

## Entity List FAQs

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***Note on September 2025 updates to FAQs:*** BIS has updated these Entity List FAQs to add new FAQs under Q.41-Q.53 specific to the publication of the September 30, 2025 interim final rule, “Expansion of End-User Controls to Cover Affiliates of Certain Listed Entities” (hereinafter referred to as the Affiliates Rule) (90 FR 47201) (effective September 29, 2025). The Affiliates Rule will automatically subject foreign entities that are at least 50 percent owned by one or more parties on the Entity List, Military End-User (MEU) List, or Specially Designated National (SDNs) designated under programs listed in § 744.8(a)(1), or non-listed parties subject to Affiliates Rule restrictions, to the licensing requirement and license review policy of their listed parent(s). BIS has also updated the existing FAQs to make conforming edits to reflect the Affiliates Rule and other clarifying edits.

### **Q.1: What is the Entity List?**

**A:1:** The Bureau of Industry and Security (BIS) publishes the names of certain foreign entities—including businesses, research institutions, government and private organizations, individuals, and other types of legal persons—that are subject to specific license requirements for the export, reexport, and transfer (in-country) of specified items. These entities comprise the Entity List, which is found at Supplement no. 4 to part 744 of the Export Administration Regulations (EAR). The entities on the Entity List are subject to individual licensing requirements and policies supplemental to those found elsewhere in the EAR. Certain non-listed foreign affiliates of listed entities are also subject to the Entity List license requirements and other requirements because they meet the Affiliates Rule criteria. See FAQs Q.41-Q.53 below on the Affiliates Rule.

### **Q.2: What is the background and purpose of the Entity List?**

**A:2:** BIS first published the Entity List in February 1997 as part of its efforts to inform the public of entities that have engaged in activities that could result in an increased risk of the diversion of exported, reexported or transferred (in-country) items to weapons of mass destruction (WMD) programs. Since its initial publication, grounds for inclusion on the Entity List have expanded to activities sanctioned by the State Department and activities contrary to U.S. national security and/or foreign policy interests.

**Q.3: Where can I find the Entity List?**

**A:3:** The Entity List is found in Supplement no. 4 to part 744 of the EAR. If you would like to subscribe to BIS's e-mail notification service that will alert you when BIS publishes rules in the Federal Register, including rules implementing changes to the Entity List, please click [here](#).

**Q.4: Why should I check the Entity List?**

**A:4:** You should check the Entity List to determine if entities listed on the Entity List are a party to the transaction as described in § 748.5(c) through (f) of the EAR for your export, reexport, or transfer (in-country). Entities listed on the Entity List are subject to license requirements and other requirements, in addition to policies found elsewhere in the EAR. Exporters, reexporters, and transferors should also check the Entity List as part of their analysis to determine whether a non-listed foreign affiliate of a listed entity meets the Affiliates Rule criteria. Failure to adhere to EAR licensing requirements is a violation of the EAR and could result in criminal and/or civil penalties. BIS recommends that exporters, reexporters, and transferors screen the parties to transactions against the Entity List as a standard part of pre-transaction due diligence activities.

**Q.5: Can a U.S. company have any dealings with a listed entity?**

**A:5:** Yes. However, BIS considers that transactions of any nature with listed entities carry a Red Flag and recommends that U.S. companies proceed with caution with respect to such transactions. Note that the Entity List describes license requirements and policies for the export, reexport, and transfer (in-country) of items subject to the EAR only. Additionally, although many of the entities included on the Entity List are subject to policies of denial for the export, reexport, and transfer (in-country) of all items subject to the EAR, some are subject to policies and requirements that are narrower in scope (*i.e.*, not all entities included on the Entity List are subject to license requirements for all items subject to the EAR, while others are subject to license requirements for all or some items listed on the Commerce Control List (CCL)). Be sure to review the licensing policy and requirements carefully.

**Q.6: Are exporters, reexporters, and transferors prohibited under the EAR from doing business with specific entities that are not included on the Entity List?**

**A:6:** Exporters, reexporters, and transferors may not engage without a license in exports, reexports, or transfers (in-country) to parties that are owned 50 percent or more, in whole or in part, individually or in the aggregate, by one or more parties listed on the Entity List or subject to restrictions under the Affiliates Rule if that transaction would require a license pursuant to the license requirement applicable to the listed party. Additionally, both BIS and other agencies in

the U.S. Government maintain other lists of entities for which there are restrictions on doing business. BIS recommends that exporters, reexporters, or transferors of items subject to the EAR review the U.S. Government's Consolidated Screening List (CSL) (<https://www.trade.gov/consolidated-screening-list>) to identify whether a proposed transaction may fall under other U.S. Government requirements. In addition, other provisions of part 744 of the EAR apply to transactions regardless of whether the entity in question is listed on the Entity List or not.

**Q:7: What are the different types of license requirements for listed entities?**

**A:7:** Each entity on the Entity List is assigned a specific licensing requirement on the basis of the national security and/or foreign policy considerations associated with the entity's designation on the Entity List. Within the Entity List, the information for each listed entity includes the license requirement, license review policy, and Federal Register citation(s). License requirements vary from entity to entity and should be reviewed carefully.

**Q:8: What is BIS's policy for reviewing license applications that include listed entities as parties to the transaction?**

**A:8:** A license is required, to the extent specified on the Entity List, to export, reexport, or transfer (in-country) any item subject to the EAR when an entity or a party to the transaction as described in § 748.5(c) through (f) of the EAR is operating at an address that is listed on the Entity List under an address entry. Any application for such a license will be reviewed in accordance with the License Review Policy associated with the listed entity on the Entity List.

