

Export Control Reminder: Encryption Reporting Deadline Is February 1, 2024

January 25, 2024

The deadline for submitting reports regarding certain exports of encryption items under the US Export Administration Regulations (EAR) is February 1, 2024. Two types of reports are subject to the deadline:

- Annual self-classification reports for certain encryption items exported or re-exported under paragraph (b)(1) of License Exception ENC during calendar year 2023 (January 1 through December 31, 2023).
- Semiannual reports for specified encryption items exported or re-exported under paragraphs (b)(2) and (b)(3)(iii) of License Exception ENC between July 1 and December 31, 2023.

A few notes regarding the reporting requirements:

- We can provide templates and instructions that you can use to prepare and submit the reports.
- Most mass market encryption products classified under Export Control Classification Numbers (ECCNs) 5A992 and 5D992 are no longer subject to an annual reporting requirement – as a result of amendments to the EAR that went into effect in March 2021.
- Companies that have obtained a Commodity Classification Automated Tracking System (CCATS) number for certain encryption products are not required to submit annual self-classification reports. Please contact us to learn more about how to obtain a CCATS number from the Bureau of Industry and Security (BIS) to eliminate your annual self-classification reporting burden going forward.

The new year also is a good time to conduct an export compliance checkup – including an assessment of any new product offerings or changes to the encryption functionality of existing products.

If you would like assistance determining whether the encryption export controls and reporting deadlines apply to your products and associated technology, please contact a member of our team.

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