

that a foreign government or governmental authority beneficially owns or controls (whether directly or indirectly) 25 percent or more of the voting securities of the foreign entity, or a foreign government or governmental authority has the authority to appoint a majority of the members of the board of directors of the foreign entity.

(c) *Restrictions.* License Exception ACE does not authorize deemed exports and reexports, exports, reexports, or transfers (in-country) of 'cybersecurity items' as follows:

(1) To a destination that is listed in Country Group E:1 or E:2 in supplement no.1 to this part.

(2) To a 'government end user', as defined in this section, of any country listed in Country Group D:1, D:2, D:3, D:4 or D:5 in supplement no. 1 to this part, *except*:

(i) 'Digital artifacts' (that are related to a cybersecurity incident involving information systems owned or operated by a 'favorable treatment cybersecurity end user' to police or judicial bodies in Country Group D countries that are also listed in Country Group A:6 for purposes of criminal or civil investigations or prosecutions of such cybersecurity incidents; *or*

(ii) To national computer security incident response teams in Country Group D countries that are also listed in Country Group A:6 of 'cybersecurity items' for purposes of responding to cybersecurity incidents, for purposes of "vulnerability disclosure", or for purposes of criminal or civil investigations or prosecutions of such cybersecurity incidents.

(3) The restrictions in paragraphs (c)(1) and (2) of this section also apply to activities, including exports, reexports, and transfers (in-country), related to "vulnerability disclosure" and "cyber incident response".

NOTE 1 TO PARAGRAPH (c)(3): For paragraphs (c)(1) and (2) of this section, see Note 1 to ECCN 4E001 in the CCL (supplement no. 1 to part 774 of the EAR) excluding "vulnerability disclosure" and "cyber incident response" from control under 4E001.a or .c.

(4) To a non-'government end user' located in any country listed in Country Group D:1 or D:5 of supplement no. 1 to this part, *except*:

(i) Cybersecurity items classified under ECCNs 4A005, 4D001.a (for 4A005 or 4D004), 4D004, 4E001.a (for 4A005, 4D001.a (for 4A005 or 4D004) or 4D004) and 4E001.c, to any 'favorable treatment cybersecurity end user'.

(ii) "Vulnerability disclosure" or "cyber incident response".

(iii) Deemed exports.

(5) If the exporter, reexporter, or transferor "knows" or has "reason to know" at the time of export, reexport, or transfer (in-country), including deemed exports and reexports, that the 'cybersecurity item' will be used to affect the confidentiality, integrity, or availability of information or information systems, without authorization by the owner, operator, or administrator of the information system (including the information and processes within such systems).

[87 FR 31951, May 26, 2022]

SUPPLEMENT NO. 1 TO PART 740—COUNTRY GROUPS

COUNTRY GROUP A

Country	[A:1] Wassenaar participating states ¹	[A:2] Missile technology control regime ²	[A:3] Australia group	[A:4] Nuclear suppliers group ³	[A:5]	[A:6]
Albania						X
Argentina	X	X	X	X	X	
Australia	X	X	X	X	X	
Austria	X	X	X	X	X	
Belgium	X	X	X	X	X	
Brazil		X		X		
Bulgaria	X	X	X	X	X	
Canada	X	X	X	X	X	
Croatia	X		X	X	X	
Cyprus			X	X		X

COUNTRY GROUP A—Continued

Country	[A:1] Wassenaar participating states ¹	[A:2] Missile technology control regime ²	[A:3] Australia group	[A:4] Nuclear sup- pliers group ³	[A:5]	[A:6]
Czech Republic	X	X	X	X	X	
Denmark	X	X	X	X	X	
Estonia	X		X	X	X	
Finland	X	X	X	X	X	
France	X	X	X	X	X	
Germany	X	X	X	X	X	
Greece	X	X	X	X	X	
Hungary	X	X	X	X	X	
Iceland	X	X	X	X	X	
India	X	X	X		X	
Ireland	X	X	X	X	X	
Israel						X
Italy	X	X	X	X	X	
Japan	X	X	X	X	X	
Kazakhstan				X		
Korea, South	X	X	X	X	X	
Latvia	X		X	X	X	
Lithuania	X		X	X	X	
Luxembourg	X	X	X	X	X	
Malta			X	X		X
Mexico	X		X	X		X
Netherlands	X	X	X	X	X	
New Zealand	X	X	X	X	X	
Norway	X	X	X	X	X	
Poland	X	X	X	X	X	
Portugal	X	X	X	X	X	
Romania	X		X	X	X	
Serbia				X		
Singapore						X
Slovakia	X		X	X	X	
Slovenia	X		X	X	X	
South Africa	X	X		X		X
Spain	X	X	X	X	X	
Sweden	X	X	X	X	X	
Switzerland	X	X	X	X	X	
Taiwan						X
Turkey	X	X	X	X	X	
Ukraine ⁴		X	X	X		
United Kingdom	X	X	X	X	X	
United States	X	X	X	X		

