



Export Control Reminder: Encryption Reporting Deadline February 1, 2021

January 28, 2021

February 1, 2021, is the deadline for submitting reports regarding certain exports of encryption items under the US Export Administration Regulations (EAR). Two types of reports are subject to the deadline:

1. Annual self-classification reports for encryption items exported or re-exported under paragraph (b)(1) of License Exception ENC during calendar year 2020 (January 1 through December 31, 2020)
2. Semi-annual 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, 2020

A few notes regarding the reporting requirements:

- We can provide templates and instructions that can be used to prepare and submit the reports
- Companies that have obtained a formal commodity classification or CCATS for certain encryption products are no longer required to submit annual self-classification reports. Please contact us to learn more about how to obtain a CCATS from the Commerce Department and eliminate your annual self-classification reporting burden going forward
- Encryption software that is made available to the general public either as open source code (e.g., via GitHub) or via free download (e.g., via the Apple App Store or Google Play) become no longer subject to the EAR upon the filing of a one-time notification or report. If your products are offered in the form of open source code or free apps, we can assist in the preparation and submission of the one-time notification or report

The new year is also 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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