

IEEE Standards Association Statement on Participation of BIS Entity List Entity or Individual

The IEEE Standards Association (“IEEE-SA”) provides a global forum for open and cooperative international standards development. By their very nature, IEEE-SA standards or draft standards are documents that are intended for open publication and wide public dissemination. Moreover, IEEE-SA standards development meetings are conducted in public sessions that are open to all interested participants who pay the meeting attendance fees. Interested individuals and companies may also make presentations at such IEEE-SA standards development meetings.

IEEE-SA has prepared this statement of ground rules for the conduct of its standards development meetings where a participating entity (or an individual employed by or otherwise affiliated with such an entity) has been included on the Entity List maintained by the U.S. Commerce Department’s Bureau of Industry and Security (“BIS”) under the U.S. Export Administration Regulations (“EAR”), 15 CFR Part 730 et seq. In general, under the EAR, U.S. persons may not export or reexport any item (including “technology” or “software” as such terms are defined in the EAR) that is “subject to the EAR” to any entity or individual named to the Entity List (collectively, “Designated Persons”). IEEE-SA notes that the EAR itself defines what is and is not considered “subject to the EAR.” In particular, EAR Section 734.7(a)(3) contains an express exclusion for the “unlimited distribution” of information at a “conference, meeting, [or] seminar ... generally accessible to the interested public,” and EAR Section 734.7(a)(5) contains a similar exclusion for a wide range of written materials or “representations of knowledge” that may be submitted to “organizers of open conferences or other open gatherings” (collectively, the “EAR Exclusions”).

1. **Entity or Individual on BIS Entity List.** In reliance on the EAR Exclusions and other applicable authority in the EAR, any such Designated Person may attend public sessions of IEEE-SA standards development meetings, submit technology proposals for standards, make presentations on proposals, participate in public discussions of technology proposals, submit public comments on standards, become or remain a member, and earn or exercise voting rights of membership in IEEE-SA.
2. **Other Participants.** In reliance on the EAR Exclusions and other applicable authority in the EAR, other participants in IEEE-SA standards development meetings may review technology proposals that such a Designated Person has submitted, participate with a Designated Person in discussions of technology proposals during public sessions, respond to comments submitted through IEEE working group Communications tools, and vote on technology proposals submitted by such a Designated Person.
3. **Private or Personal Discussions.** Any private or personal discussions outside the scope of open and public sessions between such a Designated Person and any other standards development participants are beyond the scope of these IEEE-SA meeting conduct rules. Entities and individuals should consult their company or individual legal counsel for guidance about such discussions.
4. **IEEE-SA Leadership and Governance Meetings.** A Designated Person may participate in IEEE-SA business, logistics, and other leadership meetings, and may participate in governance meetings, including executive sessions to the extent that such meetings deal solely with governance issues and only if such Designated Person is not otherwise conflicted. However, a Designated Person shall not participate in meetings or communications that involve technical discussions.

This statement merely provides IEEE-SA meeting conduct rules and does not constitute legal advice to any participants. Participants should consult with their company or personal legal counsel for legal advice.

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