**Q:9: Are there any license exceptions available for listed entities?**

**A:9:** As outlined in § 744.11(a) of the EAR, the use of license exceptions is generally prohibited for almost all exports, reexports, and transfers (in-country) involving listed entities. However, if one or more license exceptions are available for a listed entity, the availability will be noted in the licensing requirements information specific to that entity. *See* FAQ Q.48 below for license exceptions for non-listed affiliates of listed entities that meet the Affiliates Rule criteria.

**Q:10: How often is the Entity List updated?**

**A:10:** The Entity List is subject to ongoing review and revision. All changes to the Entity List are published in the Federal Register. You can subscribe to a BIS e-mail notification service that

will alert you when EAR rules are published in the Federal Register, including rules implementing changes to the Entity List, by clicking [here](#).

**Q.11: A company that used to be on the Entity List is no longer listed. Can I ship to them now?**

**A.11:** The removal of an entity from the Entity List removes only the additional license requirements imposed by its listing on the Entity List, and does not modify the other license requirements that may be applicable under the EAR (*e.g.*, as a result of an item's classification on the CCL or the country of destination for the export, reexport, or transfer (in-country)). Additionally, if you know or have been informed that the item will be used in nuclear, missile, and/or chemical and biological weapons programs, or any other part 744 prohibited end use or end user control, you must seek a license pursuant to the requirements found in part 744 of the EAR, unless a license exception is available (although most part 744 license requirements may not be overcome by a license exception). You should also consult the other export screening lists maintained by BIS and other U.S. Government agencies to determine whether other license requirements or sanctions apply. In summary, you should conduct the same due diligence as you would for any other export, reexport, or transfer (in-country) of items subject to the EAR.

**Q.12: What if a company I want to export, reexport, or transfer (in-country) to is at the same address as (*e.g.*, co-located with) a listed entity?**

**A.12:** This is a Red Flag, and the exporter, reexporter, or transferor must undertake sufficient due diligence to verify that the company co-located with the listed entity is not, in fact, the listed entity, is not an affiliate of the listed entity that meets the criteria for the Affiliates Rule, and does not intend to transfer (in-country) the requested items to the listed entity.

- Additionally, pursuant to § 744.11 of the EAR, BIS may identify certain addresses as Addresses with High Diversion Risk and add these addresses to the Entity List. When an address is listed on the Entity List as an Address with High Diversion Risk, the involvement of any party at that address performing the role of a Purchaser, Intermediate Consignee, Ultimate Consignee, or End-User in a transaction subject to the EAR would trigger a license requirement, regardless of the entity involved. The specific license requirements associated with that address will be listed in the License Requirement column on the Entity List next to that address entry on the Entity List.

**Q.13: What if the name or address of the company I want to export to is a near match to a name or address on the Entity List?**

**A:13:** As this is a Red Flag, BIS recommends that detailed due diligence be undertaken. You should conduct due diligence by examining other factors to determine if any entities that are party to this transaction are the same as the listed entity. Such factors may include, but are not limited to, the company's name, address, corporate officers, business activities, contact information. You may be able to locate this information via the company's website or through internet search results.

- Minor differences between a listed address and the address used on export paperwork should generally be considered immaterial, and you should accordingly consider the address a match. However, such otherwise minor differences will take on greater importance when the license requirement is based on the address itself, such as when a specific address is listed on the Entity List as an Address with High Diversion Risk. For example, BIS would consider the following scenarios to constitute a match despite certain differences (these examples are fictitious and do not correspond to addresses that BIS has listed on the Entity List):
  - The addresses largely match, but there is a difference in the type of roadway or room number listed; for example, "Hopewell Building, 123 Queens Road East, Hong Kong" should be considered a match for "Hopewell Building, 123 Queens Street East, Hong Kong." Similarly, "Suite 3, 4/F, 123 Main Street, Hong Kong" should be considered a match for "Room 03, 4<sup>th</sup> Floor, 123 Main Street, Hong Kong."
  - There are slight differences in the spacing or spelling of road names, when other relevant details of the address match. For example, "Suite 2, Commodore Building, 123 FaYuen street, Hong Kong" should be considered a match for "Suite 2, Commodore Building, 123 Fa-Yuan Street, Hong Kong."
  - There are details such as the building name missing, but the remainder of the address has enough detail to confirm the match. For example, "Room 4, 10/F, Commodore Building, 123 FaYuen Street, Mongkok, Hong Kong" would be considered the same as "Room 4, 10/F, 123 FaYuen Street, Mongkok, Hong Kong."
- The above examples are not an exhaustive list of cases in which BIS considers an address to match. If there are any variations in spelling or sub-building elements that prevent you from confidently determining that two addresses *do not match*, then you should treat them as matches. If you have difficulties making such a determination, you should seek official guidance from BIS.

**Q.14: Can I export to an entity on the Entity List if he/she is not located at the same address as listed in the EAR?**

**A.14:** Entities on the Entity List are subject to the licensing policy and requirements defined in their specific entries on the Entity List regardless of their location. BIS works to revise and correct the entries on the Entity List on a regular basis, in order to ensure that each entry reflects the most accurate and recent information for the entity named in that entry. However, if your due diligence indicates that the entity to whom you wish to export, reexport, or transfer (in-country) is designated on the Entity List, then, regardless of the address listed in the Entity List entry, you should follow the licensing requirements set forth in the Entity List for that entity.

