bona fides of U.S. firms engaged in defense trade, especially during the review of export license applications.

Registration submissions must be submitted electronically. The average review time for a registration request is 45 days. It is recommended that you send your complete registration package electronically up to a maximum of 60 days in advance of the renewal expiration.

There is a 3-tier schedule of ITAR Registration fees:

1. New $2,250 (or lapsed for over 90 days)
2. Renewal $2,750 if there were less than 11 license applications the previous year
3. Renewal $2,750 + ($250 for each license application over 10)

There is a maximum fee of 3% of the total value of the exports items and a minimum of $2,750.

Further information regarding registration with the DDTC can be found at: www.pmddtc.state.gov/registration.

3.5如何在需要时申请ITAR许可证或协议

3.5.1如需向国务院DDTC注册

如果您已认定您希望出口的物品或服务受 ITAR 管辖，下一步是向国防贸易管制局(DDTC)注册(如果您尚未注册)。新注册和续展注册的有效期为自签发之日起十二个月。注册不授予任何出口特权，但它是出口许可证批准的前提条件。

注册流程：

- 向美国政府通报美国国防工业的情况(法律地位、出口资格、外国所有权/关联关系、法律责任人员、活动领域);
- 作为向业界提供出口法规和政府关切信息的渠道；以及
- 帮助验证从事国防贸易的美国公司的真实可靠性，特别是在审查出口许可证申请期间。

注册提交必须以电子方式提交。注册请求的平均审查时间为 45 天。建议您在续展到期前最多提前 60 天以电子方式发送完整的注册材料包。

ITAR注册费分为3档收费标准：

1. 新价格 $2,250(或已失效超过 90 天)
2. 续期2,750美元(如果上一年许可证申请少于11份)
3. 续期 $2,750 + ($每份许可证申请超过10个的，每个250

最高费用为出口物品总价值的 3%，最低为 $2,750。

有关向 DDTC 注册的更多信息，请访问：www.pmddtc.state.gov/registration。

3.5.2 FOR DEFENSE ARTICLES: ACCESS DTRADE SYSTEM TO SUBMIT LICENSE APPLICATION

The DDTC has set up an electronic licensing system called DTrade, which a registered U.S. exporter must use for most of its licensing needs. Through DTrade, the DDTC receives and authorizes requests regarding all unclassified export and temporary import defense **articles**.

Once you have registered with DDTC, they will provide you access to the DTrade system. Defense articles can be licensed for use through one of the following application forms:

- Form DSP-5: Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data
- Form DSP-61: Application/License for Temporary Import of Unclassified Defense Articles
- Form DSP-73: Application/License for Temporary Export of Unclassified Defense Articles

Applicable forms and additional information can be found at: www.pmddtc.state.gov/DTRADE

3.5.3 TIMELINE FOR ITAR LICENSE PROCESSING

The Department of State is directed to complete the review and adjudication of license requests within 60 days of receipt, except in cases where national security exceptions apply.

Under special circumstances, the Department of State is required to provide notification to Congress prior to approving a license application, based on regulatory threshold value of a sales contract and the SME designation of the items being sold. For cases requiring Congressional notification, budget for an additional 30-90 calendar days. Information regarding Congressional notification can be found at 22 CFR § 123.15.

If an applicant has received an adverse decision, a request may be submitted in writing to the DDTC for reconsideration. The request must be submitted within 30 days of the decision. As part of this request, the applicant is given an opportunity to present additional information for consideration by the DDTC.

3.5.2对于国防物品：访问DTRADE系统以提交许可证申请

DDTC 已建立名为 DTrade 的电子许可系统，注册的美国出口商在大多数许可需求中必须使用该系统。通过 DTrade,DDTC 接收并授权有关所有非密出口和临时进口国防物品的请求。**物品**。

您向 DDTC 注册后，他们将为您提供 DTrade 系统的访问权限。国防物品可通过以下申请表格之一获得许可使用：

- DSP-5表格：非机密国防物品及相关非机密技术数据的永久出口申请/许可证
- DSP-61表格：非机密国防物品临时进口申请/许可证
- 表格 DSP-73：未分类国防物品临时出口申请/许可证

适用表格和更多信息可在以下网址找到：www.pmddtc.state.gov/DTRADE

3.5.3 ITAR许可证处理时间表

国务院须在收到许可证请求后 60 天内完成审查和裁定，国家安全例外适用的情况除外。

在特殊情况下，国务院须在批准许可证申请前向国会发出通知，依据是销售合同的监管门槛价值以及所售物品的 SME 认定。对于需要国会通知的案件，应额外预留 30-90 个日历日。有关国会通知的信息可在22 CFR123.15 中找到。

如果申请人收到不利决定，可以书面形式向 DDTC 提交复议请求。该请求必须在决定作出后 30 天内提交。作为该请求的一部分，申请人有机会提交补充信息供 DDTC 审议。

3.5.4 FOR DEFENSE SERVICES: OBTAIN APPROVAL FOR TECHNICAL ASSISTANCE AGREEMENTS OR OTHER AGREEMENTS

Whereas defense articles require a DDTC-issued license for export or temporary import, defense **services** require a DDTC-approved "Agreement". Defense services involve furnishing assistance to foreign persons in such things as the design, development, engineering, manufacture, production, assembly, maintenance, modification, operation, and the destruction of defense articles. They also include giving technical data or military training of foreign units or forces.[37]

The agreements that authorize these services are:

- **Technical Assistance Agreement (TAA)**[38] – The most common type of agreement in the space industry, the TAA is basically a contract for the performance of a defense service or the disclosure of technical data, as opposed to an agreement granting a license or right to manufacture defense articles. For example, the assembly of defense articles would require a TAA, unless production rights or manufacturing know-how are conveyed. If they are conveyed, then this activity would actually need to be covered by a Manufacturing License Agreement, described below.
- **Manufacturing License Agreement (MLA)**[39] **–** An agreement whereby a U.S. person grants a foreign person an authorization to manufacture defense articles abroad which involves:
    a. The export of defense articles or the performance of a defense service, or
    b. The use by the foreign person of technical data or defense articles previously exported by the U.S. person.
- **Warehouse and Distribution Agreement (WDA)**[40] – An agreement (e.g., a contract) to establish a warehouse or distribution point abroad for defense articles exported from the United States for subsequent distribution to entities in an approved sales territory.

