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KEY IMPLICATIONS OF THE PROPOSED AMENDMENTS TO THE PUBLIC NOTICE ON EXPORT AND IMPORT OF STRATEGIC ITEMS

I. BACKGROUND

On July 13, 2026, the Ministry of Trade, Industry and Resources (the "**MOTIR**") issued an advance notice regarding the proposed amendments to the Public Notice on Export and Import of Strategic Items (the "**Notice**"), a regulation that sets out Korea's export control rules, including licensing requirements for strategic items. The proposed amendments would (i) streamline the documentation required for export permit applications for strategic items, and (ii) update the list of items subject to export controls to reflect coordination among international export control regimes.[1] MOTIR announced that the amendments are expected to take effect on September 1, 2026, and invited public comments by August 12, 2026.

This legal update briefly summarizes the proposed amendments to the Notice and the implications that companies should consider.

II. KEY TAKEAWAYS

1. Exporter's Undertaking moved into the Notice (post-licensing obligations for questionable purpose and identity)

The amendment abolishes the "Exporter's Undertaking" (Form 3 to the Notice) from the list of documents required for export permit applications, and instead places the contents of same within a newly established provision (Article 18-3) in the body of the Notice under heading "Obligations of Exporters".

Under the new provision, exporters of strategic items must verify the identities of the purchaser, ultimate consignee, and end user ("**Transaction Related Parties**") before applying for an export permit.

Even after a permit has been granted, or the transaction to export a strategic item has concluded, the law requires exporters to:

- immediately suspend all export activities in relation to a Transaction Related Party (as applicable); and
- consult with the relevant export licensing authority before proceeding further,

if there is any doubt about the Transaction Related Party's:

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- identity; and/or
- intended use of the exported strategic items.

Similarly, where an exporter is asked to provide a prior consent for resale, re-export, or re-provision of any strategic item overseas, the exporter must first consult with the export licensing authority before proceeding further.

2. Amendments to control lists in line with international cooperation

The proposed amendments would revise the dual-use and military items lists to align with international export control regimes and comparable multilateral cooperation ([Annex 1] Technical Index of Strategic Items, [Annex 2] List of Dual-Use Items, [Annex 3] List of Military Items, and [Annex 4] Classification of Control Numbers by International Export Control Regime). The key amendments are as follows.

Category	Field	Key Changes
1	Restructuring controls framework for integrated circuits and expanded criteria for high-performance integrated circuits	Current KR ECCN 3A901-3A903 have been updated to KR ECCN 3A501-3A504, expanding the scope of semiconductor-related controlled items. KR ECCN 3A501.a.16 would replace current KR ECCN 3A903 (integrated circuits for implementation of artificial intelligence). It would control integrated circuits based only on total processing performance (TPP). Controls for computers, electronic assemblies, and components containing chips covered by 3A501.a.16 would be reorganized under KR ECCN 4A507. KR ECCN 3A502.i would also be added to control electronic assemblies, modules, and equipment containing FPLDs.
2	Restructuring of control system for semiconductor manufacturing equipment and addition of controlled items	The control framework for semiconductor manufacturing equipment will reorganize the current KR ECCN 3B901-3B904 into KR ECCN 3B501-3B504, and the following equipment in particular are newly added. ▲ (3B501.a.1) Epitaxial growth equipment for silicon (Si) or silicon-germanium (SiGe) ▲ (3B501.f) Lithography equipment not controlled under existing control wording for 3B001.f.1 ▲ (3B501.m) Pellicles for EUV lithography ▲ (3B501.n) Semiconductor manufacturing deposition equipment 1. Atomic layer deposition equipment (ALD)

		2. Cobalt electroplating and electroless plating deposition equipment 3. Cobalt fill metal CVD equipment 4. Selective bottom-up tungsten fill metal CVD equipment 5. Void-free plasma deposition equipment for low-k films in high-aspect-ratio gaps below 25 nm 6. Organometallic precursor-based ruthenium deposition equipment 7. Multi-chamber high-vacuum/inert-atmosphere continuous process equipment 8. Multi-step metal contact formation equipment in a single chamber
3	Addition of controlled biotechnology equipment	Single-use centrifuges (2B352.c.2) and peptide synthesizers (2B352.k) are newly added.
4	Addition of controlled nuclear equipment	Catalyst-packed columns for hydrogen isotope exchange (0B004.b.10) are newly added.
5	Addition of controlled items in the aviation field	The addition of suborbital vehicles (e.g., ML10.j) to ML10 has also added related equipment.

3. Improvement of annexes and forms

The proposed amendments also correct errors in annexes and forms, and further clarify relevant provisions. The key amendments are as follows.

- In Annex 22 [Detailed Evaluation Criteria Table for Contents and Degree of Violations], the evaluation criteria for "prior violation history" would be changed so training orders are rated "low" (1 point) and warnings are rated "medium" (2 points), respectively.
- Form No. 4 Expert Classification (Application) Form would be revised so that, in Section ⑤ Classification Result, exporters of items subject to catch-all controls must select the export country from Iran, Syria, Pakistan, Russia, and Belarus.
- Form No. 7 Import Purpose Confirmation (Application) Form would add a control number field in Section ⑤ Item Details.

4. Key Implications

The proposed amendment to the Notice is significant because it removes the requirement to submit an Exporter's Undertaking and instead states, in the Notice itself, that exporters must verify counterparties and consult the export licensing authority if suspicious circumstances arise even after the conclusion of export transactions. That said, the amendments pose limited changes to the day to day operation of exporters, in that exporters will continue to bear the same verification and consultation obligations.

Because strategic item lists and control classification numbers continue to change in response to changes in the international export controls landscape continue to evolve, companies should regularly check whether their existing export items have become controlled items or whether the classification numbers of existing controlled items have changed. They should also update their item classification and export permit determination procedures to reflect the latest standards. The **proposed amendment expands controls on integrated circuits ("ICs") and semiconductor manufacturing equipment**, so companies in those areas should reassess whether their products fall within the scope of controlled items and review whether export permits are required.

Above all, the proposed **amendments to existing KR ECCN 3A903 (high-performance computing chips) to KR ECCN 3A501.a.16** is noteworthy. This means that the **control system has shifted from one targeting advanced computing semiconductors that had both high performance (TPP of 6,000 or more) and high bandwidth (I/O of 600 GB/s or more), to one targeting individual high-performance computing semiconductors with a TPP of 6,000 or more.** In other words, the regulatory focus appears to have shifted from system scalability to the computational capability of individual semiconductors themselves. Accordingly, companies will likely find it more difficult to avoid the application of export controls regime solely based on requirements relating to interconnect performance or communications bandwidth between chips, and must assess whether product groups such as AI accelerators, GPUs, FPGA-based computing devices, and special-purpose ASICs meet the TPP criteria. Products previously treated as non-controlled because they had limited high-bandwidth connectivity may become controlled after the Notice is amended, so companies should reexamine their compliance systems starting from the product-classification stage.

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The BKL Global Trade Compliance Center advises on a wide range of areas, including strategic items and foreign export controls including ITAR and EAR, controls on defense articles and defense science and technology (including defense industrial technology), National Core Technologies (NCT), National High-Tech Strategic Technologies (NHT), national security reviews and investment screening, compliance programs for domestic and foreign export/import regulations, legal assistance in connection with investigations and inquiries by the Korea Customs Service and other authorities, foreign exchange transactions, outbound investment management, and international disputes and investigations. Our multidisciplinary team brings together professionals across these fields to provide advice tailored to each client's circumstances.

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