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(2) “Technology” controlled by 9E102 for commodities or software subject to the export licensing jurisdiction of the Department of State in 9A004 to 9A012, 9A104, 9A105, 9A106.a to .c, 9A107 to 9A109, 9A110 that are specially designed for use in missile systems and subsystems, 9A111, 9A115 to 9A119, 9B115, 9B116, 9D103, specified software in 9D104, and 9D105 are subject to the export licensing authority of the U.S. Department of State, Directorate of Defense Trade Controls (see 22 CFR part 121).

Related Definitions: N/A

Related Controls: N/A

Reason for Control: AT

Control(s) Country chart
AT applies to “technology” for equipment under 9A990 and 9B990 unless 9A990.a.
AT Column 1

AT applies to “technology” for equipment under 9A990.a only.
AT Column 2

LICENSE EXCEPTIONS

CIV: N/A
TSR: N/A

LIST OF ITEMS CONTROLLED

Unit: $ value

Related Definitions: N/A

Related Controls: N/A

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE REQUIREMENTS

9E990 “Technology”, n.e.s., for the “development” or “production” or “use” of equipment controlled by 9A990 or 9B990.

LICENSE REQUIREMENTS

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE EXCEPTIONS

CIV: N/A
TSR: N/A

LIST OF ITEMS CONTROLLED

Unit: $ value

Related Definitions: N/A

Related Controls: N/A

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE REQUIREMENTS

9E991 “Technology”, for the “development”, “production” or “use” of equipment controlled by 9A991 or 9B991.

LICENSE REQUIREMENTS

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE EXCEPTIONS

CIV: N/A
TSR: N/A

LIST OF ITEMS CONTROLLED

Unit: $ value

Related Definitions: N/A

Related Controls: N/A

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE REQUIREMENTS

9E993 Other “technology”, not described by 9E003, as follows (see List of Items Controlled)

LICENSE REQUIREMENTS

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE EXCEPTIONS

CIV: N/A
TSR: N/A

LIST OF ITEMS CONTROLLED

Unit: $ value

Related Definitions: N/A

Related Controls: N/A

Reason for Control: AT

Control(s) Country chart
AT applies to entire entry AT Column 1

LICENSE REQUIREMENTS

9E999 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.

[63 FR 2459, Jan. 15, 1998]

EDITORIAL NOTE: For Federal Register citations affecting supplement no. 1 to part 774, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

SUPPLEMENT NO. 2 TO PART 774—GENERAL TECHNOLOGY AND SOFTWARE NOTES

1. General Technology Note. The export of “technology” that is “required” for the “development”, “production”, or “use” of items on the Commerce Control List is controlled according to the provisions in each Category. “Technology” “required” for the “development”, “production”, or “use” of a controlled product remains controlled even when applicable to a product controlled at a lower level.

License Exception TSU is available for “technology” that is the minimum necessary for the installation, operation, maintenance (checking), and repair of those products that are eligible for License Exceptions or that are exported under a license.

N.B.: This does not allow release under a License Exception of the “technology” controlled by 1E002.e, 1E002.f, 8K002.a, or 8K002.b.

N.B.: The “minimum necessary” excludes “development” or “production” technology and permits “use” technology only to the extent “required” to ensure safe and efficient use of the product. Individual ECCNs may further restrict export of “minimum necessary” information.

2. General Software Note. License Exception TSU (“mass market” software) is available to all destinations, except countries in Country Group E.1 of supplement No. 1 to part 740 of the EAR, for release of software that is generally available to the public by being:

a. Sold from stock at retail selling points, without restriction, by means of:

1. Over the counter transactions;

2. Mail order transactions;
3. Electronic transactions; or
4. Telephone call transactions; and
   b. Designed for installation by the user
      without further substantial support by the
      supplier.

   NOTE: The General Software Note does not
   apply to “software” controlled by Category
   5—part 2 (“Information Security”). For “soft-
   ware” controlled by Category 5, part 2, see
   supplement No. 1 to part 774, Category 5,
   part 2. Note 3—Cryptography Note.

[69 FR 46087, July 30, 2004]

SUPPLEMENT NO. 3 TO PART 774—
STATEMENTS OF UNDERSTANDING

(a) Statement of Understanding—medical
equipment. Commodities that are “specially
designed for medical end-use” that “incor-
porate” commodities or software on the Com-
merce Control List (Supplement No. 1 to
part 774 of the EAR) that do not have a rea-
son for control of Nuclear Nonproliferation
(NP), Missile Technology (MT), or Chemical
& Biological Weapons (CB) are designated by
the number EAR99 (i.e., are not elsewhere
specified on the Commerce Control List).

NOTES TO PARAGRAPH (a): (1) “Specially de-
signed for medical end-use” means designed
for medical treatment or the practice of
medicine (does not include medical re-
search).

(2) Commodities or software are considered
“incorporated” if the commodity or software
is: Essential to the functioning of the med-
ical equipment; customarily included in the
sale of the medical equipment; and exported
or reexported with the medical equipment.

(3) Except for such software that is made
publicly available consistent with §731.3(b)(3)
of the EAR, commodities and software “spe-
cially designed for medical end-use” remain
subject to the EAR.

(4) See also §770.2(b) interpretation 2, for
other types of equipment that incorporate
items on the Commerce Control List that are
subject to the EAR.

(5) For computers used with medical equip-
ment, see also ECCN 4A003 note 2 regarding
the “principal element” rule.

(6) For commodities and software specially
designed for medical end-use that incor-
porate an encryption or other “information
security” item subject to the EAR, see also
Note 1 to Category 5, part II of the Com-
merce Control List.

(b) Statement of Understanding—Source Code.
For the purpose of national security con-
trolled items, “source code” items are con-
trolled either by “software” or by “software
and “technology” controls, except when such
“source code” items are explicitly decon-
trolled.

(c) Category 5—Part 2—Note 4 Statement of
Understanding. All items previously de-
scribed by Notes (b), (c) and (h) to 5A002 are
now described by Note 4 to Category 5—Part
2. Note (h) to 5A002 prior to June 25, 2010
stated that the following was not controlled
by 5A002:

   Equipment specially designed for the serv-
   icing of portable or mobile radiotelephones
   and similar client wireless devices that meet
   all the provisions of the Cryptography Note
   (Note 3 in Category 5, Part 2), where the
   servicing equipment meets all of the fol-
   lowing:

   (1) The cryptographic functionality of the
   servicing equipment cannot easily be
   changed by the user of the equipment;

   (2) The servicing equipment is designed for
   installation without further substantial sup-
   port by the supplier; and

   (3) The servicing equipment cannot change
   the cryptographic functionality of the device
   being serviced.

[75 FR 36502, June 25, 2010]

PARTS 775–780 [RESERVED]