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COMMERCIAL ENCRYPTION EXPORT CONTROLS

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ENCRYPTION LICENSE EXCEPTION CHART

This chart identifies all license exceptions that are applicable to encryption items. It is not all inclusive and is meant only as initial guidance for exporters. For additional information, please refer to the appropriate sections of Part 740 of the Export Administration Regulations to ascertain other provisions, criteria and restrictions of each license exception.

License Exception	Type of Products	Class of End-Users	Country Scope	Reporting Requirements	Restrictions
TMP – 740.9	Beta Test Software	All	Global, except the T-7	Yes	- Final product still requires review
TSU – 740.13	Unrestricted source code ("open source")	All	Global, may not knowingly export to the T-7	No	- Notification by time of export - Considered "publicly available"
ENC – 740.17(a)	Encryption Items (except cryptanalytic products & their related technology)	All	Located in EU+8 (see Supp. 3 to Part 740)	Yes – with notable exceptions (see 740.17(e))	- May export immediately - Submit classification request to BXA
ENC – 740.17(b)(1)	Encryption Items (includes technology)	U.S. Subsidiaries (includes foreign nationals)	Global, except the T-7	Yes – only when transferred outside the U.S. subsidiary	- No review prior to export - Review is required for items to be reexported, resold or transferred
ENC – "non-retail products" 740.17(b)(2)	Encryption Products (excludes technology)	All, except non-EU+8 foreign governments	Global, except the T-7	Yes	- Review and classification by BXA - Requires a license to export to foreign governments outside EU+8
ENC – "retail products" 740.17(b)(3)	Encryption Products (excludes technology)	All	Global, except the T-7	Yes – with notable exceptions (see 740.17(e))	-Review and classification by BXA -Products must meet criteria in 740.17(b)(3)(i)-(ii)
ENC – "56/1024 and Finance-Specific" 740.17(b)(3)(v)	Non-mass market 56-bit products (key exchanges exceeding 512 up to 1024), and Finance-Specific	All	Global, except the T-7	No	- Self-classify and submit classification request - Export immediately
ENC –	Products	All	Global,	No	- No prior review

			except the T-7		
"short-range wireless products" 740.17(b)(3)(vi)	incorporating short-range technologies		except the T-7		
ENC – 740.17(b)(4)(i)	Unrestricted source code ("community source")	All	Global, may not knowingly export tothe T-7	Yes – if developed product is sold commercially	- Notification by time of export - Considered "publicly available" - Subject to a payment
ENC – 740.17(b)(4)(ii)	Commercial source code ("proprietary")	All, except foreign governments	Global, except the T-7	Yes	- Self-classify and submit classification request - Export immediately
ENC – 740.17(b)(5)	Products that contain an Open Cryptographic Interfaces	All	Located in EU+8 (see Supp. 3 to Part 740)	Yes	- May export immediately - Review and classification by BXA - Licenses are required to all other destinations outside EU+8

T-7 = Cuba, Iran, Iraq, Libya, North Korea, Syria, and Sudan

EU+8 = Countries listed in Supplement 3 to Part 740

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