[37] 22 CFR § 120.9 and 22 CFR § 120.10
[38] 22 CFR § 120.22
[39] 22 CFR § 120.21
[40] 22 CFR § 120.23

3.5.4对于国防服务：获得技术援助协议或其他协议的批准

国防物品出口或临时进口需要DDTC签发的许可证，而国防**服务**则需要DDTC批准的"协议"。国防服务涉及向外国人提供协助，例如国防物品的设计、开发、工程、制造、生产、组装、维护、修改、操作和销毁。它们还包括提供技术数据或对外国单位或部队进行军事训练。[37]

授权这些服务的协议是：

- 技术援助协议(TAA)[38]- 航天工业中最常见的协议类型，TAA 基本上是履行国防服务或披露技术数据的合同，而非授予制造国防物品的许可或权利的协议。例如，组装国防物品需要 TAA，除非转让了生产权或制造专有技术。如果转让了这些权利，则该活动实际上需要由下文所述的制造许可协议涵盖。
- 制造许可证协议(MLA)[39]-一种协议，据此美国人授予外国人授权在国外制造国防物品，涉及：
    a. 国防物品的出口或国防服务的履行，或
    b. 外国人对美国人先前出口的技术数据或国防物品的使用。
- 仓库和分销协议(WDA)[40]- 一种协议(例如合同)，为从美国出口的国防物品在国外建立仓库或分销点，以便随后分销给经批准销售区域内的实体。

37 22 CFR 120.10 38 22 CFR 120.21
40 22 CFR120.23

Activities Frequently Requiring Agreements

- *Launch Related Services*
- *Supporting Direct Commercial Sales to Foreign Parties*
- *Providing Overseas Maintenance or Training Support*
- *Technical Studies, Evaluations, Demonstrations or Consultations with Foreign Parties*
- *Release of Manufacturing Data or Rights*
- *Efforts to Import Technology from Abroad*
- *Supporting a Foreign Military Sales Case (Beyond scope of LOA: Letter of Offer and Acceptance)*
- *Supporting U.S. Government-Sponsored Foreign Contracts*

3.5.5 APPLICATION PROCESS FOR AGREEMENTS

The following is an outline of the process for obtaining approval for an agreement to export your organization's defense service:

1. If you have not already done so, register your organization with the DDTC.
2. Review the Agreements Guidelines set forth by DDTC.[41]
3. Prepare the agreement application. The documents listed below must be included:
   a. Transmittal Letter
   b. Proposed Agreement (with necessary appendices, exhibits, and annexes)
   c. Empowered Official Letter
   d. Supporting Documentation
4. Submit the completed application via the DPS-5 vehicle through DTrade

[41] www.pmddtc.state.gov/licensing/documents/AgreementGuidelinesRev44b.pdf

活动经常需要协议

- 发布相关服务
- 支持直接商业销售给外国方
- 提供海外维护或培训支持
- 技术研究、评估、演示或咨询与外国方
- 发布制造数据或权利
- 从国外进口技术的努力
- 支持a对外军事销售案例(超出LOA范围 ofLOA:LetterofOfferandAcceptance)
- 支持美国政府赞助的外国合同

3.5.5 协议申请流程

以下是获得贵组织防务服务出口协议批准流程的概要：

1. 如果您尚未办理，请将您的组织在DDTC注册。
2. 审阅DDTC制定的协议指南。[41]
3. ◆ Prepare the agreement application. The documents listed below must be included:
   a. 转递函
   b. 拟议协议(附必要的附录、附件和附件)
   c. 授权官员函
   d. 支持性文件
4. 通过DTrade以DPS-5载体提交完整申请

[41] www.pmddtc.state.gov/licensing/documents/AgreementGuidelinesRev44b.pdf

5. Monitor the application process via My Application Ready Yet (MARY), a web-based status retrieval system, which contains the status of DTrade submissions.

3.5.6 TIMELINE FOR APPROVAL OF AGREEMENTS

As with a license, an applicant whose agreement has been denied may submit to the DDTC a request for consideration within 30 days of being notified of the adverse decision[42]. As part of the request, the applicant is given the opportunity to present additional information.

[42] 22 CFR § 126.7

5. 通过My application Ready Yet(MARY)监控申请流程，这是一个基于网络的状态查询系统，包含DTrade提交的状态。

3.5.6协议批准时间表

与许可证一样，协议被拒绝的申请人可以在收到不利决定通知后30天内向DDTC提交复议请求[42]。作为请求的一部分，申请人有机会提供额外信息。

42 22 CFR126.7

3.6 How to Apply for a Dual License (ITAR and EAR)

The export control regulations incorporate modifications so that only a single license is required when exporting a commodity, software or technology subject to both USML and CCL controls. Under the updated regulations, the revised USML Categories IV and XV have a new paragraph (x), in order to allow for ITAR licensing of commodities, software, and technical data otherwise subject to the EAR. In both USML Categories, paragraph (x) and its explanatory note read as follows:

(x) Commodities, software, and technology subject to the EAR (see § 120.42 of this subchapter) used in or with defense articles.

Note to paragraph (x): Use of this paragraph is limited to license applications for defense articles where the purchase documentation also includes commodities, software, or technology subject to the EAR (see § 123.21(b) of this subchapter).

As noted, this regulatory solution ***only*** applies to CCL commodities, software, and technical data ***used with*** **or** ***integrated into*** defense articles on the USML and ***are included in*** the exported technology.

The value of a paragraph (x) export is not used to calculate the Congressional notification threshold described above. However, applicants are still required to list the accurate value of the paragraph (x) article on the license application that authorizes its export.

When submitting an application with paragraph (x) items, be sure to include purchase records that list both USML and CCL controlled commodities, noting that the CCL items are used "in or with" the USML articles being exported. The application must list the CCL commodities, software, and technical data separately by ECCN, including the value of those items as integrated into the export.

