



COMMITTEE ON AVIATION ENVIRONMENTAL PROTECTION (CAEP)

STEERING GROUP MEETING

Takamatsu, Japan, 16 to 20 October 2023

Agenda Item 7: Integrated Dual Stringency Analysis

U.S. DATA RESTRICTIONS

(Presented by the United States of America)

1. U.S. ACTIONS TO ADDRESS DATA RESTRICTIONS

1.1 As highlighted at SG/20221 and in numerous meetings since, the restrictions on sharing data within the CAEP process significantly increased the challenge of the current integrated analysis underpinning the dual stringency work.

1.2 In the United States, the Department of Commerce's Bureau of Industry and Security (BIS) is responsible for U.S. Export Administration Regulations (EAR), which regulate the export, reexport, and transfer (in-country) of certain categories of goods, software, and technology. Changes to the EAR raised concerns that information shared within the CAEP process could be a violation of the EAR.

1.3 Recently, some U.S. manufacturers sought from BIS a classification of the information shared within CAEP for the dual-stringency analysis. In particular, manufacturers requested classification that the information does not meet the definition of "technology" and, therefore, would not be subject to the EAR.

1.4 BIS agreed with the manufacturers that the specific information shared within CAEP for the dual-stringency process would not constitute technology. As a result, the EAR do not apply to the information needed for the integrated analysis and the information can now be shared within CAEP for purposes of the dual stringency standard-setting.

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