

US Export Administration Regulations by Bureau of Industry & Security, Huawei and Broadband Forum participation

Current Status (April 12, 2023)

On September 9, 2022, the Bureau of Industry and Security (BIS) amended the Export Administration Regulations (EAR) to authorize the release of specified items subject to the EAR without a license when that release occurs in the context of a “standards-related activity.” BIS revised the terms used in the EAR to describe the actions permissible under the authorization rather than defining the organizations to which it applies. The scope of the authorization was revised to include certain “technology” as well as “software” and applies to all entities listed on BIS’s Entity List. For more information, read the [Interim Final Rule](#) published by BIS.

In response to the above Interim Final Rule, amendments to the Broadband Forum Bylaws were approved on Wednesday, April 12, 2023.

- Access the current [Broadband Forum Bylaws](#)

Changes to the Bylaws effective October 14, 2019

Amendments to the Broadband Forum Bylaws were approved on Monday, October 14, 2019.

August 19, 2019

Since May 22, 2019, Huawei Technologies Co., Ltd. (Huawei) has been participating in certain 5G standards development activities within The Broadband Forum (“BBF”), pursuant to the Temporary General License (Supplement No. 7 to Part 744 to the U.S. Export Administration Regulations) granted by the Bureau of Industry and Security (“BIS”) of the U.S. Department of Commerce on May 22, 2019 (the “TGL”). Under paragraph 4(c) of the TGL, BIS granted temporary authority (through August 19, 2019) for U.S. persons and entities to engage with Huawei and/or the sixty-eight non-U.S. Huawei affiliates that were added to the BIS’ Entity List on May 16, 2019, “as necessary for the development of 5G standards as part of a duly recognized international standards body”.

Although on Monday, August 19, 2019 BIS extended the duration of the TGL under a Final Rule entitled, “Temporary General License: Extension of Validity, Clarifications to Authorized Transactions, and Changes to Certification Statement Requirements,” this Final Rule removed paragraph 4(c) of the TGL. As a result, the authority granted under the TGL to engage with Huawei in connection with 5G standards development has been eliminated.

Accordingly, Huawei involvement in BBF 5G standards development activities is being suspended effective immediately, including but not limited to its access to related BBF members’ only materials and participation in associated BBF Work Areas. Consequently, Huawei involvement in all technical standards development activities is now suspended.

Huawei involvement in BBF activities that are not covered by the EAR, including participation in the various BBF marketing Councils and Open Broadband projects, will remain unaffected.

In an effort to help secure Huawei’s continued full participation in BBF’s ongoing technical development efforts after the Effective Time, BBF is currently assessing possible changes to its processes, procedures and governing documents that would enable such participation in a manner that is consistent with applicable U.S. laws and regulations. Additionally, BBF is considering whether to apply for a license from BIS that, if approved, would permit Huawei’s full participation in BBF technical development activities going forward.

US Temporary General License: Effective from May 20 through August 19, 2019

This page documents the Broadband Forum's compliance with the US Temporary General License effective from May 20 through August 19, 2019, <https://www.federalregister.gov/documents/2019/05/22/2019-10829/temporary-general-license> (the "TGL"), specifically Item 4, titled "Engagement as Necessary for Development of 5G Standards by a Duly Recognized Standards Body". Within this item of the TGL, subject to any other requirements of the Export Administration Regulations (EAR) that may apply, the restricted parties referenced in the TGL may continue to be engaged in work "as necessary for the development of 5G standards as part of a duly recognized international standards body."

The work areas and projects specified in the table below will continue under the TGP. Such work areas and projects represent the work under way within the Broadband Forum that is necessary for the development of 5G standards, as determined in accordance with the definitions specified below.

All Broadband Forum members are eligible to participate in the work items cited in the table below. As participants in those work areas, all participating members may submit materials to the Broadband Forum (termed contributions) as necessary for 5G standards development purposes, and engage in discussions and development activities for those purposes.

As a part of that process, any such materials and related information may be exported, reexported, or transferred to the restricted parties referenced in the TGL, from May 20, 2019 through August 19, 2019, per Part 744, Supp 7(b) (4).

Any work areas or projects not specifically cited below are not covered under the TGL, and accordingly, all materials, information, standards, drafts and other work product associated with work areas or projects not cited below SHALL NOT be exported, reexported, or transferred by electronic or other means, to any of the restricted parties referenced in the TGL.

On behalf of the Broadband Forum;

Robin Mersh, Broadband Forum CEO

Work Relating to 5G

Definition of 5G

There is no single industry agreed definition of 5G, however, the following two definitions are used for the categorization of Broadband Forum work necessary for the development of 5G standards.

- From 3GPP: "Any system, network, or deployment using "5G NR" (5G New Radio) technologies, as standardized by 3GPP."
- From: ITU IMT-2020: "Any system, network, or deployment meeting the requirements of the ITU IMT-2020."

Broadband Forum Work Relating to 5G

Broadband Forum Work Area	Broadband Forum Project	Additional Comments
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Access and Transport Architecture	<ol style="list-style-type: none"> 1. Mobile Transport and Routing (MT&R) Project Stream (Inactive) 2. Packet Optical Evolution (POE) Project Stream (Inactive) 3. Cloud Interconnect (CI) Project Stream (Inactive) 4. 459 - Multi-Service Disaggregated BNG with CUPS 	
Broadband User Services	<ol style="list-style-type: none"> 1. Data Modeling Project Stream 2. Device Requirements Project Stream 	<ul style="list-style-type: none"> • Specifically work relating to the definition of data models and requirements for 5G RG devices.
Fiber Access Networks	<ol style="list-style-type: none"> 1. PON Based Mobile Backhaul 2. PON Abstraction Layer Project Stream - FAN 	
SDN and NFV	<ol style="list-style-type: none"> 1. CloudCO Project Stream 2. Fixed Access Network Sharing (FANS) 3. Automated Intelligent Management (AIM) 	
Wireless-Wireline Convergence	<ol style="list-style-type: none"> 1. 5G Project Stream 2. Converged Policy and Control Project Stream 3. Hybrid Access Project Stream 	

The above list is approved by the board as of May 28, 2019.

Broadband Forum Open Source Projects

Broadband Forum Open Source Projects ([Open Broadband](#) Projects) do not require a company membership to participate. Each such project requires the participant to execute only a corresponding open source code contributor license, anyone who is interested can participate without a fee, all information and materials posted to the project are similarly available to all who are interested, and all work product generated through the open source development process is posted online and publicly available. As such, the materials are excluded from the Export Administration Regulations (EAR), per Section 734.

Broadband Forum Marketing Activities and BAsE Events

All marketing activities and [BAsE](#) Events are intended and made available for public distribution and are open to the interested public. The materials presented at these events are all made available at the time to any member of the public that is interested, without restrictions on further distribution, and are excluded from the Export Administration Regulations (EAR), per Section 734.

