
Trade Compliance Questionnaire (TCQ)

Subject: Commodity Jurisdiction and Classification Determination Required

Dear Customer:

The U.S. Government considers an export to be any oral, written, electronic, or visual disclosure as well as any shipment, transfer or transmission, of any commodity or technology (physical or electronic) detailed within the controlled technology categories of ITAR and EAR, outside the US, to anyone outside the US, to a non-US person(s), or to a foreign embassy.

Therefore, the U.S. export control *commodity jurisdiction* and *classification* needs to be determined and documented for every project we perform.

Commodity jurisdiction relates to whether the work we perform falls under the:

Covered Unclassified Information (“**CUI**”)

- Regulated by the U.S. Department of Defense
- Covers safeguarding or dissemination controls consistent with federal laws

International Traffic in Arms Regulations (“**ITAR**”)

- Regulated by the U.S. Department of State
- Covers Military, Government, and Defense Items

Export Administration Regulations (“**EAR**”)

- Regulated by the U.S. Department of Commerce
- Covers “Dual Use” Items (Commercial items that can also be used for Military/Defense purposes)

Commodity Classification relates to whether a good or service is marked as **CUI** or on one of the lists below:

ITAR U.S. Munitions List

<http://www.ecfr.gov/cgi-bin/text-idx?node=pt22.1.121>

OR

EAR Commerce Control List

[Search the EAR | Bureau of Industry and Security \(bis.gov\)](http://www.bis.gov)

This information helps protect Element and you, from potential fines and penalties that could result from a violation. This information is also needed to determine if a U.S. import or export license is required.

Please note that we need this information even if you have no intention of exporting your product.

Among other things, the ITAR and the EAR control the potential unauthorized access by foreign persons, while they are in the United States, and safeguard the products we are testing, as well as the resulting test data and reports. This includes foreign persons that we may employ and foreign visitors to our facility.

As a “best practice,” we mark our test reports and other technical data with a warning statement to alert users of such materials that the information may be subject to U.S. export controls.

Please complete the checklist and return to us by reply email as soon as possible. Please understand that in some instances, we may not be able to hold technical discussions, provide a quotation, accept your order, or perform any work until you have returned the attached questionnaire.

Regards,

NOTE: The information you provide will be used in your test report. Please enter accurate and current information. Use a separate form for each test unit or provide a separate list of all units to be tested. Include a list of all support equipment and any other materials that will be transported.

Your Company's Name & Address

Ship from Address (if different)

Element Proposal/Quote #

Your Purchase Order

Name of the Unit to be Tested

Test Unit Identification #s
(If not applicable, enter N/A)
(If multiple #s, attach separate sheet)

Model #

Serial #

Part #

Sample #

Description of Work to be Performed
(Be Specific. Ex: Shaker Test for Device)

System or Subsystem which the
Test Unit Will be Incorporated into
(Be Specific. Ex: Optical Filter for Satellite)

Country of Ultimate Destination
once Testing is Complete

Ultimate End-User of the Test Unit

Has the test unit been specifically designed, modified, configured, or adapted for, or is it otherwise to be used in connection with weapons or missiles associated with chemical/biological or nuclear end-use.

Yes

☐

No

☐

Does this project involve Controlled Unclassified Information (CUI)?

Yes

☐

No

☐

If YES, check either ITAR or EAR -- If NO, check either EAR or EAR99

☐ ITAR (International Traffic in Arms Regulations)

If the test unit is subject to ITAR, please provide the United States Munitions List (USML) number here:

Select from the dropdown list (click arrow at right) -

☐ EAR (Export Administration Regulations)

If the test unit is subject to EAR, please provide the Export Control Classification (ECCN) number from the Commerce Control List (CCL) here:

ECCN:

☐ EAR99 (The test unit is not CUI or listed on the ITAR USML and not elsewhere specified in the EAR CCL)

Department of Defense CUI identified as DFARS 252.204-7012

Yes

☐

No

☐

(See <https://www.archives.gov/cui/registry/category-list>)

Will CUI classified documents/materials be marked in accordance with "CUI Marking" instructions?

(See <https://www.archives.gov/cui/registry/category-marking-list>)

Yes

☐

No

☐

I hereby certify that the information provided herein is accurate and complete and will inform Element Materials Technology immediately of any subsequent change(s) thereto.

Name

Title

Signature (REQUIRED)

Date (REQUIRED)

Below this line is for Element Materials Technology use only.

ECO Notes:

Element Export Compliance Officer's Approval Signature and Date

Element Comments/Justification