¹ Country Group A:1 is a list of the Wassenaar Arrangement Participating States, except for Malta, Russia and Ukraine.
² Country Group A:2 is a list of the Missile Technology Control Regime countries, except for Russia.
³ Country Group A:4 is a list of the Nuclear Suppliers Group countries, except for the People's Republic of China (PRC), Russia, and Belarus.
⁴ For purposes of this supplement, as well as any other EAR provision that references the Country Groups, the designations for Ukraine also apply to the Crimea region of Ukraine. See §746.6(c) of the EAR for an exhaustive listing of license exceptions that are available for the Crimea region of Ukraine. No other EAR license exceptions are available for the Crimea region of Ukraine. The Crimea region of Ukraine includes the land territory in that region as well as any maritime area over which sovereignty, sovereign rights, or jurisdiction is claimed based on purported annexation of that land territory.

COUNTRY GROUP B—COUNTRIES		Burundi	Cote d'Ivoire
Afghanistan	Barbados	Cameroon	Croatia
Albania	Belgium	Canada	Curaçao
Algeria	Belize	Cape Verde	Cyprus
Andorra	Benin	Central African Republic	Czech Republic
Angola	Bhutan	Chad	Denmark
Antigua and Barbuda	Bolivia	Chile	Djibouti
Argentina	Bosnia & Herzegovina	Colombia	Dominica
Aruba		Comoros	Dominican Republic
Australia	Botswana	Congo (Democratic Republic of the)	Ecuador
Austria	Brazil	Congo (Republic of the)	Egypt
The Bahamas	Brunei	Costa Rica	El Salvador
Bahrain	Bulgaria		Equatorial Guinea
Bangladesh	Burkina Faso		Eritrea
			Estonia

Ethiopia	Pakistan
Fiji	Palau
Finland	Panama
France	Papua New Guinea
Gabon	Paraguay
Gambia, The	Peru
Germany	Philippines
Ghana	Poland
Greece	Portugal
Grenada	Qatar
Guatemala	Romania
Guinea	Rwanda
Guinea-Bissau	Saint Kitts & Nevis
Guyana	Saint Lucia
Haiti	Saint Vincent and the Grenadines
Honduras	Samoa
Hungary	San Marino
Iceland	Sao Tome & Principe
India	Saudi Arabia
Indonesia	Senegal
Ireland	Serbia
Israel	Seychelles
Italy	Sierra Leone
Jamaica	Singapore
Japan	Sint Maarten (the Dutch two-fifths of the island of Saint Martin)
Jordan	Slovakia
Kenya	Slovenia
Kiribati	Solomon Islands
Korea, South	Somalia
Kosovo	South Africa
Kuwait	South Sudan, Republic of
Latvia	Spain
Lebanon	Sri Lanka
Lesotho	Sudan
Liberia	Surinam
Lithuania	Swaziland
Luxembourg	Sweden
Macedonia, The	Switzerland
Former Yugoslav Republic of	Taiwan
Madagascar	Tanzania
Malawi	Thailand
Malaysia	Timor-Leste
Maldives	Togo
Mali	Tonga
Malta	Trinidad & Tobago
Marshall Islands	Tunisia
Mauritania	Turkey
Mauritius	Tuvalu
Mexico	Uganda
Micronesia, Federated States of	Ukraine
Monaco	United Arab Emirates
Montenegro	United Kingdom
Morocco	United States
Mozambique	Uruguay
Namibia	Vanuatu
Nauru	Vatican City
Nepal	Western Sahara
Netherlands	Zambia
New Zealand	Zimbabwe
Nicaragua	
Niger	
Nigeria	
Norway	
Oman	

COUNTRY GROUP C [RESERVED]

COUNTRY GROUP D

Country	[D: 1] National Secu- rity	[D: 2] Nu- clear	[D: 3] Chem- ical & Biologi- cal	[D: 4] Missile Tech- nology	[D: 5] U.S. Arms Embar- goed Coun- tries ¹
Afghanistan	.....	.....	X	.....	X
Armenia	X	.....	X	.....
Azerbaijan	X	.....	X	.....
Bahrain	.....	.....	X	X	
Belarus	X	X	X	X	X
Burma	X	.....	X	.....	X
Cambodia	X	.....	.....	.....	X
Central African Republic	.....	.....	.....	.....	X
China (PRC)	X	.....	X	X	X
Congo (Demo- cratic Re- public of)	.....	.....	.....	.....	X
Cuba	.....	X	X	.....	X
Cyprus	.....	.....	.....	.....	X
Egypt	.....	.....	X	X	
Eritrea	.....	.....	.....	.....	X
Georgia	X	.....	X	.....
Haiti	.....	.....	.....	.....	X
Iran	.....	X	X	X	X
Iraq	X	X	X	X	X
Israel	.....	X	X	X	
Jordan	.....	.....	X	X	
Kazakhstan	X	.....	X	.....
Korea, North	X	X	X	X	X
Kuwait	.....	.....	X	X	
Kyrgyzstan	X	.....	X	.....
Laos	X	.....	.....	.....
Lebanon	.....	.....	X	X	X
Libya	X	X	X	X	X
Macao	X	.....	X	X	
Moldova	X	.....	X	.....
Mongolia	X	.....	X	.....
Oman	.....	.....	X	X	
Pakistan	.....	X	X	X	
Qatar	.....	.....	X	X	
Russia	X	X	X	X	X
Saudi Ara- bia	.....	.....	X	X	
Somalia	.....	.....	.....	.....	X
South Sudan, Republic of	.....	.....	.....	.....	X
Sudan	.....	.....	.....	.....	X
Syria	.....	.....	X	X	X
Taiwan	.....	.....	X	.....
Tajikistan	X	.....	X	.....
Turkmenist- an	X	.....	X	.....
United Arab Emirates	.....	.....	X	X	
Uzbekistan	X	.....	X	.....
Venezuela	X	X	X	X	X
Vietnam	X	.....	X	.....
Yemen	X	.....	X	X	