**Q.15: Are all of the entities on the Entity List included because they violated the Export Administration Regulations (EAR) by exporting, reexporting and/or transferring items subject to the EAR?**

**A.15:** No, not all sections of part 744 of the EAR (which defines the criteria for possible inclusion on the Entity List) require that an entity's alleged activity involve items subject to the EAR. Section 744.11, for example, requires that the entity's activities be contrary to U.S. national security and/or foreign policy interests but does not require that the activities involve items subject to the EAR.

**Q.16: Is there a process for listed entities and non-listed foreign affiliates owned 50 percent or more by listed entities on the Entity List to request their removal? If so, how does it work?**

**A.16:** Yes; this process was articulated in BIS's August 2008 revision of the EAR titled "Authorization to Impose License Requirements for Exports or Reexports to Entities Acting Contrary to the National Security or Foreign Policy Interests of the United States." (73 FR 49311, Aug. 21, 2008)

- As a result of the August 2008 rule, § 744.16 of the EAR defines the procedures that allows an entity listed on the Entity List to submit a written request to the End-User Review Committee (ERC) via the ERC Chair's office, that its entry be removed or modified. You may also submit your removal request by email at [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov). The September 2025 Affiliates Rule (90 FR 47201, September 30, 2025) broadened the process to also allow non-listed foreign affiliates owned 50 percent or more by listed entities on the Entity List or by entities subject to restrictions under the Affiliates Rule to submit requests for modification of the owner's listing on the Entity List to exclude the requester. *See* Q.51 below. The request must be made in English, and the party must

provide a basis for the removal or modification with supporting documentation. After the ERC has reviewed the request and reached a decision, BIS's Principal Deputy Assistant Secretary (PDAS) for Export Administration will provide the decision in a written response to the requesting party. The decision communicated to the party by the PDAS is final. BIS will publish any modifications to, or removals from, the Entity List resulting from such requests in the Federal Register. The timeframe for ERC review of requests is 30 calendar days after the ERC's receipt of the request (note that BIS conducts an internal review of all requests prior to referral to the ERC that may add to this timeframe).

- Please note that if a party on the Entity List submits a request, it remains subject to the Entity List's licensing requirements while the request is being processed. In order for a party to be released from the additional licensing requirements imposed by being on the Entity List, two actions must occur: 1) the request must be approved by the ERC, and 2) a formal notice of the party's removal from the Entity List must be published in the Federal Register.

**Q.17: Does the Entity List include U.S. persons?**

**A.17:** No, it does not.

**Q.18: Do other U.S. Government export screening lists include U.S. persons?**

**A.18:** Yes. See a consolidated version of U.S. Government restricted party lists [here](#).

**Q.19: Does BIS work with other U.S. Government agencies to administer the Entity List?**

**A.19:** Yes. As set forth in Supplement no. 5 to part 744 of the EAR, proposed changes to the Entity List are reviewed and approved by the interagency End-User Review Committee (ERC). Comprised of representatives from the Departments of State, Defense, and Energy, the ERC is chaired by a Commerce employee. In addition to the review of removal requests, the ERC reviews the Entity List on a periodic basis. Any ERC member agency may also recommend changes to the Entity List on an ad-hoc basis.

**Q.20: Who should I contact if I have more questions about the Entity List?**

**A.20:** You should call the Office of Exporter Services at 202-482-4811 or [e-mail](mailto:ecdoexs@bis.doc.gov) them at [ecdoexs@bis.doc.gov](mailto:ecdoexs@bis.doc.gov). Pursuant to the guidance in § 748.3 of the EAR, you may also submit an advisory opinion request or any emails to the End-User Review Committee Chair at [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov) or call the Committee Chair directly at 202-482-5991.

**Q.21: Can a listed entity, or non-listed foreign affiliate owned 50 percent or more by listed entities on the Entity List, act as purchaser or freight forwarder to transport my shipment of items subject to the EAR to the ultimate consignee or end-user?**

**A.21:** A BIS license is required prior to such a transaction. As stated in § 744.11(a), a license is required for the export, reexport, or transfer (in-country) of items subject to the EAR when an entity on the Entity List is a party to the transaction as described in § 748.5(c)-(f). These restrictions also apply to a non-listed foreign affiliate that meets the Affiliates Rule criteria. Parties to the transaction may include purchasers, intermediate consignees (such as forwarding agents), ultimate consignees, and end-users. Any application for such a license will be reviewed in accordance with the License Review Policy associated with the listed entity on the Entity List. This policy is, most commonly, a presumption of denial. BIS also recommends consulting the other export screening lists maintained by the U.S. Government to ensure that any listed entity performing an activity (*e.g.*, services) not subject to the EAR does not violate sanctions or restrictions administered by other U.S. Government agencies.

**Q.22: Can a listed entity, or non-listed foreign affiliate owned 50 percent or more by listed entities on the Entity List, act as my company's purchasing agent for items subject to the EAR?**

**A.22:** A BIS license is required prior to such a transaction. As stated in § 744.11(a), a license is required for the export, reexport, or transfer (in-country) of items subject to the EAR when an entity on the Entity List is a party to the transaction as described in § 748.5(c)-(f). These restrictions also apply to a non-listed foreign affiliate that meets the Affiliates Rule criteria. Parties to the transaction may include purchasers, intermediate consignees (such as forwarding agents), ultimate consignees, and end-users. Any application for such a license will be reviewed in accordance with the License Review Policy associated with the listed entity on the Entity List. This policy is, most commonly, a presumption of denial. BIS also recommends consulting the other export screening lists maintained by the U.S. Government to ensure that any listed entity performing an activity (*e.g.*, services) not subject to the EAR does not violate sanctions or restrictions administered by other U.S. Government agencies.