Licenses authorizing the export of paragraph (x) items will include the following paragraph:

The U.S. exporter must provide to the end-user and consignees in the purchase documentation or other support documentation submitted with the Depart-

3.6如何申请双用途许可证a双用途许可证(ITAR和EAR)

出口管制法规纳入了修改，以便在出口同时受USML和CCL管制的商品、软件或技术时只需单一许可证。根据更新后的法规，修订后的USML第IV类和XV类新增了(x)段，以便对原本受EAR管制的商品、软件和技术数据进行ITAR许可。在两个USML类别中，(x)段及其解释性说明如下：

(x)受EAR管辖的商品、软件和技术(见
本子章第 120.42 节)用于或与国防物品一起使用的。

第(x)款注释：本款的使用仅限于国防物品的许可证申请，且采购文件还包括受EAR管辖的商品、软件或技术(见本分章123.21(b))。

如前所述，这一监管解决方案**仅**适用于CCL商品、软件和技术数据用于与或集成到USML上的国防物品中且被包含在出口技术中。

(x)段出口的价值不用于计算上述国会通知门槛。但是，申请人仍须在授权其出口的许可证申请上列出(x)段物品的准确价值。

提交包含(x)段物品的申请时，务必包括列出USML和CCL管制商品的采购记录，注明CCL物品"用于或与"正在出口的USML物品一起使用。申请必须按ECCN分别列出CCL商品、软件和技术数据，包括这些物品集成到出口中的价值。

授权出口(x)段物品的许可证将包括以下段落：

美国出口商必须向最终用户和收货人提供采购文件或随国务院提交的其他支持文件

ment of State license or other approval request the appropriate EAR classification information for each item exported pursuant to a U.S. Munitions List "(x)" paragraph. This includes the appropriate ECCN or EAR99 designation.

mentofState许可证或其他批准请求the适当的EAR分类信息信息for每项物项出口依据toa美国军火清单"(x)"款。这包括the适当的ECCN或EAR99认定。

SECTION

4



S T N

A



ENSURING COMPLIANCE AFTER EXPORT AUTHORIZATION

确保合规 在出口授权之后

As an exporter or re-exporter, it is your responsibility to be aware of, and comply with, all existing and future regulations of any and all U.S. government agencies controlling U.S. exports. The Directorate of Defense Trade Controls (DDTC) and the Bureau of Industry and Security (BIS) strongly advise that registered exporters and manufacturers have in place comprehensive monitoring programs, to ensure compliance with U.S. export law and regulations.

4.1 Compliance for EAR99 Items

EAR99 items will generally ship under the designation "NLR", which stands for "No License Required". However, if your proposed export of an EAR99 item is to an embargoed country, to an end-user of concern, or in support of a prohibited end-use, you may be required to obtain an export license. Part 744 of the Export Administration Regulations spells out the specific regulations related to end-user and end-use controls. There are many prohibited end-users. The consolidated U.S. government screening list, including proscribed parties from the Department of State and the Department of Commerce, can be found at www.export.gov/article?id=Consolidated-Screening-List.

作为出口商或再出口商，您有责任了解并遵守控制美国出口的任何及所有美国政府机构的现有和未来法规。国防贸易管制局(DDTC)和美国工业与安全局(BIS)强烈建议注册出口商和制造商制定全面的监控计划，以确保合规美国出口法律和法规。

4.1合规针对EAR99物品

EAR99物品通常将以"NLR"的名义发货，该缩写代表"无需许可证"。但是，如果您拟议出口的EAR99物品是运往受禁运国家、运往受关注最终用户，或用于支持被禁止的最终用途，您可能需要获得出口许可证。《出口管理条例》第744部分详细规定了与最终用户和最终用途管制相关的具体法规。有许多被禁止的最终用户。美国政府综合筛查清单，包括国务院和商务部列出的受限制方，可在www.export.gov/articleid=consolidated-Screening-List查阅。

4.2 Compliance for Items Exported under License Exceptions (e.g., STA)

Once you determine you can use a license exception there may still be approvals or documentation you must produce. Below are examples of the types of compliance actions you made need to take.

- GOV Exception (Governments, International Organizations, International Inspections Under the Chemical Weapons Convention, and the International Space Station) requires an Electronic Export Information (EEI) filing of the ECCN, and requires a Destination Control Statement to be put into the commercial export documents.
- LVS Exception (Shipments of Limited Value) exception will require you to be able to prove that the limited value of the yearly shipments has not been exceeded.
- TMP Exception (Temporary Imports, Exports, Re-exports, Transfers) exception requires the item be securely controlled and items have been returned or destroyed.
- STA (Strategic Trade Authorization) allows you to transfer the item to another consignee, but you and each consecutive consignee must sign an agreement stating all the required conditions to allow the transfer. STA also requires an application (via SNAP-R) to be made to determine if the items are eligible.

It is important to read section 740 of the EAR carefully for the documentation, agreements, and records keeping that is required for any license exception.

4.2 根据许可证例外出口的物品的合规(例如STA)(例如，STA)

一旦您确定可以使用许可例外，可能仍需要获得批准或提供文件。以下是您可能需要采取的合规行动类型的示例。

- GOV例外(政府、国际组织、化学武器公约下的国际检查以及国际空间站)要求提交ECCN的电子出口信息(EEI)申报，并要求在商业出口文件中加入目的地管制声明。
- LVS例外(有限价值货物)要求您能够证明未超过年度货物的有限价值。
- TMP例外(临时进口、出口、再出口、转让)要求物品受到安全管控，且物品已退回或销毁。
- STA(战略贸易授权)允许您将物品转让给另一收货人，但您和每一连续收货人必须签署一份协议，说明允许转让的所有必要条件。STA还要求提交申请(通过SNAP-R)以确定物品是否符合资格。

务必仔细阅读EAR第740节，了解任何许可例外所需的文件、协议和记录保存要求。

4.3 Compliance for EAR Licensed Items

BIS recommends all organizations exporting goods and services under the Export Administration Regulations (EAR) have in place an Export Management and Compliance Program (EMCP). An EMCP will help prevent U.S.-origin dual use goods and technologies from being used against us.

An EMCP is a comprehensive, written set of export procedures, policies, and guidelines that provide an organization's management with a framework to ensure and evaluate whether or not the company/employees/products are in full compliance with EAR regulations. A well-written and fully implemented EMCP benefits an exporter by minimizing risk of noncompliance and can be a strong mitigating factor when determining penalties in cases of export violation.

While the EAR allows flexibility in the manner in which U.S. companies meet these compliance requirements, the BIS strongly recommends incorporating the nine key elements (listed below) and the screening of all parties to transactions, as part of their overall due diligence.

