



## BIS Releases Guidance on New Export Restrictions for Military End Use/Users in China, Russia and Venezuela

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On April 28, 2020, the US Commerce Department's Bureau of Industry and Security (BIS) issued a final rule amending provisions of the Export Administration Regulations (EAR) that further restrict exports to military end uses or military end users in China, Russia and Venezuela. Effective as of the date of this publication, June 29, 2020, the new rule substantially broadens the scope of existing prohibitions on exports, reexports, and transfers (in-country) of certain items subject to the EAR to military end-uses or end-users in these high-risk countries (at EAR § 744.21). For a detailed explanation of the new rules, see Williams Mullen's previous client alert, available [here](#).

On the eve of the rules taking effect, BIS released new guidance in the form of a set of detailed FAQs, which are available for download [here](#). The FAQs offer a summary of the changes to the relevant provisions of the EAR and explanations of importation elements of the new rule. These include explanations and examples of what constitutes a "military end use" and "military end user," how the rule applies to certain state owned or affiliated entities and universities, new Export Control Classification Numbers now covered by the rule, BIS's licensing review policy, and due diligence that may be required for transactions that raise end use or end user concerns. In addition, the FAQs clarify the expanded Electronic Export Information (EEI) reporting requirements for exports of controlled items to China, Russia and Venezuela.

Please let us know if you have any questions on these export restrictions.

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