CATEGORY 5 – TELECOMMUNICATIONS AND “INFORMATION SECURITY”

Part 2 – “INFORMATION SECURITY”

Note 1: [RESERVED]

Note 2: Category 5–Part 2, “information security” products, when accompanying their user for the user's personal use or as tools of trade, are eligible for License Exceptions TMP or BAG, subject to the terms and conditions of these license exceptions.

Note 3: Cryptography Note: ECCNs 5A002, 5D002.a.1, .b, and .c.1, do not control items as follows:

a. Items meeting all of the following:

1. Generally available to the public by being sold, without restriction, from stock at retail selling points by means of any of the following:
   a. Over-the-counter transactions;
   b. Mail order transactions;
   c. Electronic transactions; or
   d. Telephone call transactions;

2. The cryptographic functionality cannot be easily changed by the user;

3. Designed for installation by the user without further substantial support by the supplier; and

4. When necessary, details of the items are accessible and will be provided, upon request, to the appropriate authority in the exporter’s country in order to ascertain compliance with conditions described in paragraph a.1 through a.3 of this Note;

b. Hardware components or ‘executable software’, of existing items described in paragraph a. of this Note, that have been designed for these existing items, and meeting all of the following:

1. “Information security” is not the primary function or set of functions of the component or ‘executable software’;

2. The component or ‘executable software’ does not change any cryptographic functionality of the existing items, or add new cryptographic functionality to the existing items;

3. The feature set of the component or ‘executable software’ is fixed and is not designed or modified to customer specification; and

4. When necessary, as determined by the appropriate authority in the exporter’s country, details of the component or ‘executable software’, and details of relevant end-items are accessible and will be provided to the authority upon request, in order to ascertain compliance with conditions described above.

Technical Note: For the purpose of the Cryptography Note, ‘executable software’ means “software” in executable form, from an existing hardware component excluded from 5A002, by the Cryptography Note.

Note: ‘Executable software’ does not include complete binary images of the “software” running on an end-item.

Note to the Cryptography Note:

1. To meet paragraph a. of Note 3, all of the following must apply:

   a. The item is of potential interest to a wide range of individuals and businesses; and
b. The price and information about the main functionality of the item are available before purchase without the need to consult the vendor or supplier. A simple price inquiry is not considered to be a consultation.

2. In determining eligibility of paragraph a. of Note 3, BIS may take into account relevant factors such as quantity, price, required technical skill, existing sales channels, typical customers, typical use or any exclusionary practices of the supplier.

N.B. to Note 3 (Cryptography Note): You must submit a classification request or self-classification report to BIS for mass market encryption commodities and software eligible for the Cryptography Note employing a key length greater than 64 bits for the symmetric algorithm (or, for commodities and software not implementing any symmetric algorithms, employing a key length greater than 768 bits for asymmetric algorithms or greater than 128 bits for elliptic curve algorithms) in accordance with the requirements of § 740.17(b) of the EAR in order to be released from the “EI” and “NS” controls of ECCN 5A002 or 5D002.

A. “END ITEMS,” “EQUIPMENT,” “ACCESSORIES,” “ATTACHMENTS,” “PARTS,” “COMPONENTS,” AND “SYSTEMS”

I. CRYPTOGRAPHIC “INFORMATION SECURITY”

5A002 “Information security” systems, equipment and “components,” as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

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<tr>
<th>Control(s)</th>
<th>Country Chart (See Supp. No. 1 to part 738)</th>
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<tbody>
<tr>
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<td>AT applies to entire entry</td>
<td>AT Column 1</td>
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<tr>
<td>EI applies to entire entry</td>
<td>Refer to §742.15 of the EAR.</td>
</tr>
</tbody>
</table>

