



March 25, 2014



Re: Scope of the General Technology Note in the Export Administration Regulations

Dear Mr. [REDACTED]

This is in response to your October 15, 2013 request for an Advisory Opinion confirming your understanding that the General Technology Note (GTN)¹ and the defined term "required,"² which is used in the GTN, apply to all Export Control Classification Numbers (ECCNs)³ controlling "technology," regardless of whether the ECCN specifically refers to the GTN or uses the term "required." The Bureau of Industry and Security (BIS) confirms your understanding.

Background

The United States implements in the Export Administration Regulations (EAR) commitments it has made under the Wassenaar Arrangement (WA) regarding sensitive dual-use goods and technologies. The EAR has, in pertinent part, implemented the WA's definition of technology as follows:

"Technology". (General Technology Note)-- Specific information necessary for the "development", production", or "use" of a product. The information takes the form of "technical data" or "technical assistance". Controlled "technology" is defined in the General Technology Note and in the Commerce Control List (Supplement No. 1 to part 774 of the EAR). . . .

The EAR has, in pertinent part, implemented the WA's GTN as follows:

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.

¹ 15 C.F.R. Part 774, Supp. No. 2 (2014).

² Id., § 772.1 (2014).

³ Id., Part 774, Supp. No. 1 (2014).



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The EAR's definition of "technology" states that "[c]ontrolled 'technology' is defined in the General Technology Note . . . and the GTN states that "[t]he 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." The EAR does not limit its definition of technology or the GTN to only those technologies controlled in the EAR pursuant to the WA. Therefore, the GTN and the EAR's definition of "required" apply to all references to "technology" in all the ECCNs on the CCL.

If you have any additional questions, please contact Patricia Muldonian, Office of National Security and Technology Transfer Controls at patricia.muldonian@bis.doc.gov or by telephone at 202-482-4479.

Sincerely,



Eileen M. Albanese
Acting Director, Office of Exporter Services