



Regulatory Update

Changes to the Export Administration Regulations

Regulatory Policy Division



Published Rules: September 2020–September 2021

- Country Policy Rules
- Regime and Emerging/Foundational Technology Rules
- End Use/End User Control Rules
- License Review Policy Rules
- Enforcement Rules



Country Policy Rules

Date/FR cite	Rule	Revision
10/6/20 (85 FR 63009)	Controls on Exports and Reexports of Water Cannon Systems	Imposed a license requirement. Added ECCNs 0A977, 0D977 and 0E977 to CCL for CC - Human Rights concerns
12/23/20 (85 FR 83765)	Removal of Hong Kong as a Separate Destination under the EAR	Response to security measures imposed by the government of China that fundamentally undermine Hong Kong's autonomy
12/28/20 (85 FR 84211)	Amendment to Country Groups for Ukraine, Mexico and Cyprus	Moved Ukraine to Country Group B, Mexico and Cyprus to Country Group A:6
1/19/21 (86 FR 4929)	Implementation in EAR Rescission of Sudan's Designation as a SSOT	Removed Anti-Terrorism controls; Moved from Country Group E:1; Added to Country Group B

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Country Policy Rules (cont.)

Date/FR cite	Rule	Revision
3/8/21 (86 FR 13173)	Burma: Implementation of Sanctions	Response to military coup, removed from Country Group B, moved to D:1, Computer Tier 3; subject to MEU restrictions
3/18/21 (86 FR 14689)	Russia: CBW Act Sanctions	Suspension license exceptions with NS items, most applications for NS items presumption of denial Certain categories permitted under partial waiver, including certain license exceptions

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Regime and Emerging/Foundational Technology Rules

Date/FR cite	Rule	Revision
9/11/20 (85 FR 56294)	Wassenaar Arrangement 2018	2018 plenary decisions not related to emerging technology
10/5/20 (85 FR 62583)	Wassenaar Arrangement 2019/Emerging Technologies	Implemented WA controls on six emerging technologies
10/9/20 (85 FR 64078) <i>(updated notice of 8/27/20 (85 FR 52934))</i>	Identification and Review of Controls for Certain Foundational Technologies: Advance Notice of Proposed Rulemaking <i>(Extension of deadline, provision for business confidential comments)</i>	Solicited public comment to inform interagency process to identify and describe foundational technologies essential to national security of the United States, to determine controls
11/6/20 (85 FR 71012)	Proposed Controls on Software for the Operation of Certain Automated Nucleic Acid Assemblers and Synthesizers	Solicited public comment on proposed CB controlled emerging technology



Regime and Emerging/Foundational Technology Rules (cont.)

Date/FR cite	Rule	Revision
1/7/21 (86 FR 944)	Clarifications to Scope of ECCN 1C991 (Australia Group 2019)	Clarified the scope of controls consistent with AG decisions
3/29/21 (86 FR 16482)	Wassenaar Arrangement 2019	2019 plenary decisions not related to emerging technology
1/6/21 (86 FR 461)	ECCN 0Y521 Series, Extension of Software Specially Designed to Automate the Analysis of Geospatial Imagery Classification	Controls extended to provide time for multilateral consideration



End Use/End User Control Rules

Date/FR cite	Rule	Revision
9/22/20 (85 FR 59419)	Entity List: Additions and Corrections, Multiple Destinations	Added 47 entities under the destinations of Canada, China, Hong Kong, Iran, Malaysia, Oman, Pakistan, Thailand, Turkey, United Arab Emirates, and the United Kingdom Corrects four existing entries under China
10/9/20 (85 FR 64014)	Revisions to the Unverified List	Removed 40 persons from and added 26 persons to the UVL
12/22/20 (85 FR 83416)	Entity List: Additions, Revision and Removals, Multiple Destinations	Added 77 entries under the destinations of China, Bulgaria, France, Germany, Hong Kong, Italy, Malta, Pakistan, Russia, and the UAE Revised 2 existing entries under China and Pakistan and removed 4 entities under Israel and the UAE
12/23/20 (85 FR 83793)	Military End User (MEU) List	Added and populated non-exclusive Military End User (MEU) list to the EAR, added 57 entities under China and 45 entities under Russia



End Use/End User Control Rules (cont.)

