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AMENDMENTS TO THE PUBLIC NOTICE ON TRADE OF STRATEGIC ITEMS: OVERVIEW AND IMPLICATIONS

I. BACKGROUND

On August 31, 2026, the Ministry of Trade, Industry and Resources ("**MOTIR**") amended the Notice on Trade of Strategic Items ("**Notice**"), which sets out Korea's export control rules, including licensing requirements for strategic items. The amendments streamline the documents required for strategic item export permit applications and revise the list of items subject to export permits to reflect key international export control regimes.¹

Several additions and changes are introduced in the amended Notice from the draft amendments that MOTIR previously announced on July 13, 2026. First, the new "Obligations of Exporters" provision clarifies that, before applying for an export permit, exporters must verify (i) the identities of Transaction Related Parties (as defined below) and (ii) the intended end-use. It also establishes more objective and specific triggers for an exporter's post-licensing verification and obligation to consult with the licensing authority. In addition, certain items on the dual-use and military lists, and related definitions, have been added or revised. The basis for classifying export regions has also changed from "country of destination" to "country of final destination" (see Annex 6).²

This legal update provides a brief overview of the amended Notice and key considerations for affected parties.

II. KEY TAKEAWAYS

A. Integration of Exporter's Undertaking Requirements into the Notice (obligation to consult with authorities upon post-export concerns)

The "Exporter's Undertaking" (Form 3 to the Notice) is no longer a required document for export permit applications; its substantive requirements are now incorporated into new Article 18-3 of the Notice, titled "Obligations of Exporters".

Under this provision, exporters must verify the identities of purchasers, ultimate consignees,

¹ MOTIR Public Notice No. 2026-101 <https://www.motir.go.kr/kor/article/ATCL0c554f816/65082/view>

² BKL Legal Update (July 21, 2026), "Key Implications of The Proposed Amendments to the Public Notice on Export and Import of Strategic Items" <https://www.bkl.co.kr/law/insight/newsletter/6659>

and end users (“**Transaction Related Parties**”) and the intended end-use before applying for an export permit for strategic items or other controlled items. Even after an export permit has been granted, if the export considers that there may be discrepancies or inaccuracies in the information stated in the permit in relation to a Transaction Related Party (as applicable), the exporter must immediately suspend all export activities and consult with the relevant export licensing authority before proceeding further.

Similarly, if an exporter is asked to consent to any resale, re-export, or re-transfer of a strategic or controlled item overseas, the exporter must consult with the export licensing authority before giving such consent.³

B. Updates to Control Lists Reflecting International Export Control Regimes

The amended Notice incorporates approximately 80 changes based on international export control regimes and multilateral cooperation frameworks. These changes update the Technical Index of Strategic Items, the List of Dual-Use Items, and the List of Military Items by adding or removing controlled items, revising control classification numbers and item descriptions, and adding definitions for certain terms. Key amendments include the following:

No.	Key Amendments	Details
1	Restructuring of the Integrated Circuit Control Framework and Expansion of Controls on High-Performance Integrated Circuits	The current KR ECCN 3A901-3A903 have been updated to 3A501-3A504, expanding the scope of semiconductor-related controlled items. KR ECCN 3A501.a.16 replaced the current KR ECCN 3A903 (integrated circuits for implementation of artificial intelligence), now controlling integrated circuits based only on total processing performance (TPP). In turn, the controls for computers, electronic assemblies, and components containing chips covered by 3A501.a.16 were replaced by KR ECCN 4A507. KR ECCN 3A502.i has been added to control electronic assemblies, modules, and equipment incorporating FPLDs.

³ For reference, the draft amendment published for public comment provided as follows: Article 18-3 (Obligations of Exporters): ① An exporter must, when exporting strategic items and other controlled items, verify the identity of the Transaction Related Parties (purchaser, ultimate consignee, and end user) before applying for an export permit, and if there is any doubt about the Transaction Related Party's identity or the intended use of the exported strategic items, even after obtaining the permit, the exporter must 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. ② In addition, even after the relevant export, if there is any doubt about the Transaction Related Party's identity or their intended use of the exported items, or if a Transaction Related Party requests a prior consent for resale, re-export, or re-provision overseas, the exporter must consult with the head of the relevant licensing authority.