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: Yes: $500 for “components”.
GBS: N/A for systems and equipment.
CIV: N/A
ENC: Yes for certain EI controlled commodities, see §740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: (1) ECCN 5A002.a controls “components” providing the means or functions necessary for “information security.” All such “components” are presumptively “specially designed” and controlled by 5A002.a. (2) See USML Categories XI (including XI(b)) and XIII(b) (including XIII(b)(2)) for controls on systems, equipment, and components described in 5A002.d or .e that are subject to the ITAR. (3) For Global Navigation Satellite Systems (GNSS) receiving equipment containing or employing decryption see 7A005, and for related
decryption “software” and “technology” see 7D005 and 7E001. (4) Noting that items may be controlled elsewhere on the CCL, examples of items not controlled by ECCN 5A002.a.4 include the following: (a) An automobile where the only ‘cryptography for data confidentiality’ ‘in excess of 56 bits of symmetric key length, or equivalent’ is performed by a Category 5 – Part 2 Note 3 eligible mobile telephone that is built into the car. In this case, secure phone communications support a non-primary function of the automobile but the mobile telephone (equipment), as a standalone item, is not controlled by ECCN 5A002 because it is excluded by the Cryptography Note (Note 3) (See ECCN 5A992.c). (b) An exercise bike with an embedded Category 5 – Part 2 Note 3 eligible web browser, where the only controlled cryptography is performed by the web browser. In this case, secure web browsing supports a non-primary function of the exercise bike but the web browser (“software”), as a standalone item, is not controlled by ECCN 5D002 because it is excluded by the Cryptography Note (Note 3) (See ECCN 5D992.c). (5) After classification or self-classification in accordance with § 740.17(b) of the EAR, mass market encryption commodities that meet eligibility requirements are released from “EI” and “NS” controls. These commodities are designated 5A992.c.

Related Definitions: N/A

Items:

a. Designed or modified to use ‘cryptography for data confidentiality’ having ‘in excess of 56 bits of symmetric key length, or equivalent’, where that cryptographic capability is usable without “cryptography activation” or has been activated, as follows:

   a.1. Items having “information security” as a primary function;

   a.2. Digital communication or networking systems, equipment or components, not specified in paragraph 5A002.a.1;

   a.3. Computers, other items having information storage or processing as a primary function, and components therefor, not specified in paragraphs 5A002.a.1 or .a.2;

   N.B.: For operating systems see also 5D002.a.1 and .c.1.

   a.4. Items, not specified in paragraphs 5A002.a.1 to a.3, where the ‘cryptography for data confidentiality’ having ‘in excess of 56 bits of symmetric key length, or equivalent’ meets all of the following:

   a.4.a. It supports a non-primary function of the item; and

   a.4.b. It is performed by incorporated equipment or “software” that would, as a standalone item, be specified by ECCNs 5A002, 5A003, 5A004, 5B002 or 5D002.

   N.B. to paragraph a.4: See Related Control Paragraph (4) of this ECCN 5A002 for examples of items not controlled by 5A002.a.4.

Technical Notes:

1. For the purposes of 5A002.a, ‘cryptography for data confidentiality’ means “cryptography” that employs digital techniques and performs any cryptographic function other than any of the following:

   1.a. “Authentication;”

   1.b. Digital signature;

   1.c. Data integrity;

   1.d. Non-repudiation;
1.e. Digital rights management, including the execution of copy-protected “software;”

1.f. Encryption or decryption in support of entertainment, mass commercial broadcasts or medical records management; or

1.g. Key management in support of any function described in paragraphs 1.a to 1.f of this Technical Note paragraph 1.

2. For the purposes of 5A002.a, ‘in excess of 56 bits of symmetric key length, or equivalent’ means any of the following:

2.a. A “symmetric algorithm” employing a key length in excess of 56 bits, not including parity bits; or

2.b. An “asymmetric algorithm” where the security of the algorithm is based on any of the following:

2.b.1. Factorization of integers in excess of 512 bits (e.g., RSA);

2.b.2. Computation of discrete logarithms in a multiplicative group of a finite field of size greater than 512 bits (e.g., Diffie-Hellman over $\mathbb{Z}/p\mathbb{Z}$); or

2.b.3. Discrete logarithms in a group other than mentioned in paragraph 2.b.2 of this Technical Note in excess of 112 bits (e.g., Diffie-Hellman over an elliptic curve).

Note 1: Details of items must be accessible and provided upon request, in order to establish any of the following:

a. Whether the item meets the criteria of 5A002.a.1 to a.4; or

b. Whether the cryptographic capability for data confidentiality specified by 5A002.a is usable without “cryptographic activation.”