4.3合规针对EAR许可物项

BIS建议所有根据出口管理条例(EAR)出口商品和服务的组织制定出口管理与合规计划(EMCP)。EMCP将有助于防止美国原产两用物项和技术被用于对付我们。

EMCP是一套全面的、书面的出口程序、政策和指南，为组织管理层提供框架，以确保和评估公司/员工/产品是否完全合规EAR法规。一份编写良好并全面实施的EMCP通过最小化不合规风险使出口商受益，并可在确定出口违规案件处罚时成为强有力的减轻因素。

虽然EAR允许美国公司在满足这些合规要求的方式上具有灵活性，但BIS强烈建议将九项关键要素(列于下文)以及对交易所有当事方的筛查纳入其整体尽职调查中。

4.4 Elements of an Effective EAR Export Management and Compliance Program (EMCP)

1. Management Commitment: Senior management establishing written export compliance standards for the organization, committing sufficient resources for the export compliance program, and ensuring appropriate senior organizational official(s) are designated with the overall responsibility for the export compliance program to ensure adherence to export control laws and regulations
2. Continuous Risk Assessment of the Export Program
3. Formal Written Export Management and Compliance Program: Effective implementation and adherence to written policies and operational procedures
4. Ongoing Compliance Training and Awareness
5. Pre/Post Export Compliance Security and Screening: Screening of employees, contractors, customers, products, and transactions and implementation of compliance safeguards throughout the export life cycle including product development, jurisdiction, classification, sales, license decisions, supply chain, servicing channels, and post-shipment activity
6. Adherence to Recordkeeping Regulatory Requirements
7. Internal and External Compliance Monitoring and Periodic Audits
8. Maintaining a Program for Handling Compliance Problems, including Reporting Export Violations
9. Completing Appropriate Corrective Actions in Response to Export Violations

An effective EMCP will be tailored to address your organization's unique operations and will incorporate such factors as business locations, the size of your organization, the types of products, and the end-users/end-use of your products. The document should reflect the scale and scope of your export program and be flexible enough to adapt to the changes in your organization

4.4 有效的EAR出口管理和合规计划的要素(EMCP)(EMCP)

1. 管理层承诺：高级管理层为组织制定书面的出口合规标准，为出口合规计划投入充足资源，并确保指定适当的高级组织官员全面负责出口合规计划，以确保遵守出口管制法律法规
2. 出口计划的持续风险评估
3. 正式的书面出口管理和合规计划：有效实施并遵守书面政策和操作程序
4. 持续合规培训与意识
5. 出口前/出口后合规安全与筛查：对员工、承包商、客户、产品和交易进行筛查，并在整个出口生命周期中实施合规保障措施，包括产品开发、管辖权、归类、销售、许可证决定、供应链、服务渠道和发货后活动
6. 遵守记录保存监管要求
7. 内部与外部合规监控及定期审计
8. 维护处理合规问题的计划，包括报告出口违规行为
9. 针对出口违规行为完成适当的纠正措施

有效的EMCP将针对您组织的独特运营量身定制，并纳入业务地点、组织规模、产品类型以及产品的最终用户/最终用途等因素。该文件应反映您出口计划的规模和范围，并具有足够的灵活性以适应您组织的变化

and the regulatory environment. The BIS provides several resources to help your organization develop an EMCP, which can be found at: www.bis.doc.gov/compliance-a-training/export-management-a-compliance/compliance.

以及监管环境。BIS提供多种资源帮助您的组织制定EMCP，可在以下网址找到：www.bis.doc.gov/compliance-a-training/export-management-a-compliance/compliance.

4.5 Compliance for ITAR Licensed Items

If your organization exports defense articles and defense-related services, you must employ a dedicated compliance officer to serve as an Empowered Official.[43] An Empowered Official is authorized by an organization to sign and process license applications on behalf of that organization and, if necessary, refuse to sign any license application without the threat of retribution.

In addition to the Empowered Official, DDTC recommends putting in place a comprehensive compliance program. The level of sophistication of your internal compliance controls will depend on the nature and scale of your business. Your program should include the organization's commitment to compliance with laws and regulations, procedures for dealing with licensing and compliance matters, identification and duties of empowered and responsible persons, and procedures for record keeping and internal auditing. To assist you, DDTC has outlined some elements that should be included in your compliance program: www.pmddtc.state.gov/compliance/documents/compliance_programs.pdf

[43] 22 CFR § 120.25

4.5合规针对ITAR许可物项

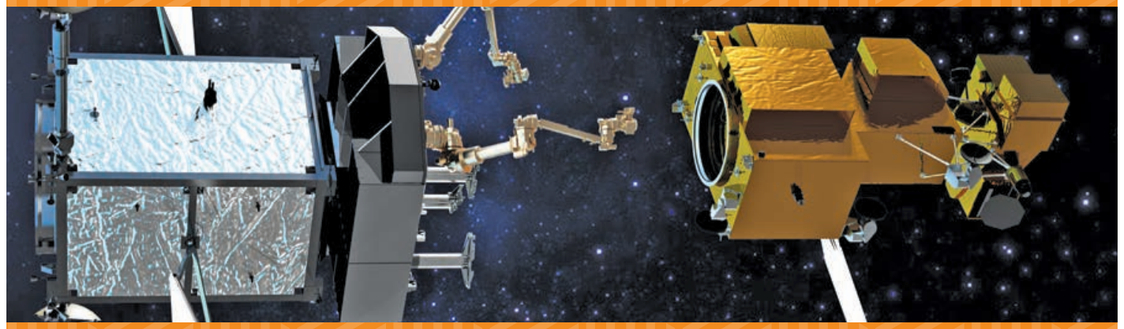
如果您的组织出口国防物品和国防相关服务，您必须聘请专职合规官担任授权官员。[43]授权官员由组织授权代表该组织签署和处理许可证申请，并在必要时拒绝签署任何许可证申请而不受报复威胁。

除授权官员外，DDTC建议建立全面的合规计划。您的内部合规控制措施的复杂程度将取决于您业务的性质和规模。您的计划应包括组织对遵守法律法规的承诺、处理许可和合规事项的程序、授权人员和负责人员的识别与职责，以及记录保存和内部审计的程序。为协助您，DDTC已列出合规计划中应包含的一些要素：
www.pmddtc.state.gov/compliance/documents/compliance_programs.pdf

43 22 CFR120.25

SECTION

5



第



HELPFUL HINTS

有用的提示

5.1 WHAT TO DO IF YOU NEED HELP

There is no substitute for direct communication with the organization that will handle your export control issues. There is a DDTC Response Team in place to answer questions regarding the ITAR and your technology issues before and during the licensing process. Additionally, you will be assigned a licensing officer for your case during the ITAR process. If you are following the EAR process, the Department of Commerce has specialized export counselors available to answer questions. Any of these official government resources can be contacted if you need help. (See Appendix A: Useful Contact Information.)

5.2 UNDERSTAND THE LANGUAGE AND AGENCIES INVOLVED

To succeed through the export control process, it is useful to understand the language and the government agencies with which you will be dealing. The appendices to this report provide acronym and terminology definitions, as well as important points of contact at various U.S. government agency offices.