**Q.23: Do the license requirements and policies of the Entity List apply to separately incorporated subsidiaries, partially owned subsidiaries, or sister companies of a listed entity when the non-listed foreign affiliate does not meet the Affiliates Rule criteria?**

**A.23:** The licensing and other obligations imposed on a listed entity by virtue of its being listed do not *per se* apply to its subsidiaries, parent companies, sister companies, or other legally



distinct affiliates that are not listed on the Entity List when the non-listed foreign affiliate does not meet the Affiliates Rule criteria. If, however, such a company, or even an unaffiliated company, acts as an agent, a front, or a shell company for the listed entity in order to facilitate transactions that would not otherwise be permissible with the listed entity, then the company is likely violating, *inter alia*, General Prohibition 10, EAR § 764.2(b) (causing, aiding, or abetting a violation) and possibly other subsections of § 764.2 as well.

- Those who export, reexport, or transfer items subject to the EAR with “knowledge” that the items are destined to a subsidiary, sister, parent, or other affiliate of a listed entity are encouraged to take extra due diligence steps to ensure that: (i) the items are not ultimately destined for the listed entity, (ii) the non-listed foreign affiliate is a separate legal entity (as opposed to a branch or operating division of the listed entity), and (iii) that the foreign non-listed foreign affiliate does not meet the Affiliates Rule criteria. If you are uncertain whether a planned transaction involving an actor with some relationship to a listed entity would be affected by the obligations pertaining to the listed entity, you may seek an advisory opinion from BIS pursuant to § 748.3.

**Q.24: Do the license requirements and policies of the Entity List apply to the branch offices and operating divisions of a company, organization, or other entity that is a listed entity?**

**A.24:** Branches and operating divisions of a listed entity are, by definition, part of the listed entity. They are not legally distinct entities. Therefore, with one exception pertaining to hospitals and medical centers of the Department of Atomic Energy entities in India (see FAQ #39), the licensing and other obligations imposed on a listed entity also apply to its branches and operating divisions.

**Q.25: Do the license requirements and policies in the Entity List also apply to the parent company if a subsidiary is a listed entity?**

**A.25:** The Entity List license requirements do not extend to parent companies unless the applicable listing for the entity so states. The Affiliates Rule applies downward to entities owned 50 percent or more, directly or indirectly, by listed entities or by non-listed entities that meet the Affiliates Rule criteria, not upward to owners of listed entities. Exporters, reexporters, and transferors are reminded that the EAR imposes licensing requirements, such as end-user and end-use based restrictions in Part 744 of the EAR, that could apply to such companies even if they are legally separate from the listed entity.

**Q.26: Does being on the Entity List, or being a non-listed affiliate subject to restrictions based on the Affiliates Rule, prohibit wire transfers from a bank?**

**A.26:** The EAR do not, per se, prohibit wire transfers involving Entity List parties in the absence of a connection to an unlawful transaction. This same guidance applies to wire transfers involving non-listed foreign affiliate that meets the Affiliates Rule criteria. However, financing (or otherwise servicing) an item with ‘knowledge’ that it has been, is being, or will be exported in violation of the EAR is a violation of General Prohibition Ten of the EAR, 736.2(b)(10). BIS recommends reviewing previous guidance issued by BIS and its interagency partners, including FINCEN, for expectations pertaining to financial institution diligence on transactions. Some of that guidance can be found at this link:

[https://www.fincen.gov/sites/default/files/shared/FinCEN%20and%20BIS%20Joint%20Alert%20FINAL\\_508C.pdf](https://www.fincen.gov/sites/default/files/shared/FinCEN%20and%20BIS%20Joint%20Alert%20FINAL_508C.pdf)

If you identify specific exports, reexport, or transfers (in-country) in connection with this transaction, please alert our Office of Export Enforcement via EELEAD: [EELEAD@bis.doc.gov](mailto:EELEAD@bis.doc.gov).

**Q.27: Do the restrictions for a listed alias differ from the main entry?**

**A.27:** No. All entities named in Entity List entries are subject to the main entry’s licensing requirements and policy.

**Q.28: If a person employed by or representing an entity on the Entity List enters the United States, can I do business with that person?**

**A.28:** BIS does not prohibit the sale or transfer of commodities subject to the EAR to persons employed by or representing an entity on the Entity List if those employees or representatives are in the United States. However, the release of software source code or technology that is subject to the EAR in the United States to a foreign national that is on the Entity List or a foreign national employed by or representing an entity on the Entity List may require a license as a “deemed export.” Should such a person depart the United States, a license will be required for the export of commodities and software (other than software source code) consistent with the entity’s listing on the Entity List. In addition, if at the time of the domestic sale or transfer in the United States, the transferor or seller had “knowledge” that the foreign national on the Entity List or the foreign national employed by or representing the entity on the Entity List intended to export the item(s) out of the United States without obtaining BIS authorization, a violation of the EAR under § 736.2(b)(10) (General Prohibition Ten) and § 764.2(e) may occur.

BIS recommends that exporters exercise a high level of due diligence prior to entering into a transaction with any entity on the Entity List, including employees or representatives of entities

on the Entity List, regardless of where that entity is located. Note also that the release outside of the United States of software source code or technology subject to the EAR to an entity on the Entity List or a foreign national employed by or representing an entity on the Entity List may require a license or other EAR authorization prior to the “deemed reexport” of that software source code or technology. This same guidance applies to persons employed by or representing a non-listed foreign affiliate that meets the Affiliates Rule criteria.