Note 2: 5A002.a does not control any of the following items, or specially designed “information security” components therefor:

a. Smart cards and smart card ‘readers/writers’ as follows:

a.1. A smart card or an electronically readable personal document (e.g., token coin, e-passport) that meets any of the following:

a.1.a. The cryptographic capability meets all of the following:

a.1.a.1. It is restricted for use in any of the following:

a.1.a.1.a. Equipment or systems, not described by 5A002.a.1 to a.4;

a.1.a.1.b. Equipment or systems, not using ‘cryptography for data confidentiality’ having ‘in excess of 56 bits of symmetric key length, or equivalent;’ or

a.1.a.1.c. Equipment or systems, excluded from 5A002.a by entries b. to f. of this Note; and

a.1.a.2. It cannot be reprogrammed for any other use; or

a.1.b. Having all of the following:

a.1.b.1. It is specially designed and limited to allow protection of ‘personal data’ stored within;

a.1.b.2. Has been, or can only be, personalized for public or commercial transactions or individual identification; and

a.1.b.3. Where the cryptographic capability is not user-accessible;

Technical Note to paragraph a.1.b of Note 2: ‘Personal data’ includes any data
specific to a particular person or entity, such as
the amount of money stored and data necessary
for “authentication.”

a.2. ‘Readers/writers’ specially designed or
modified, and limited, for items specified by
paragraph a.1 of this Note;

Technical Note to paragraph a.2 of Note 2:
‘Readers/writers’ include equipment that
communicates with smart cards or electronically
readable documents through a network.

b. Cryptographic equipment specially designed
and limited for banking use or ‘money
transactions’;

Technical Note to paragraph b. of Note 2:
‘Money transactions’ in 5A002 Note 2
paragraph b. includes the collection and
settlement of fares or credit functions.

c. Portable or mobile radiotelephones for civil
use (e.g., for use with commercial civil cellular
radio communication systems) that are not
capable of transmitting encrypted data directly
to another radiotelephone or equipment (other
than Radio Access Network (RAN) equipment),
or of passing encrypted data through RAN
equipment (e.g., Radio Network Controller
(RNC) or Base Station Controller (BSC));

d. Cordless telephone equipment not capable
of end-to-end encryption where the maximum
effective range of unboosted cordless operation
(i.e., a single, unrelayed hop between terminal
and home base station) is less than 400 meters
according to the manufacturer’s specifications;

e. Portable or mobile radiotelephones and
similar client wireless devices for civil use, that
implement only published or commercial
cryptographic standards (except for anti-piracy
functions, which may be non-published) and
also meet the provisions of paragraphs a.2 to
a.4 of the Cryptography Note (Note 3 in
Category 5 – Part 2), that have been customized

for a specific civil industry application with
features that do not affect the cryptographic
functionality of these original non-customized
devices;

f. Items, where the “information security”
functionality is limited to wireless “personal
area network” functionality, meeting all of the
following:

  f.1. Implement only published or commercial
cryptographic standards; and

  f.2. The cryptographic capability is limited
to a nominal operating range not exceeding 30
meters according to the manufacturer’s
specifications, or not exceeding 100 meters
according to the manufacturer’s specifications
for equipment that cannot interconnect with
more than seven devices;

g. Mobile telecommunications Radio Access
Network (RAN) equipment designed for civil use,
which also meet the provisions of paragraphs
a.2 to a.4 of the Cryptography Note (Note 3 in
Category 5 – Part 2), having an RF output
power limited to 0.1W (20 dBm) or less, and
supporting 16 or fewer concurrent users;

h. Routers, switches or relays, where the
“information security” functionality is limited to
the tasks of “Operations, Administration or
Maintenance” (“OAM”) implementing only
published or commercial cryptographic
standards; or

i. General purpose computing equipment or
servers, where the “information security”
functionality meets all of the following:

  i.1. Uses only published or commercial
cryptographic standards; and

  i.2. Is any of the following:

    i.2.a. Integral to a CPU that meets the
provisions of Note 3 in Category 5–Part 2;
i.2.b. Integral to an operating system that is not specified by 5D002; or

i.2.c. Limited to “OAM” of the equipment.

b. Designed or modified to enable, by means of “cryptographic activation,” an item to achieve or exceed the controlled performance levels for functionality specified by 5A002.a that would not otherwise be enabled;

c. Designed or modified to use or perform “quantum cryptography;”

Technical Note: “Quantum cryptography” is also known as Quantum Key Distribution (QKD).

d. Designed or modified to use cryptographic techniques to generate channelizing codes, scrambling codes or network identification codes, for systems using ultra-wideband modulation techniques and having any of the following:

d.1. A bandwidth exceeding 500 MHz;

or

d.2. A “fractional bandwidth” of 20% or more;

e. Designed or modified to use cryptographic techniques to generate the spreading code for “spread spectrum” systems, not specified by 5A002.d, including the hopping code for “frequency hopping” systems.