Date/FR cite	Rule	Revision
1/11/21 (86 FR 1766)	Revisions to the Unverified List	Removed 3 persons from the UVL
1/15/21 (86 FR 4862)	Entity List: Addition, China; MEU List Addition and Removals	Added 1 entity to the EL under destination of China Added 1 entity and removes 2 existing entities from the MEU list to correct duplicate listing
1/15/21 (86 FR 4865)	Expansion of Certain End Use, End User, and U.S. Person Controls; Military Intelligence End Users (MIEU)	Revised Sections 730.5 and 734.5 to include restrictions on MIEU and imposes additional license requirements
3/4/21 (86 FR 12529)	Entity List: Addition and Corrections, Multiple Destinations	Added 14 entities to the EL under the destinations of Germany, Russia and Switzerland Corrects existing entries in China and Germany



End Use/End User Control Rules (cont.)

Date/FR cite	Rule	Revision
3/8/21 (86 FR 13179)	Entity List: Additions, Burma	Added 4 entities to the EL under the destination of Burma in response to Burmese military coup
4/9/21 (86 FR 18437)	Entity List: Additions, China	Added 7 entities under the destination of China
4/9/21 (86 FR 18433)	MIEU Corrections and Burma Sanctions	Added Burma to the list of countries subject to MIEU controls Made technical corrections and conforming changes to certain provisions
6/1/21 (86 FR 29190)	Entity List: Addition, Revision and Removal, Multiple Destinations; MEU Revision and Removal	Added 8 entities to the EL under the destinations of Pakistan and the UAE, revised 2 entries and corrected 1 entry under China, removed 1 entry from Pakistan Removed 1 entry on the MEU under China

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End Use/End User Control Rules (cont.)

Date/FR cite	Rule	Revision
6/16/21 (86 FR 31909)	Entity List: Removals, France and UAE	Removed 1 entity under 2 entries, under the destinations of France and the UAE
6/24/21 (86 FR 33119)	Entity List: Additions, China	Added 5 entities under the destination of China
7/6/21 (86 FR 35389)	Entity List: Additions, Burma	Added 4 entities under the destination of Burma. Corrected 1 entity under the destination of Burma
7/12/21 86 FR 36496	Entity List: Added 34 Entities, revised 1 China, removed 1 Germany, Removed 1 UVL, Added 1 MEU – Russia.	Added 34 entities; Revision of Existing Entry; Removal of Entity from Unverified List (UVL); and Addition of Entity to the Military End-User (MEU) List
7/19/21 86 FR 37901	Entity List: Additions, Russia	Added 6 entity under the destination of Russia; corrected 1 entity under Russia



License Review Policy Rules

Date/FR cite	Rule	Revision
10/6/20 (85 FR 63007)	Amendment to Licensing Policy for Items Controlled for Crime Control Reasons	Revises 742.7 licensing policy of items controlled for CC reasons to include items controlled for any other reason, except short supply, to promote human rights
10/29/20 (85 FR 68448)	Amendments to National Security License Review Policy	Revises license review policy for items controlled for NS reasons to China, Venezuela and Russia
1/12/21 (86 FR 2252)	Change to the License Review Policy for Unmanned Aerial Systems (UAS) to Reflect Revised United States UAS Export Policy	Introduce more flexible license review policy over UAS controlled for MT reasons

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Enforcement Rules

Date/FR cite	Rule	Revision
10/6/20 (85 FR 63011)	Information Sharing for Purposes of Judicial Review	Procedure for <i>ex parte</i> and <i>in camera</i> submission of classified NS information for judicial review of agency action
11/18/20 (85 FR 73411)	Revisions to Export Enforcement Provisions	Revised provisions consistent with Export Control Reform Act of 2018
6/9/21 (86 FR 30535)	Termination of United Arab Emirates Participation in the Arab League Boycott of Israel	Interprets boycott-related prohibitions and reporting requirements to not apply to certain UAE requests

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For more information

- Published rules can be found on the BIS website:
<https://bis.doc.gov/index.php/regulations/federal-register-notice>
- Information regarding 232s can be found here:
<https://www.bis.doc.gov/index.php/other-areas/office-of-technology-evaluation-ote/section-232-investigations>
- FAQs:
 - <https://www.bis.doc.gov/index.php/licensing/embassy-faq>