Frequently Asked Questions

Is there a list of countries to which we may not sell or export ALE International products?

Do all government end-users require an US Export License?

How long does an export license application take to be approved by the US Government or the French Government?

Where can the list of denied persons, or denied entities be found?

Whom should I contact with any questions?

▪ Is there a list of countries to which we may not sell or export ALE International products?

1) For ALE International products that are subject to US Export Laws (e.g. contain US origin encryption, are made in the US or contain a certain percentage of US origin content):

Sales of these products require a US export license when exported or re-exported to countries under a US embargo: Cuba, Iran, North Korea, Syria or Ukraine regions of Crimea, Donetsk, or Luhansk.

Unfortunately, there is no single list of countries to which ALE International may not sell its products: each country has its own embargoes and sanctions.
The ability for you to sell or export ALE International products to a particular country depends on the laws of the country of export and those of any other country whose regulations apply.

In most countries, the country of destination is only one variable in the equation used to determine the appropriate export authorization for an item to be exported. Other variables that must be considered include: the export classification of the item, the end user, and the end use. For some transactions, more than one country's rules apply. Proper application of all applicable export regulations to the facts of a specific export transaction is required to ensure compliance.

2) For ALE International products that are not subject to US Export Laws:

French restrictions must be applied as regards to exports to certain countries, in accordance with United Nations resolutions, if any.

▪ Do all government end-users require a US Export License?

Government end-users require a US Export License issued by the U.S. Government or other authorization under the EAR when ordering US products that contain restricted encryption in all countries except for the following:

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the United Kingdom [includes Great Britain + Ireland (northern)] and the United States.

In all other countries (except Cuba, Iran, North Korea, Syria or Ukraine regions of Crimea, Donetsk, or Luhansk) government entities do not require a US export license if they do not meet the following definition:

"Government end-user" *(as applied to encryption items)*: A government end-user is any foreign central, regional or local government department, agency, or other entity performing governmental functions, including governmental research institutions, governmental corporations or their separate business units (as defined in part 772 of the Export Administration Regulations (EAR)) which are engaged in the manufacture or distribution of items or services controlled on the Wassenaar Munitions List, and international governmental organizations. This term **does not include**: utilities (including telecommunications companies and Internet service providers); banks and financial institutions; transportation; broadcast or entertainment; educational organizations (except public schools and universities); civil health and medical organizations (including public civilian hospitals); retail or wholesale firms; and manufacturing or industrial entities not engaged in the manufacture or distribution of items or services controlled on the Wassenaar Munitions List (see "Control Lists" at https://www.wassenaar.org/).

Significant EAR changes introducing further restrict Exports to China*, Russia, Venezuela – *and others below*.
Since June 2020 the US Government has amended and expanded EAR §744.21 restrictions on certain 'military end use' or 'military end user' in the People's Republic of China*, Russia, or Venezuela. (*incl. Hong-Kong)
(a) General prohibition. In addition to the license requirements for items specified on the Commerce Control List (CCL) (supplement no. 1 to this part), you may not export, reexport, or transfer (in-country) any item subject to the EAR listed in supplement no. 2 to this part to Burma, Cambodia, the People's Republic of China (China), or Venezuela, or any item "subject to the EAR" to Belarus or the Russian Federation, without a license if, at the time of the export, reexport, or transfer (in-country), you have "knowledge," as defined in § 772.1 of the EAR, that the item is intended, entirely or in part, for a 'military end use,' as defined in paragraph (f) of this section, or a 'military end user,' as defined in paragraph (g) of this section, in Belarus, Burma, Cambodia, China, the Russian Federation, or Venezuela.
https://www.bis.doc.gov/index.php/documents/pdfs/2566-2020-meu-faq/file

BIS published a new interim final rule effective since March 16th, 2021
Among other things, this rule creates a new EAR 744.22 licensing requirement (beyond 744.21 MEU controls) military-intelligence end users/uses, for any item subject to the EAR, going to Belarus, Burma (Myanmar) , Cambodia, China incl. Hong-Kong, the Russian Federation, Venezuela, and Group E*countries. This may capture some ENC unrestricted items that did not have a license requirement under the current 744.21 MEU controls.
*Group E: E:1 IR, KP, SY; E:2 CU as of Supplement No.1 to Part 740 update March 2nd, 2022
https://www.federalregister.gov/documents/2021/01/15/2021-00977/expansion-of-certain-end-use-and-end-user-controls-and-controls-on-specific-activities-of-us-persons

- **How long does an export license application take to be approved by the US Government or the French Government?**

The official lead time for approval of an export license by the US or French government is three months; in practice, the process usually takes up to six weeks.

Customers ordering products that require an export license should be advised of this built-in delay and encouraged to place their order and complete the appropriate export license application at least six weeks before the merchandise is needed.

- **Where can the list of denied persons or denied entities be found?**

The denied persons and entities can be found on the BIS website:
https://www.bis.doc.gov/index.php/policy-guidance/lists-of-parties-of-concern
https://export.gov/ecr/eg_main_023148.asp
https://www.trade.gov/consolidated-screening-list

- **Whom should I contact with any questions?**

- questions on export from France, US, or Hong Kong :
  gilbert.sambuc@al-enterprise.com / bettina.metzger@al-enterprise.com / hugues.senger@al-enterprise.com
- questions on export :
  hugues.senger@al-enterprise.com