5A992 Equipment not controlled by 5A002 (see List of Items Controlled).

License Requirements

Reason for Control: AT

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: N/A
GBS: N/A
CIV: N/A

List of Items Controlled

Related Controls: N/A
Related Definitions: N/A
Items:

a. [Reserved]
b. [Reserved]
c. Commodities classified as mass market encryption commodities in accordance with § 740.17(b) of the EAR.

II. NON-CRYPTOGRAPHIC “INFORMATION SECURITY”

5A003 “Systems,” “equipment” and “components,” for non-cryptographic “information security,” as follows (see List of Items Controlled).

License Requirements
Reason for Control: NS, AT

<table>
<thead>
<tr>
<th>Control(s)</th>
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<tbody>
<tr>
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<tr>
<td>AT applies to entire entry</td>
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</table>

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: Yes: $500 for “components.”
N/A for systems and equipment.

GBS: N/A

CIV: N/A

List of Items Controlled

Related Controls: N/A

Related Definitions: N/A

Items:

a. Communications cable systems designed or modified using mechanical, electrical or electronic means to detect surreptitious intrusion;

Note: 5A003.a applies only to physical layer security. For the purpose of 5A003.a, the physical layer includes Layer 1 of the Reference Model of Open Systems Interconnection (OSI) (ISO/IEC 7498-1).

b. “Specially designed” or modified to reduce the compromising emanations of information-bearing signals beyond what is necessary for health, safety or electromagnetic interference standards.

III. DEFEATING, WEAKENING OR BYPASSING “INFORMATION SECURITY”

5A004 “Systems,” “equipment” and “components” for defeating, weakening or bypassing “information security,” as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

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<td>EI applies to entire entry</td>
<td>Refer to §742.15 of the EAR.</td>
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License Requirements Note: See §744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

LVS: Yes: $500 for “components.”
N/A for systems and equipment.

GBS: N/A

CIV: N/A

ENC: Yes for certain EI controlled commodities, see §740.17 of the EAR for eligibility.

List of Items Controlled

Related Controls: ECCN 5A004.a controls “components” providing the means or functions necessary for “information security.” All such “components” are presumptively “specially designed” and controlled by 5A004.a.

Related Definitions: N/A

Items:
a. Designed or modified to perform ‘cryptanalytic functions.’

**Note:** 5A004.a includes systems or equipment, designed or modified to perform ‘cryptanalytic functions’ by means of reverse engineering.

**Technical Note:** ‘Cryptanalytic functions’ are functions designed to defeat cryptographic mechanisms in order to derive confidential variables or sensitive data, including clear text, passwords or cryptographic keys.

b. [Reserved]

### B. TEST, INSPECTION AND “PRODUCTION EQUIPMENT”

**5B002 “Information Security” test, inspection and “production” equipment, as follows (see List of Items Controlled).**

#### License Requirements

**Reason for Control:** NS, AT

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</table>

#### List Based License Exceptions (See Part 740 for a description of all license exceptions)

**LVS:** N/A  
**GBS:** N/A  
**CIV:** N/A  
**ENC:** Yes for certain EI controlled equipment, see §740.17 of the EAR for eligibility.

### C. “MATERIALS” - [RESERVED]

### D. “SOFTWARE”

**5D002 “Software” as follows (see List of Items Controlled).**

#### License Requirements

**Reason for Control:** NS, AT, EI

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</table>
| EI applies to “software” in 5D002.a.1, a.3, b, c.1 and c.3, for commodities or “software” controlled for EI reasons in ECCNs 5A002, 5A004 or 5D002. | Refer to §742.15 of the EAR.

**Note:** Encryption software is controlled because of its functional capacity, and not because of any informational value of such software; such software is not accorded the same treatment.
under the EAR as other “software”; and for export licensing purposes, encryption software is treated under the EAR in the same manner as a commodity included in ECCN 5A002.