**Q.29: Can a U.S. company import items from listed entities or from non-listed foreign affiliates owned 50 percent or more by listed entities on the Entity List?**

**A.29:** BIS does not have jurisdiction over the import of items into the United States. However, you should consult other lists maintained by the U.S. Government, as sanctions or other restrictions may apply to import transactions with the particular listed entity or from that particular country of import. ITA, on behalf of BIS and the other export control agencies, publishes a consolidated version of U.S. Government restricted party lists that may be relevant to your transaction.

**Q.30: Can I purchase items from an entity that is listed on the Entity List or from non-listed foreign affiliates owned 50 percent or more by listed entities on the Entity List?**

**A.30:** BIS’s jurisdiction is limited to the export, reexport, and transfer (in-country) of items subject to the EAR and the placement of an entity on the Entity List imposes supplemental license requirements and license application review policies on the shipment of items subject to the EAR involving that entity. Although an entity’s inclusion on the Entity List, or meeting the Affiliates Rule criteria for non-listed affiliates of listed entities, does not create a prohibition on purchases from that entity, purchasers should note that BIS suggests that there are red flags on the purchase of U.S.-origin items and other items subject to the EAR from entities listed on the Entity List. Companies need to exercise additional due diligence to ensure that the items desired for purchase, should they be U.S. origin or otherwise subject to the EAR, were sent to the entity listed on the Entity List with the appropriate authorization. Anyone seeking to purchase items from an entity listed on the Entity List should note that the Entity List is made up of entities for whom the United States Government has found there to be reasonable cause to believe that the entity has been involved, is involved, or poses a significant risk of being or becoming involved in activities that are contrary to the national security or foreign policy interests of the U.S. government, and those acting on behalf of such entities.

**Q.31: Can a student at a university listed on the Entity List, or a non-listed foreign affiliate university that meets the Affiliates Rule criteria, intern at my company?**

**A.31:** A student's enrollment at a university included on the Entity List, or enrollment at a non-listed foreign affiliate university that meets the criteria of the Affiliates Rule, is a Red Flag which requires exporters to undertake an additional level of due diligence before proceeding with any such transaction. However, a student is not an integral part of the university (*e.g.*, does not have fiduciary duty to the university in the same manner that an employee, officer, trustee, or person in a similar position in the university would) in which he/she is enrolled and therefore BIS does not include them in the licensing requirements and policy specific to the university. With the caveat of the red flag mentioned above, BIS reminds exporters that the EAR's deemed export rules apply to releases of technology or source code subject to EAR to foreign nationals in the U.S. and that similar deemed reexport rules apply to releases made to third-country nationals abroad. As a general matter, such releases (whether in the U.S. or abroad) may require a license to the foreign national's most recent country of citizenship or permanent residence.

**Q.32: Can my company enter into collaborative research projects with universities on the Entity List or non-listed foreign affiliate universities that meet the Affiliates Rule criteria?**

**A.32:** Pursuant to § 734.8 of the EAR, information resulting from fundamental research is not subject to the EAR. Therefore, if the collaboration remains limited to fundamental research, software or technology arising from the collaboration will not be subject to the Entity List's licensing requirements and policies because it is not subject to the EAR. Any research undertaken that involves the export, reexport, or transfer of an item subject to the EAR and that does not conform to the requirements of § 734.8 of the EAR may, depending on the licensing requirements and policies specified in the Entity List entry, require a license from BIS. This same guidance applies to non-listed foreign affiliates that meet the Affiliates Rule criteria. Companies should be aware that even if the results of fundamental research are not subject to the EAR, input data for such a project may potentially be subject to the EAR. Research is not considered fundamental research when the laboratory, company, university, or researcher restricts the publication of the outcome of the research or restricts the publication of the methods used during the research. *See* 'Definitions: Revisions' for FAQs on fundamental research.

**Q.33: Can my company hire an individual employed by a university on the Entity List, or by a non-listed foreign affiliate university that meets the Affiliates Rule criteria, while he/she continues to work at the university?**

**A.33:** Employees of entities on the Entity List, or from non-listed foreign affiliate universities that meet the criteria of the Affiliates Rule, are subject to the licensing requirements and policies

specific to their employer. Therefore, in the case of universities on the Entity List, or non-listed foreign affiliate universities that meet the criteria of the Affiliates Rule, employees of the universities are subject to the same licensing policy and requirements as their employer. This also applies to officers, trustees, and other persons in a similar position with the university.

**Q.34: Can my company hire an individual who used to be employed by a university on the Entity List or by a non-listed foreign affiliate university that meets the Affiliates Rule criteria?**

**A.34:** Yes. However, previous employment at any university or organization on the Entity List, or at a non-listed foreign affiliate university owned 50 percent or more by listed entities on the Entity List, carries a Red Flag which requires an additional level of due diligence before proceeding with the hiring process.

**Q.35: Can my company donate items subject to the EAR to a university on the Entity List or a non-listed foreign affiliate university that meets the Affiliates Rule criteria?**

**A.35:** It depends on what your company wants to donate, whether BIS requires a license for the export, reexport, or transfer (in-country) of that item to the university (as specified in the Entity List entry for the university), and, if a license is required, whether BIS approves your license application. This same guidance applies to non-listed foreign affiliates that meet the Affiliates Rule criteria.

