Request for Comments: Harmonization of the Destination Control Statement

RIN 0694-AG47

To the Attention of publiccomments@bis.doc.gov RIN 0694-AG47

Airbus Group N.V. offers the following comments in response to RIN 0694-AG47 pertaining to the Harmonization of the Destination Control Statement:

In consideration that sub-categories of a same ECCN may not be subject to the same controls (for instance 9A610.x and 9A610.y1), we suggest that the text be amended to request not only the ECCN, but also the corresponding subcategory.

In addition, there is no requirement to include a Destination Control Statement for end items that include EAR 500/ 600 De Minimis content. This creates a risk related to restrictions on the use of De Minimis for D5 countries.

For example, a non-U.S. prime may receive a system or sub-assembly from an Asian or European supplier for integration into an end-item. That system or sub-assembly may contain EAR 500/600 series De Minimis content from another supplier. The non-U.S. prime may never know about the EAR 500/600 series content since there is no requirement for the re-exporter to disclose this information, which may raise a compliance issue when considering further retransfer to D5 countries.

Proposed language:

758.6

……

(2) The ECCN, ***including subcategory****, for each 9x515 or ''600 series'' items being exported,* ***regardless of whether these items are subject to De Minimis***

(b) If the 9x515 or 600 series items have been subject to De Minimis, add "This item contains EAR 500/600 series content."

In order to align with the European requirements, and facilitate the end-to-end compliance of non-US entities, we would like to propose that BIS considers requesting the ECCN, including subcategory for all CCL items and not only for 9x515 and 600 series items.

In this case, the proposed language would be:

758.6

……

(2) The ECCN, ***including subcategory****, for* ~~*each 9x515 or ‘‘600 series’’*~~ ***all*** *items being exported,* ***subject to the EAR****.*

(b) If 9x515 or 600 series items have been subject to De Minimis, add "This item contains EAR 500/600 series content."

For further information, please contact Corinne Kaplan at 703-466-5741 or Corinne.Kaplan@eads-na.com.

Respectfully,

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