COUNTRY GROUP D—Continued

Country	[D: 1] National Security	[D: 2] Nuclear	[D: 3] Chemical & Biological	[D: 4] Missile Technology	[D: 5] U.S. Arms Embargoed Countries ¹
Zimbabwe	X

¹ **Note to Country Group D-5:** Countries subject to U.S. arms embargoes are identified by the State Department through notices published in the **Federal Register**. The list of arms embargoed destinations in this table is drawn from 22 CFR 126.1 and State Department **Federal Register** notices related to arms embargoes (compiled at www.pmdtc.state.gov/embargoed_countries/index.html) and will be amended when the State Department publishes subsequent notices. If there are any discrepancies between the list of countries in this table and the countries identified by the State Department as subject to a U.S. arms embargo (in the **Federal Register**), the State Department's list of countries subject to U.S. arms embargoes shall be controlling.

COUNTRY GROUP E ¹

Country	[E:1] Terrorist supporting countries ²	[E:2] Unilateral embargo
Cuba .....	.....	X
Iran	X	
Korea, North	X	
Syria	X	

¹ In addition to the controls maintained by the Bureau of Industry and Security pursuant to the EAR, note that the Department of the Treasury administers:

- (a) A *comprehensive embargo* against Cuba and Iran; and
- (b) An *embargo against certain persons*, e.g., Specially Designated Terrorists (SDT), Foreign Terrorist Organizations (FTO), Specially Designated Global Terrorists (SDGT), and Specially Designated Narcotics Traffickers (SDNT). Please see part 744 of the EAR for controls maintained by the Bureau of Industry and Security on these and other persons.

² The President made inapplicable with respect to Iraq provisions of law that apply to countries that have supported terrorism.

[61 FR 12768, Mar. 25, 1996]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting supplement no. 1 to part 740, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

SUPPLEMENT NO. 2 TO PART 740—ITEMS THAT MAY BE DONATED TO MEET BASIC HUMAN NEEDS UNDER THE HUMANITARIAN LICENSE EXCEPTION

(a) *Health*

- Equipment for the Handicapped
- Hospital Supplies and Equipment
- Laboratory Supplies and Equipment
- Medical Supplies and Devices
- Medicine-Processing Equipment
- Medicines
- Vitamins
- Water Resources Equipment
- Food
- Agricultural Materials and Machinery Suited to Small-Scale Farming Operations

- Agricultural Research and Testing Equipment
- Fertilizers
- Fishing Equipment and Supplies Suited to Small-Scale Fishing Operations

(b) *Food*

- Insecticides
- Pesticides
- Seeds
- Small-Scale Irrigation Equipment
- Veterinary Medicines and Supplies

(c) *Clothes and Household Goods*

- Bedding
- Clothes
- Cooking Utensils
- Fabric
- Personal Hygiene Items
- Soap-Making Equipment
- Weaving and Sewing Equipment

(d) *Shelter*

- Building Materials
- Hand Tools

(e) *Education*

- Books
- Individual School Supplies
- School Furniture
- Special Education Supplies and Equipment for the Handicapped

(f) *Basic Support Equipment and Supplies Necessary To Operate and Administer the Donative Program*

- Audio-Visual Aids for Training
- Generators
- Office Supplies and Equipment

SUPPLEMENT NO. 3 TO PART 740—LICENSE EXCEPTION ENC FAVORABLE TREATMENT COUNTRIES

- | | |
|----------------|----------------|
| Austria | Japan |
| Australia | Latvia |
| Belgium | Lithuania |
| Bulgaria | Luxembourg |
| Canada | Malta |
| Croatia | Netherlands |
| Cyprus | New Zealand |
| Czech Republic | Norway |
| Estonia | Poland |
| Denmark | Portugal |
| Finland | Romania |
| France | Slovakia |
| Germany | Slovenia |
| Greece | Spain |
| Hungary | Sweden |
| Iceland | Switzerland |
| Ireland | Turkey |
| Italy | United Kingdom |

[69 FR 71363, Dec. 9, 2004, as amended at 73 FR 57507, Oct. 3, 2008; 81 FR 64673, Sept. 20, 2016]