**Q.36: What is the relationship of the Entity List to other lists maintained by the U.S. Government?**

**A.36:** The Departments of Commerce, State, and the Treasury maintain separate lists for the programs each agency administers because these programs have different purposes and are regulated under different authorities.

- BIS maintains four main lists: the Denied Persons List (DPL); the Entity List; the Military End User List, and the Unverified List. The Entity List is described in detail in these FAQs and can be found [here](#).
- The DPL lists persons that have been denied export privileges; any dealings with persons listed on the DPL that violate the terms of their denial order would be a violation of the EAR. The DPL can be found [here](#).

- The ‘Military End-User’ (MEU) List is a list of ‘military end-user’ entities where a license is required to export, reexport, or transfer (in-country) any item subject to the EAR as specified in § 744.21(a) when an entity that is listed on the MEU List is a party to the transaction as described in § 748.5(c) through (f). The MEU List can be found [here](#).
- The Unverified List is a list of parties for whom BIS has been unable to successfully conduct an end-use check. The presence of a party on the Unverified List in a transaction is a Red Flag that must be resolved before proceeding with the transaction. The Unverified List can be found [here](#).
- The Departments of the Treasury and State maintain other lists that should be consulted before exporting, reexporting, or transferring item(s). These lists include the Specially Designated Nationals and Blocked Persons (SDN) List, the Debarred List, and the lists of persons subject to Nonproliferation Sanctions. You can find links to these lists [here](#).
- A consolidated version of U.S. Government restricted party lists is available [here](#).

**Q.37: Is the Entity list the same as the Specially Designated Nationals and Blocked Persons (SDN) List?**

**A.37:** No. The SDN List is published by the U.S. Department of the Treasury, Office of Foreign Assets Control (OFAC). The SDN List has different foreign policy objectives and legal requirements than the Entity List. BIS imposes license requirements under § 744.8 of the EAR when SDNs designated under certain specified programs are involved in a transaction. See [here](#) for additional information. As specified in § 744.8 under Note 2 to paragraph (a), the Entity List includes certain persons that have also been designated with certain identifiers on the SDN List. See § 744.11 and Supplement no. 4 to part 744 for requirements, including license review policies, for these entities, which take precedence over the requirements in this § 744.8. BIS requires an EAR authorization as specified in the license requirement column on the Entity List for export, reexport, and transfer (in-country) transactions involving items subject to the EAR in which these persons are parties to the transaction regardless of whether such transaction is authorized under an OFAC specific or general license or exempted under OFAC’s regulations.

**Q.38: Is the Entity List the same as the Denied Persons List?**

**A.38:** No. Although both the Denied Persons List (DPL) and the Entity List are administered by the Department of Commerce, they are separate and distinct lists. The DPL includes parties that have been denied export and reexport privileges. In contrast, the Entity List imposes specific

license requirements for the export, reexport, or transfer (in-country) of specified items to the persons named on it. You can submit DPL inquiries to [DPLINQUIRIES@bis.doc.gov](mailto:DPLINQUIRIES@bis.doc.gov).

**Q.39: Are hospitals and medical centers of Indian Department of Atomic Energy entities that are on the Entity List included in the entries for those entities?**

**A.39:** No. Hospitals and medical centers of Indian Department of Atomic Energy (DAE) entities are not—and were never intended to be —captured by the Entity List. Consequently, hospitals and medical centers of DAE entities are not subject to the Entity List’s licensing requirements. Note that the licensing requirements found elsewhere in the EAR may be applicable to such hospitals and medical centers. Such hospitals and medical centers would also be generally subject to destination-based licensing requirements that apply to India.

**Q.40: Where can I locate the list of Indian nuclear reactors (including power plants) and other nuclear facilities under International Atomic Energy Agency (IAEA) safeguards?**

**A.40:** This list is published in the IAEA’s Information Circular titled “Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities” (INFCIRC/754), which is available at the IAEA’s website ([www.iaea.org](http://www.iaea.org)). In this document there is an annex (the “List of Facilities Subject to Safeguards Under the Agreement Between the Government of India and The International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities”) that contains the list of nuclear reactors (including power plants) and fuel fabrication facilities under IAEA safeguards. Please note that this list is updated regularly with the publication of documents titled “Agreement between the Government of India and the International Atomic Energy Agency for the Application of Safeguards to Civilian Nuclear Facilities: Addition to the List of Facilities Subject to Safeguards Under the Agreement” and that these updates are numbered as follows: INFCIRC/754/Add.1, INFCIRC/754/Add.2, INFCIRC/754/Add.3, etc. BIS recommends that exporters check the most recent version of the list on a regular basis by visiting the IAEA’s website: <https://www.iaea.org/publications/documents/infcircs/agreement-between-government-india-and-international-atomic-energy-agency-application-safeguards-civilian-nuclear-facilities> As of September 29, 2025, the most recent version of this document is INFCIRC/754/Add.12.

## FAQs specific to the September 2025 Affiliates Rule

**Q.41: What happens if an exporter, reexporter, or transferor has “knowledge” a listed entity owns part of a non-listed foreign affiliate, but is not able to determine the percentage of the ownership?**

**A.41:** The new Red Flag 29 specifies that “When an exporter, reexporter, or transferor has ‘knowledge’ that a foreign entity that is a party to the transaction has one or more owners that are listed on the Entity List or the MEU List, it has an affirmative duty to determine the percentage of ownership by those listed entities and if that is not possible, to obtain a license from BIS if required under the Entity List or MEU List based on the requirements for the listed owner or owners of that foreign entity, unless a license exception is available.”