5.3 PLAN SUFFICIENT RESOURCES AND TIME FOR THE PROCESS

The time required from start to finish for the export control licensing process is case-specific. Therefore, it is helpful to build in a sufficient time period to ensure the process does not hinder your operations.

5.4 AVOID DELAYS IN THE APPLICATION PROCESS

The timeline and process confusion are major concerns with export controls. There are simple actions that can help mitigate these concerns:

- Use the electronic applications that are available online.
- Fill out forms fully and correctly.
- Know who you need to contact throughout the process. (See Appendix A.)
- Know your company's processes and potential interactions with foreign nationals.
- Check for updates on policies and forms on the websites of the Departments of State or Commerce, depending on your situation.

5.1如果您需要帮助该怎么做帮助

与将处理您出口管制问题的机构直接沟通是无可替代的。DDTC设有响应团队，可在许可流程之前和期间回答有关ITAR及您技术问题的疑问。此外，在ITAR流程中，您将被指派一名许可官员负责您的案件。如果您遵循EAR流程，商务部有专门的出口顾问可回答问题。如果您需要帮助，可以联系任何这些官方政府资源。(见附录A：有用的联系信息。)

5.2了解语言和涉及的机构涉及

要在出口管制流程中取得成功，了解您将与之打交道的语言和政府机构是很有用的。本报告的附录提供了缩略语和术语定义，以及美国各政府机构办公室的重要联系人信息。

5.3计划充足的资源和时间用于该流程

出口管制许可流程从开始到结束所需的时间因个案而异。因此，预留充足的时间段以确保该流程不会妨碍您的运营是很有帮助的。

5.4避免延误在申请流程中

时间进度和流程混乱是出口管制的主要关切。有一些简单的措施可以帮助缓解这些关切：

- 使用可在线获取的电子申请。
- 完整、正确地填写表格。
- 了解在整个流程中您需要联系谁。(见附录A。)
- 了解您公司的流程以及与外国国民的潜在互动。
- 根据您的情况，查看国务院或商务部网站上的政策和表格更新。

5.5 TRAIN YOUR STAFF

The Department of State and Department of Commerce websites have links to their own training sessions. For instance, the DDTC conducts one-day, in-house seminars covering export licensing basics. The BIS provides webinars on the subject via their online training room.[44]

You can contract with outside organizations to evaluate and provide consultation on your company's specific import and export compliance issues. These companies can reduce the need for hiring full-time internal experts. Certain law and consulting firms specialize in export control or trade compliance issues, as well as in space industry regulatory issues.

Other specialized organizations can train personnel at a cost. These groups usually hold scheduled ITAR process-training sessions at various locations throughout the country.

[44] The online training room is accessible at: www.bis.doc.gov/compliance-a-training/export-administration-regulations-training/online-training-room

5.5培训您的员工

国务院和商务部网站均有各自培训课程的链接。例如，DDTC举办为期一天、涵盖出口许可证基础知识的内部研讨会。BIS通过其在线培训室提供相关主题的网络研讨会。[44]

您可以与外部机构签约，由其评估并就贵公司具体的进出口合规问题提供咨询。这些公司可以减少聘用全职内部专家的需求。某些律师事务所和咨询公司专门从事出口管制或贸易合规问题，以及航天行业监管问题。

其他专业机构可以有偿培训人员。这些机构通常在全国各地定期举办ITAR流程培训课程。

[44]在线培训室可通过以下网址访问：www.bis.doc.gov/compliance-a-training/ export-administration-regulations-training/online-training-room





APPENDICES

附录

Appendix A Useful Contact Information

This appendix provides the contact information for organizations that can assist a company engaged in or planning to begin the U.S. export control licensing process.

DEPARTMENT OF STATE, DDTC

- **Directorate of Defense Trade Controls (DDTC) General Contact Information**
  Telephone: 202-663-2980
  DDTC Contacts Website:
  pmddtc.state.gov/about/contact_information.html

- **Directorate of Defense Trade Controls (DDTC) Response Team:**
  The Response Team is set up to address a full range of defense trade inquiries and direct you to a secondary contact, if necessary.
  Telephone: 202-663-1282
  Email: DDTCResponseTeam@state.gov

- **Electronic Application Support:**
  For assistance, please contact the Help Desk.
  Telephone: 202-663-2838
  Email: dtradehelpdesk@state.gov

DEPARTMENT OF COMMERCE, BIS

- **Bureau of Industry and Security (BIS) General Contact Information:**
  www.bis.doc.gov/about-bis/contact-bis

- To speak with an Export Counselor:
  - Outreach & Educational Services Division (Washington, DC):
    202-482-4811
  - Western Regional Office (Newport Beach, CA): 949-660-0144
  - Northern California Branch (San Jose, CA) 408-998-8806

You may also e-mail your inquiry to the Export Counseling Division of the Office of Exporter Services at: ECDOEXS@bis.doc.gov

附录A有用联系信息

本附录提供了可为从事或计划开始美国出口管制许可流程的公司提供协助的组织的联系信息。

国务院的STATE,DDTC

•国防贸易管制局的国防贸易管制(DDTC)一般联系信息

电话：202-663-2980 DDTC联系人网站：
pmddtc.state.gov/about/contact_information.html

•国防贸易管制局的国防贸易管制(DDTC)响应团队：响应团队旨在处理全方位的国防贸易咨询，并在必要时将您转介至二级联系人。

Telephone: 202-663-1282
Email: DDTCResponseTeam@state.gov

•电子申请支持：
如需协助，请联系帮助台。

Email: dtradehelpdesk@state.gov

商务部,BIS

- 工业与安全局(BIS)一般联系方式：
  www.bis.doc.gov/about-bis/contact-bis

- 如需与出口顾问交谈：
  - 外联与教育服务处(华盛顿特区):
    202-482-4811
  - 西部地区办公室(加利福尼亚州纽波特比奇):949-660-0144
  - 北加州分公司(加利福尼亚州圣何塞)408-998-8806

您也可以将咨询发送电子邮件至出口商服务办公室出口咨询处：
ECDOEXS@bis.doc.gov

System for Tracking Export License Applications (STELA):
snapr.bis.doc.gov/stela

出口许可证申请跟踪系统(STELA):
snapr.bis.doc.gov/stela

Appendix B Case Study – Hosted Payload Funded by DOD

As part of the ECR Initiative, most commercial, scientific, and civil satellites and their components were transferred from jurisdiction under the International Traffic and Arms Regulations (ITAR) to the less restrictive Export Control Regulations (EAR). An ECCN 9A004 or 9A515 spacecraft is now subject to the less restrictive EAR even when incorporating a hosted payload that performs a function described in Category XV, paragraph (a) of the ITAR.