No.	Key Amendments	Details
2	Restructuring of Semiconductor Manufacturing Equipment Controls and Addition of Controlled Items	The semiconductor manufacturing equipment control framework has been reorganized, with KR ECCN 3B901-3B904 restructured into 3B501-3B504. In particular, the following equipment have been added: ▲ (3B501.a.1) Epitaxial growth equipment for silicon (Si) or silicon-germanium (SiGe) ▲ (3B501.f) Lithography equipment not previously controlled under the control language of 3B001.f.1 ▲ (3B501.m) Pellicles for EUV lithography ▲ (3B501.n) Deposition equipment for semiconductor manufacturing 1. Atomic layer deposition (ALD) equipment 2. Cobalt electroplating and electroless plating deposition equipment 3. Cobalt fill metal CVD equipment 4. Selective bottom-up tungsten fill metal CVD equipment 5. Plasma deposition equipment for void-free deposition of low-k films in high-aspect-ratio gaps below 25 nm 6. Organometallic precursor-based ruthenium deposition equipment 7. Multi-chamber continuous processing equipment under high vacuum and an inert atmosphere 8. Single-chamber equipment for multistep metal contact formation
3	Addition of Biotechnology Equipment to the Control List	Single-use centrifuge devices (2B352.c.2) and peptide synthesizers (2B352.k) have been added.
4	Addition of Nuclear Equipment to the Control List	Catalyst-packed column for hydrogen isotope exchange (0B004.b.10) has been added.
5	Addition of Controls in the Aviation Sector	Suborbital vehicles (ML10.j, etc.) have been added to ML10, along with related equipment. New definitions have also been introduced for “suborbital vehicle” as used in ML10 (suborbital vehicles and related equipment/components, etc.) and for “satellite navigation system” and “space vehicle” as used in ML11 (military electronic equipment, space vehicles and components).

No.	Key Amendments	Details
6	Addition and Deletion of Controls Relating to Heavy Water	"Infrared Absorption Analyzers" (0B004.b.6) have been deleted from the list, and the item description for 0B004.b.8 has been expanded to add "heavy water final purification equipment".
7	New Definitions of "Development" and "Production" for Military Software and Technology	New definitions of "development" have been added for ML17 (other military equipment, materials and components) and ML21 and ML22 (military software and technology), and a new definition of "production" has been added for ML21 and ML22. • "Development": all pre-production stages relating to design, design research, design concept, assembly and testing of prototypes, pilot production planning, design data, procedures for transforming design data, design configuration, design integration, layout, and other related stages. • "Production": the entire production process, including manufacturing, production, integration, assembly (mounting), examination, inspection, quality assurance, and other related processes.

C. Revisions to Annexes and Forms

Additional amendments correct errors in the annexes and forms and clarify the meaning of the relevant provisions. Key amendments include the following:

- Annex 6 [Classification of Export Regions for Strategic Items (Related to Article 10)] now classifies export regions based on the "country of final destination" rather than the "country of destination."
- Annex 22 [Detailed Evaluation Criteria Table for Contents and Degree of Violations] revises the evaluation criteria for <Prior Violation History>, classifying a training order as "low" (1 point) and a warning as "medium" (2 points).
- Section 5 (Classification Result) of Form No. 4, Expert Classification (Application) Form, now requires exporters to select Iran, Syria, Pakistan, Russia, or Belarus as the export country for items subject to catch-all controls.
- Section 5 (Item Details) of Form No. 7, Import Purpose Confirmation (Application) Form, now includes a field for entering the control number.

III. IMPLICATIONS

The amended Notice is significant because it eliminates the requirement to submit an Exporter's Undertaking. Instead, the Notice itself now requires exporters to verify the identities and intended end-use of their counterparties before applying for an export permit. The Notice also expressly requires exporters to consult with the licensing authority if they believe there may be discrepancies or inaccuracies in an export permit.

Because export regions are now classified by "country of final destination" rather than "country of destination," companies must assess applicable region-specific export and licensing requirements based not only on the direct destination but also on the items' final destination.

As international export control regimes evolve, companies should also continuously monitor strategic item lists, control classification numbers, and definitions of key terms used in the control lists. Companies should review whether existing export items are newly controlled, whether their control classification numbers have changed, and whether new or revised definitions affect existing item classifications, and update their internal classification and export-permit procedures accordingly.

The expansion of controls on integrated circuits (ICs) and semiconductor manufacturing equipment means that companies should reassess whether their products fall within controlled categories and whether export permits are required. The reclassification from former 3A903 (high-performance computing chips) to 3A501.a.16 is particularly notable. The control scope has expanded from a framework targeting advanced computing semiconductors that were both high-performance (TPP of 6,000 or more) and high-bandwidth (I/O of 600 GB/s or more) to one that now targets all high-performance computing semiconductors with a TPP of 6,000 or more. This shift indicates that the regulation now focuses more on the computing capability of individual semiconductors than on system scalability, making it harder for companies to avoid export controls solely because inter-chip performance or communication bandwidth falls below the applicable thresholds. In light of these changes, companies should reconfirm whether a broad range of products (including AI accelerators, GPUs, FPGA-based computing devices, and special-purpose ASICs) meet the TPP threshold. Products previously treated as uncontrolled because of limited high-bandwidth connectivity may now fall within the scope of controls. Accordingly, companies should revisit their product classifications to ensure compliance with the revised controls.

The BKL Global Trade Compliance Center advises on a wide range of matters, including strategic items, foreign export controls such as 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 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 areas to provide advice tailored to each client's circumstances and needs.

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