In simple terms this means:

- An exporter, reexporter, or transferor with “knowledge” that a party to the transaction has an owner or owners that are on the Entity List or MEU List has an affirmative duty to determine the percentage of ownership.
- If the exporter, reexporter, or transferor is not able to determine the percentage of ownership, the exporter, reexporter, or transferor must apply for a license from BIS if a license is required under the Entity List or MEU List for the listed owner(s).
- If an exporter, reexporter, or transferor does not apply for a license and subsequently it is determined that the party to the transaction was in fact subject to a license requirement under the “Expansion of End-User Controls to Cover Affiliates of Certain Listed Entities” (also known as the Affiliates Rule), the exporter, reexporter, or transferor may be determined to have had “knowledge” that a violation was about to occur and continued to proceed with the transaction. *See* §§ 764.2(e) and 736.2(b)(10). The exporter, reexporter, or transferor may be subject to enforcement action under the EAR, including increased penalties due to this “knowledge.”

**Q.42: Is “knowledge” required to trigger these end-user requirements under the EAR described in the IFR?**

**A.42:** The Entity List, MEU List, and § 744.8 requirements are enforceable on a strict liability basis, so “knowledge” is *not* required to trigger these end-user requirements under the EAR. However, “knowledge” is a factor that is considered when determining penalty calculations for a violation of the EAR. *See* Supplement No. 1 to Part 766.



**Q.43: Does BIS consider entities over which one or more listed entities exercise control, but of which they do not own 50 percent or more in the aggregate, to be subject to the Affiliates Rule?**

**A:43:** No. BIS's Affiliates Rule speaks only to ownership and not to control. An entity that is controlled (but not owned 50 percent or more) by one or more listed entities is not considered to automatically meet the Affiliates Rule criteria.

BIS also notes that the Affiliates Rule does not constrain the ERC's ability to add an affiliated entity that is under the 50 percent threshold when the ERC has reasonable cause to believe, based on specific and articulable facts, that the foreign entity has been involved, is involved, or poses a significant risk of being or becoming involved in activities contrary to the national security or foreign policy interests of the United States, pursuant to § 744.11(b).

In addition, BIS notes that foreign parties with significant minority ownership by, or other significant ties to (*e.g.*, overlapping board membership or other indicia of control), an Entity List entity, an MEU List entity, or an SDN subject to § 744.8(a)(1) present a Red Flag of potential diversion risk to the listed entity. In this type of situation, additional due diligence is necessary, especially given the opaque ownership structures and limited access to accurate ownership data in certain jurisdictions.

**Q.44: What if a non-listed affiliate of a listed entity is owned by multiple listed entities that have different license requirements or license review policies? Which listed entity requirements do we follow in that case?**

**A.44:** The *rule of most restrictiveness* applies to §§ 744.8, 744.11, 744.21, and Supplement nos. 4, 7, and 8 to part 744 of the EAR. This means an entity owned 50 percent or more, directly or indirectly, by multiple entities subject to EAR license requirements pursuant to some combination of the Entity List, MEU List, or SDNs designated under programs listed in § 744.8(a)(1), is subject to the most restrictive license requirements, license exception eligibility, and license review policy applicable to one or more of its owners under the EAR. Please note that the Affiliates Rule applies if the total ownership by parties listed under all three programs (Entity List, MEU List, and SDNs designated under programs listed in § 744.8(a)(1)) or parties that meet the Affiliates Rule criteria is greater than 50 percent, even if the ownership by parties listed on one of these lists alone is less than 50 percent.

**Q.45: Will the Entity List license requirements for a listed entity apply to all foreign branches or sales offices of the listed entity, regardless of where the branches or sales offices are located?**

**A.45:** Yes, the requirements for all listed entities on the Entity List, MEU List, and the requirements in § 744.8 will now apply to all foreign countries. For example, suppose an entity on the Entity List in China has a sales office in Malaysia. Prior to this IFR, that sales office was not included within the scope of the Entity List license requirements, unless BIS also included it on the Entity List or if an exporter, reexporter, or transferor (in-country) had information that the item was intended for the listed Chinese entity. Now, the license requirements, license exception eligibility, and license review policy applicable to the listed entity in China are applicable to the sales office in Malaysia.

**Q.46: Does the adoption of the Affiliates Rule mean that the Consolidated Screening List (CSL) will no longer be considered an exhaustive listing of foreign entities subject to Entity List requirements?**

**A.46:** Yes. The adoption of the Affiliates Rule will mean that the Consolidated Screening List (CSL) will no longer comprise an exhaustive listing of foreign entities subject to Entity List license requirements. The CSL, for purposes of the Entity List, will only include the entities listed on the Entity List and will not reflect these additional foreign affiliates of listed entities that are owned 50 percent or more by one or more listed entities. Persons should screen proposed transactions against the CSL and separately screen for purposes of the Affiliates Rule.

**Q.47: Are there any private sector screening resources that are available to assist exporters, reexporters, or transferors comply with the Affiliates Rule?**

**A.47:** Yes, there are various private sector screening resources that may assist in compliance, including vendors that conduct 50 percent ownership analysis already as part of their OFAC compliance screening programs. BIS does not recommend or endorse any particular private sector company, but notes that these types of screening resources are available. To assist exporters, reexporters, and transferors in complying with the Affiliates Rule, BIS may also follow OFAC's practice of providing guidance regarding certain entities that may be subject to the Affiliates Rule to facilitate compliance. To further support compliance, BIS may in certain circumstances add those additional entities to the Entity List or MEU List.