However, payloads funded by the Department of Defense (DoD) present a unique case. If a secondary or hosted payload and any specially designed parts or components related to it are developed with DoD funding and are incorporated into a spacecraft, the entire spacecraft is subject to the ITAR ***unless*** the payload is

(a) determined to be subject to the EAR via a Commodity Jurisdiction (CJ) determination, or

(b) is exempt in the relevant DoD contract or other agreement as being developed for both military and civil or commercial applications.[45]

[45] 22 CFR § 121.1, Notes 1 and 2 to USML Category XV(e)(18)

附录B案例研究-托管有效载荷由DOD资助

作为ECR倡议的一部分，大多数商业、科学和民用卫星及其组件已从《国际武器贸易条例》(ITAR)的管辖范围转移至限制较少的《出口管理条例》(EAR)。ECCN 9A004或9A515航天器现在受限制较少的EAR管辖，即使其搭载了执行ITAR第十五类(a)段所述功能的搭载有效载荷。

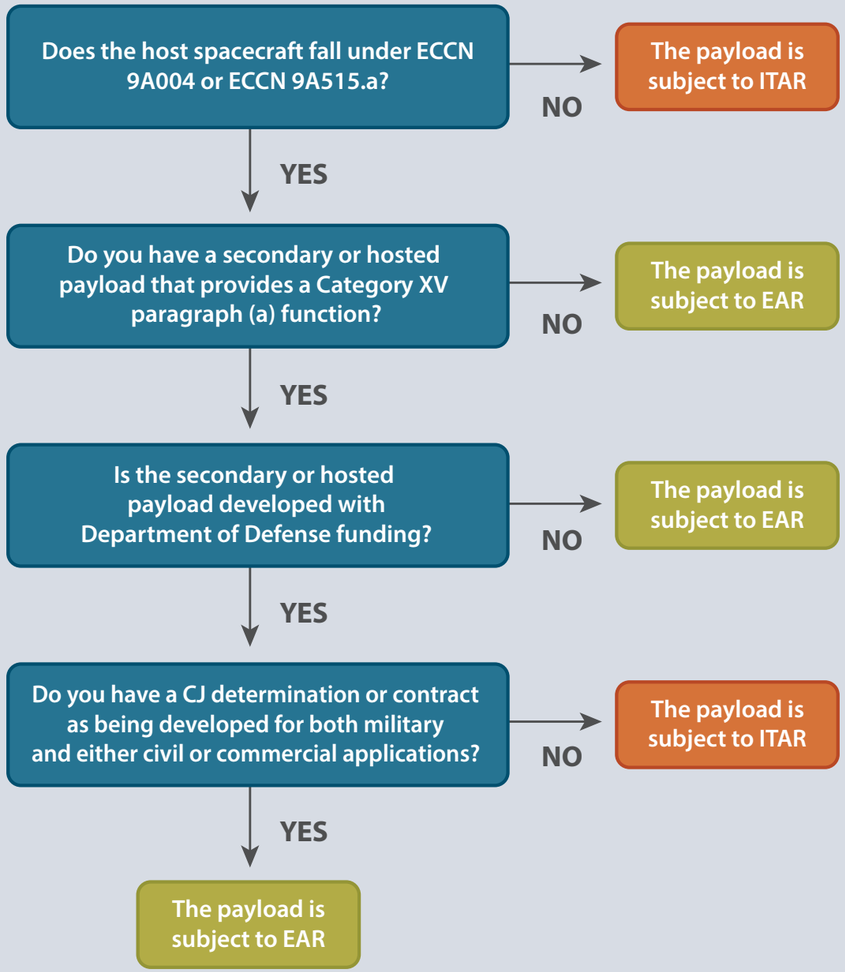
然而，由国防部(DoD)资助的有效载荷属于特殊情况。如果次级或搭载有效载荷及与其相关的任何专门设计零件或组件是在DoD资助下开发的，并被整合到航天器中，则整个航天器受ITAR管辖**除非**该有效载荷

(a) 经商品管辖权(CJ)裁定确定受EAR管辖，或

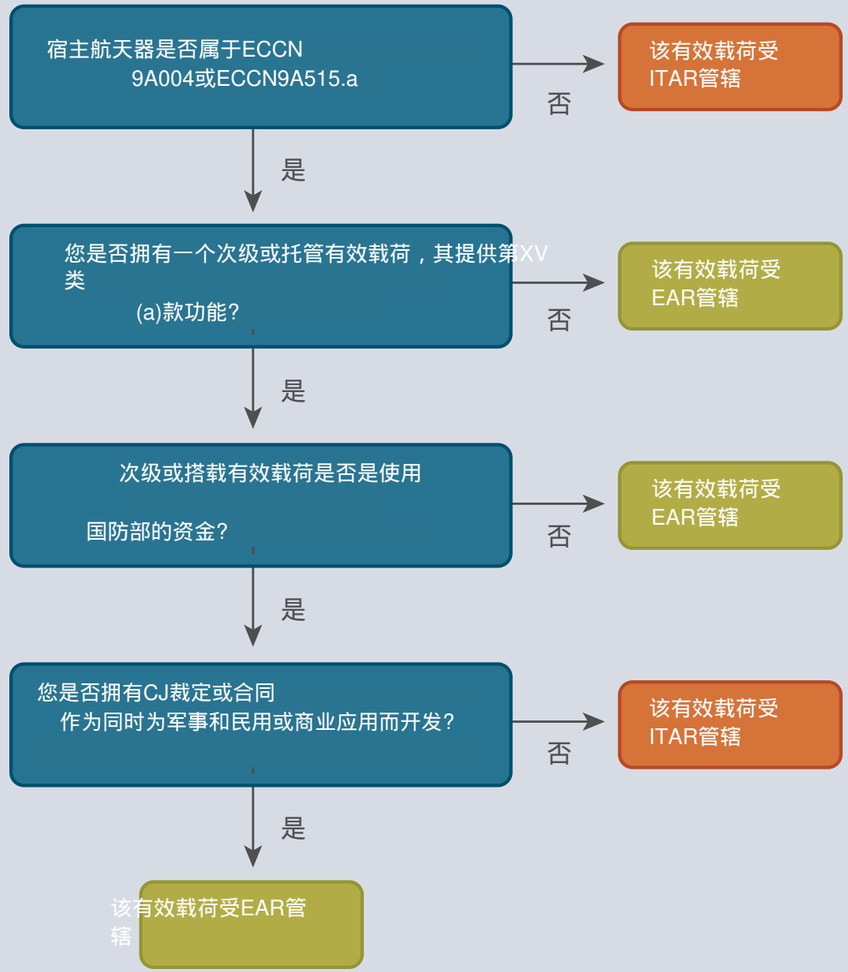
(b) 在相关DoD合同或其他协议中作为同时为军事和民用或商业应用开发而获得豁免。[45]