License Requirements Note: See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

List Based License Exceptions (See Part 740 for a description of all license exceptions)

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<tr>
<th>CIV</th>
<th>TSR</th>
<th>ENC</th>
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<tr>
<td>N/A</td>
<td>N/A</td>
<td>Yes for certain EI controlled software, see §740.17 of the EAR for eligibility.</td>
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</table>

List of Items Controlled

Related Controls: After classification or self-classification in accordance with § 740.17(b) of the EAR, mass market encryption software that meet eligibility requirements are released from “EI” and “NS” controls. This software is designated as 5D992.c.

Related Definitions: 5D002.a controls “software” designed or modified to use “cryptography” employing digital or analog techniques to ensure “information security.”

Items:

a. “Software” “specially designed” or modified for the “development,” “production” or “use” of any of the following:

a.1. Equipment specified by 5A002 or “software” specified by 5D002.c.1;

a.2. Equipment specified by 5A003 or “software” specified by 5D002.c.2; or

a.3. Equipment specified by 5A004 or “software” specified by 5D002.c.3;

b. “Software” designed or modified to enable, by means of “cryptographic activation,” an item to meet the criteria for functionality specified by 5A002.a, that would not otherwise be met;

c. “Software” having the characteristics of, or performing or simulating the functions of, any of the following:

c.1. Equipment specified by 5A002.a, .c, .d or .e;

c.2. Equipment specified by 5A003; or

c.3. Equipment specified by 5A004.

d. [Reserved]

Note: 5D002.c.1 does not apply to “software” limited to the tasks of “OAM” implementing only published or commercial cryptographic standards.

c.2. Equipment specified by 5A003; or

c.3. Equipment specified by 5A004.

N.B.: See 5D002.b for items formerly specified in 5D002.d.

5D992 “Information Security” “software” not controlled by 5D002 as follows (see List of Items Controlled).

License Requirements

Reason for Control: AT
5E002 “Technology” as follows (see List of Items Controlled).

License Requirements

Reason for Control: NS, AT, EI

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License Requirements Notes:

(1) See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

(2) When a person performs or provides technical assistance that incorporates, or otherwise draws upon, “technology” that was either obtained in the United States or is of US-origin, then a release of the “technology” takes place. Such technical assistance, when rendered with the intent to aid in the “development” or “production” of encryption commodities or software that would be controlled for “EI” reasons under ECCN 5A002, 5A004 or 5D002, may require authorization under the EAR even if the underlying encryption algorithm to be implemented is from the public domain or is not of U.S.-origin.
List Based License Exceptions  (See Part 740 for a description of all license exceptions)

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<tr>
<th>CIV:</th>
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<td>TSR:</td>
<td>N/A</td>
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<tr>
<td>ENC:</td>
<td>Yes for certain EI controlled technology, see §740.17 of the EAR for eligibility.</td>
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</table>

List of Items Controlled

**Related Controls:** See also 5E992. This entry does not control “technology” “required” for the “use” of equipment excluded from control under the Related Controls paragraph or the Technical Notes in ECCN 5A002 or “technology” related to equipment excluded from control under ECCN 5A002.

**Related Definitions:** N/A

**Items:**

a. “Technology” according to the General Technology Note for the “development,” “production” or “use” of equipment controlled by 5A002, 5A003, 5A004 or 5B002, or of “software” controlled by 5D002.a or 5D002.c.

b. “Technology” to enable, by means of “cryptographic activation,” an item to meet the criteria for functionality specified by 5A002.a, that would not otherwise be met.

**Note:** 5E002 includes “information security” technical data resulting from procedures carried out to evaluate or determine the implementation of functions, features or techniques specified in Category 5—Part 2.

5E992 “Information Security” “technology” according to the General Technology Note, not controlled by 5E002, as follows (see List of Items Controlled).

**License Requirements**

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**License Requirements Note:** See § 744.17 of the EAR for additional license requirements for microprocessors having a processing speed of 5 GFLOPS or more and an arithmetic logic unit with an access width of 32 bit or more, including those incorporating “information security” functionality, and associated “software” and “technology” for the “production” or “development” of such microprocessors.

List of Items Controlled

**Related Definitions:** N/A

**Items:**

a. [Reserved]

b. “Technology”, n.e.s., for the “use” of mass market commodities controlled by 5A992.c or mass market “software” controlled by 5D992.c.

**EAR99 Items subject to the EAR that are not elsewhere specified in this CCL Category or in any other category in the CCL are designated by the number EAR99.**