**Q.48: Are there any license exceptions available for non-listed affiliates of listed entities that meet the Affiliates Rule?**

**A.48:** As outlined in § 744.11(a) of the EAR, the use of license exceptions is generally prohibited for almost all exports, reexports, and transfers (in-country) involving listed entities. However, if one or more license exceptions are available for a listed entity, the availability will be noted in the licensing requirements information specific to that entity, and the license exception may be available for non-listed affiliates of the listed entity. For example,

provided the export meets all of the requirements of License Exception GOV under § 740.11(b)(2) and is not otherwise restricted under any of the general restrictions on the use of license exceptions under § 740.2, exporters could rely on this license exception to authorize an export where the listed entity JSC Integral, listed under the destination of Belarus, is a party to the transaction. See 87 FR 38920 (June 30, 2022). Accordingly, License Exception GOV would authorize exports, reexports, or transfers (in-country) where an entity owned 50 percent or more by JSC Integral is a party to the transaction, provided the same requirements on the usage of the license exception are met. However, where a license exception is available for a listed entity, BIS may choose to restrict the availability of that license exception for transactions involving non-listed affiliates of the listed entity, which will be noted in the license requirements for the listed entity. When an unlisted entity is owned 50 percent or more by multiple Entity List parties, and only one such owner is eligible for a license exception, that license exception will not apply to transactions involving the unlisted entity, because BIS will apply the most restrictive license requirements to the unlisted entity.

**Q.49: Does the IFR include any guidance on how to apply for licenses involving foreign affiliates of listed entities?**

**A.49:** Yes, the IFR adds new paragraph (c)(c) (Affiliates rule entities) to supplement no. 2 to part 748—Unique Application and Submission Requirements—to provide additional guidance for submitting these types of license applications.

- This new paragraph (c)(c) specifies that an applicant must specify “50 percent ownership rule” in Block 9 (Special Purpose) of the BIS-748P “Multipurpose Application” form.
- The application also must specify the names of the listed party or parties that own an aggregate 50 percent or more, directly or indirectly, individually or in aggregate, of that entity or those entities) listed on the license application, including identifying the percentage of ownership by listed parties and identifying the method that the applicant used to make that determination.
- For license applications where the exporter, reexporter, or transferor cannot determine the ownership percentage of a foreign entity that is an entity owned by one or more listed entities on the Entity List or ‘military end users’ on the MEU List, the license application must specify the names of the listed party or parties that own that entity and explain the due diligence conducted to determine the percentage of ownership, including providing an explanation for why percentage of ownership was not able to be determined.

**Q.50: Are non-listed hospitals and medical centers, as well as any other non-listed affiliates, that are owned 50 percent or more by one or more listed entities on the Entity List or by non-listed entities subject to restrictions under the Affiliates Rule, subject to the same license requirements and other Entity List restrictions as the listed owner?**

**A:50:** Non-listed hospitals and medical centers, as well as any other non-listed affiliates, are subject to the same restrictions as their Entity List owner(s), but may apply for modification of their entries under §§ 744.16 or 744.21.

**Q.51: Does the Affiliates Rule make any changes to the EAR to allow for affiliates to request that their Entity List owner's entry listing be modified to exclude the requester?**

**A:51:** Yes, the Affiliates Rule revises the removal and modification process under § 744.16(e) to specify that any foreign entity that is owned, directly or indirectly, individually or in aggregate, 50 percent or more by one or more entities listed on the Entity List or by non-listed entities subject to restrictions under the Affiliates Rule, may request that its Entity List owner's entry listing be modified to exclude the requester. All such requests, including reasons therefor, must be in writing and sent to: Chair, End-User Review Committee, Bureau of Industry and Security, U.S. Department of Commerce, 14th Street and Pennsylvania Avenue NW, Room 3886, Washington, DC 20230. You may also submit your removal request by email at [ERC@bis.doc.gov](mailto:ERC@bis.doc.gov). See Q.16 above for removal requests. The Affiliates Rule also makes a similar revision to the removal and modification request process under § 744.21(b)(2) for the MEU List.

**Q.52: Company A (an Entity List party with a license requirement for all items subject to the EAR), owns 50% of Company B (an unlisted party), which owns 50% of Company C (an unlisted party). May I export items subject to the EAR to Company C?**

**A:52:** No, not unless you first obtain a license from BIS. Company B meets the criteria for the Affiliates Rule and is subject to the same restrictions as Company A (its only listed owner). Because Company C is 50% owned by Company B, it also meets the criteria for the Affiliates Rule and is subject to the same restrictions.

**Q.53: May I export items subject to the EAR to an unlisted entity that is 50% owned by a Military End User? Does it matter whether the parent is listed on the MEU List, or whether it is an entity that meets the criteria for being a 'military end user' set forth in § 744.21(g) but is not listed on the MEU List (that is, an unlisted MEU)?**

**A.53:** It depends. If your prospective end user is 50% owned by a listed MEU, or by an unlisted MEU that meets the criteria for the Affiliates Rule, your prospective end user meets the criteria for the Affiliates Rule, and you may not proceed without a license if a license would be required for export to the listed MEU. If your prospective end user is owned by an unlisted MEU that does not meet the criteria for the Affiliates rule you should evaluate the prospective end user to determine whether it independently meets the criteria for falling within the scope of a ‘military end user’ under § 744.21(g).