[45]22 CFR121.1,USML第十五类(e)项(18)注释1和2

Figure B-1:
Hosted Payload Funded by Department of Defense Decision Tree



图B-1:
托管有效载荷由国防部决策树



Appendix C Acronyms and Glossary

ACE – Automated Commercial Environment – The primary system through which the trade community reports imports and exports and the government determines admissibility.

AECA – Arms Export Control Act – The statute that authorizes the export and temporary import control activities of the Department of State.

AES – Automated Export System – The central point through which export shipment data required by multiple agencies is filed electronically to the U.S. Customs and Border Protection Agency.

BIS – Bureau of Industry and Security – An agency of the Department of Commerce that is responsible for administering and enforcing export controls on dual use items.

CCL – Commerce Control List – A list of items (commodities, software, and technology) subject to the Department of Commerce, Bureau of Industry and Security (BIS) export controls.

CFR – Code of Federal Regulations – The official codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

CJ – Commodity Jurisdiction – A determination as to whether an item or service is subject to the export licensing authority of the Department of Commerce or the Department of State, Directorate of Defense Trade Controls (DDTC).

Deemed Export – Release or transfer of "technology" or source code to a foreign person in the United States.

DDTC – Directorate of Defense Trade Controls – The office in the Department of State that administers licenses for defense services and defense (munitions) articles.

DTAG – Defense Trade Advisory Group – An advisory committee that provides the Bureau of Political-Military Affairs with a formal channel for regular consultation and coordination with U.S. private sector defense exporters and defense trade specialists on issues involving U.S. laws, policies, and regulations for munitions exports.

附录C缩略语和术语表

ACE-自动化商业环境- 贸易界借此报告进出口、政府借此确定可接纳性的主要系统。

AECA-武器出口管制法- 授权国务院开展出口和临时进口管制活动的法规。

AES-自动化出口系统- 多个机构所要求的出口货运数据通过该中心点以电子方式提交给美国海关与边境保护局。

BIS-美国工业与安全局- 商务部下属机构，负责管理和执行对两用物项的出口管制。

CCL-商业管制清单- 受商务部美国工业与安全局(BIS)出口管制的物项(商品、软件和技术)清单。

CFR-联邦法规汇编- 联邦政府行政部门和机构在《联邦公报》上发布的一般规则和永久规则的官方汇编。

CJ-商品管辖权- 关于某一物项或服务是受商务部还是国务院国防贸易管制局(DDTC)出口许可管辖的裁定。

视同出口- 向在美国境内的外国人发布或转让"技术"或源代码。

DDTC-国防贸易管制局- 国务院中负责管理国防服务和国防(军品)物品许可证的办公室。

DTAG-国防贸易咨询小组- 一个咨询委员会，为政治军事事务局提供正式渠道，就涉及美国军品出口法律、政策和法规的问题与美国私营部门国防出口商和国防贸易专家进行定期磋商和协调。

DTSA – Defense Technology Security Administration – An agency of the Department of Defense responsible for the development and implementation of policies on international transfers of defense-related munitions technology. The DTSA is also involved in the review of certain dual use export license applications.

Dual Use – Items that have both commercial and military or proliferation applications.

EAA – Export Administration Act – The statute that authorizes the export control and anti-boycott compliance activities of the Department of Commerce.

EAR – Export Administration Regulations – Regulations set forth in sections 730-774 of Title 15 of the Code of Federal Regulations and issued by the Department of Commerce to implement the Export Administration Act and other statutory requirements.

ECCN – Export Control Classification Number – A five character alpha-numeric designation used on the Commerce Control List (CCL) to identify a dual-use item for export control purposes.

ECR – Export Control Reform – A fundamental reform of the U.S. export control system designed to enhance U.S. national security and the competitiveness of key U.S. manufacturing and technology sectors by focusing on current threats, as well as adapting to the changing economic and technological landscape.

EEI – Electronic Export Information – Electronic export data as filed in the Automated Export System (AES) for U.S. exports that contain a single commodity's value exceeding US $2,500.00.

The information collected by the Census Bureau is used for statistical purposes while the Bureau of Industry and Security and other export enforcement agencies uses it for export control and enforcement purposes.

EMCD – Export Management and Compliance Program – An optional program developed by the Bureau of Industry and Security to assist companies in complying with the export control provisions of the Export Administration Regulations.

Export – (1) An actual shipment or transmission out of the United States, including the sending or taking of an item out of the United States, in any manner; (2) releasing or otherwise transferring "technology" or source code

DTSA-国防技术安全管理局- 国防部下属机构，负责制定和实施有关国防相关军品技术国际转让的政策。DTSA还参与审查某些两用出口许可证申请。

两用- 同时具有商业和军事或扩散用途的物项。

EAA-出口管理法- 授权商务部开展出口管制和反抵制合规活动的法规。

EAR-出口管理条例- 由商务部发布、规定于《联邦法规汇编》第15编第730-774节、用以实施《出口管理法》及其他法定要求的条例。

ECCN-出口管制分类编号- 商业管制清单(CCL)上使用的五字符字母数字标识，用于为出口管制目的识别两用物项。

ECR-出口管制改革- 对美国出口管制体系进行的根本性改革，旨在通过聚焦当前威胁并适应不断变化的经济和技术格局，增强美国国家安全以及美国关键制造业和技术部门的竞争力。

EEI-电子出口信息- 通过自动出口系统(AES)申报的美国出口电子数据，适用于单一商品价值超过2,500.00美元的美国出口。

人口普查局收集的信息用于统计目的，而美国工业与安全局及其他出口执法机构将其用于出口管制和执法目的。

EMCD-出口管理与合规计划- 由美国工业与安全局制定的一项可选计划，旨在协助公司遵守《出口管理条例》的出口管制规定。

出口- (1)以任何方式实际运出或传送出美国，包括将物项送出或带出美国；(2)向在美国境内的外国人发布或以其他方式转让"技术"或源代码

to a foreign person in the United States (a "deemed export") (3) transferring by a person in the United States of registration, control, or ownership of: (i) a spacecraft subject to the EAR that is not eligible for export under License Exception STA to a person in or a national of any other country (ii) any other spacecraft subject to export controls to a person in or a national of a Country Group D:5 country.

Hosted payload – A complement of equipment or sensors that uses the available or excess capacity (mass, volume, power, etc.) of a spacecraft to accommodate an additional, independent mission which does not dictate control or operation of the spacecraft.

ITAR – International Traffic in Arms Regulations – Regulations set forth in Sections 120-130 of Title 22 of the Code of Federal Regulations and issued by the Department of State to implement the Arms Export Control Act and other statutory requirements.

MTCR – Missile Technology Control Regime – A multilateral control regime consisting of the United States and other nations that have agreed to guidelines for restricting the export of dual use items that may contribute to the development of missiles.

MTEC – Missile Technology Export Committee – An interagency group, chaired by a representative of the Department of State, that reviews export license applications involving items controlled for missile technology reasons.

Primary payload – That complement of equipment designed from the outset to accomplish the prime mission function of the spacecraft payload mission set.

Re-export – (1) An actual shipment or the transmission of items subject to export regulations from one foreign country to another foreign country; (2) release or transfer of technical data or source code to a foreign person of a country other than the foreign country where the release or transfer takes place (a deemed re-export); (3) transfer of registration, control, or ownership of (i) any a spacecraft subject to export regulations that is not eligible for re-export under License Exception STA to a person in or a national of any other country; or (ii) any other spacecraft subject to the EAR to a person in or a national of Country Group D:5 country.

Secondary payload – That complement of equipment designed from the outset to be fully integrated into the spacecraft payload mission set. The secondary payload may operate separately from the primary payload.

("视同出口")(3)由在美国境内的人转让以下各项的注册、控制或所有权：(i)受EAR管辖且不符合根据许可例外STA向任何其他国家境内的人或国民出口条件的航天器；(ii)任何其他受出口管制约束的航天器，向某国境内的人或国民

D:5 类国家。

搭载载荷- 利用航天器可用或剩余容量(质量、体积、功率等)承载额外独立任务、且不决定航天器控制或运行的设备或传感器组合。

ITAR-国际武器贸易条例- 由国务院发布、规定于《联邦法规汇编》第22编第120-130节、用以实施《武器出口管制法》及其他法定要求的条例。

MTCR-导弹技术控制制度- 由美国及其他国家组成的多边控制制度，各方已同意限制可能有助于导弹发展的两用物项出口的准则。

MTEC-导弹技术出口委员会- 由国务院代表担任主席的跨机构小组，负责审查涉及因导弹技术原因受管制物项的出口许可证申请。

主载荷- 从一开始就设计用于完成航天器载荷任务集主要任务功能的设备组合。

再出口- (1) 受出口管制物项从一个外国实际装运或传输至另一个外国；(2) 向发布或转让所在国以外国家的外国人发布或转让技术数据或源代码(视为再出口);(3) 将以下物项的注册、控制或所有权转让：(i) 受出口管制、且根据许可例外 STA 不符合再出口条件的任何航天器，转让给任何其他国家的人员或国民；或 (ii) 受 EAR 管制的任何其他航天器，转让给国家组别 D:5 国家的人员或国民。

次载荷- 从一开始就设计为完全集成到航天器载荷任务集中的设备组合。次载荷可与主载荷分开运行。

SME – Significant Military Equipment – Articles for which special export controls are warranted because of their capacity for substantial military utility or capability.

SNAP-R – Simplified Network Application Process Redesign – An electronic method of submitting EAR export license applications.

Space Qualified – An item designed, manufactured, or qualified through successful testing, for operation at altitudes greater than 100 kilometers (km) above the surface of the Earth.

Specially Designed – An "item" that: (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 U.S. Munitions List (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.

ST – Strategic Trade Authorization – A license exception that authorizes, with conditions, the export, re-export, and transfer (in-country) of specified items to destinations that pose relatively low risk of unauthorized uses.

TAA – Technical Assistance Agreement – An agreement (e.g., contract) for the performance of a defense service(s) or the disclosure of technical data, as opposed to an agreement granting a right or license to manufacture defense articles. Assembly of defense articles is included under this section, provided production rights or manufacturing know-how are not conveyed.

TCP – Technology Control Plan – A formal plan required in cases when foreign nationals are employed at or assigned to security-cleared facilities or facilities that handle export-controlled items or information.

TTCP – Technology Transfer Control Plan – A detailed course of action that the exporter provides to the Department of State when applying for an ITAR license that explains how the exporter will maintain appropriate controls during the process of exporting items or services on the United States Munitions List.

USML – United States Munitions List – The list of defense articles, technology, and services under the export and temporary import jurisdiction of the Department of State. The USML is found in Part 121 of the ITAR.

SME-重要军事装备- 因其具有重大军事效用或能力而需要特殊出口管制的物品。

SNAP-R-简化网络申请流程重新设计- 提交EAR出口许可证申请的一种电子方法。

空间合格- 为在地球表面以上100公里(km)以上高度运行而设计、制造或通过成功测试合格的物项。

专门设计- 符合以下条件的"物项":(1)由于"开发"而具有专门负责达到或超过相关ECCN或美国军品清单(USML)段落中的性能水平、特性或功能的属性；或(2)是用于或与CCL或USML上"列明"或以其他方式描述的商品或国防物品一起使用的"零件"、"部件"、"附件"、"附加装置"或"软件"。

ST-战略贸易授权- 一种许可例外，在有条件的情况下授权向未经授权使用风险相对较低的目的地出口、再出口和转让(境内)特定物项。

TAA-技术协助协议- 为履行国防服务或披露技术数据而签订的协议(例如合同)，而非授予制造国防物品的权利或许可的协议。国防物品的组装包括在本节范围内，前提是不转让生产权或制造专有技术。

TCP-技术控制计划- 当外国国民受雇于或派驻于安全许可设施或处理出口管制物项或信息的设施时所需的一项正式计划。

TTCP-技术转让控制计划- 出口商在申请ITAR许可证时向国务院提供的详细行动方案，说明出口商在出口美国军火清单上的物项或服务过程中将如何维持适当的控制。

USML-美国军火清单- 受国务院出口和临时进口管辖的防务物品、技术和服务清单。USML载于ITAR第121部分。

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