

Cryptography Regulations & Trade Controls

Country-by-Country Guide to Encryption Regulations



Encryption technology offers both substantial benefits (by protecting the confidentiality, integrity, and availability of business and personal information) and substantial risks (by making it easier for criminals and terrorists to conceal communications regarding illegal behavior). While most countries recognize the benefits of encryption, the associated risks have led many governments to impose controls on the import, sale, use, and/or export of encryption software, hardware and technical information. Companies that operate in a multinational environment can pay a significant price if they are not familiar with these controls.

Compliance with Encryption Regulation

In the United States encryption controls cover export, but not import, domestic sale, or use, of encryption products. A violation of regulations related to the export of encryption may be punishable by civil monetary penalties, denial of export privileges, and criminal fines. US law may be violated not only if a US-origin product is exported from the United States without authorization, but also if it is “re-exported” from another country to a third country.

Outside the United States, numerous governments restrict the import, use, sale, and/or export of encryption. Some countries impose severe sanctions for a violation of their restrictions. Others use informal sanctions to address perceived misuse of encryption technology. In other instances, governments have blocked communications or confiscated encryption hardware or software. Finally, many companies have encountered substantial delays or the inability to deploy or sell encryption products in countries with established control regimes – typically because of a lack of familiarity with recent changes in local regulations and procedures.

An accurate understanding of national encryption regulations is critical for manufacturers, distributors, and multinational users of encryption products, helping such companies avoid costs and delays and ensure compliance with local laws.

Our Encryption Practice

Step toe’s encryption practice group provides counsel to clients seeking to navigate worldwide cryptography regulations. We have an international team of lawyers based in the United States, Europe, and Asia, whose combined experience spans decades.

As well as being leaders in encryption regulatory issues, Step toe has also developed a broad network of information sources around the world, including government agencies, multilateral organizations such as the OECD, local embassies, commercial networks and organizations, and local counsel. These contacts give us the unique ability to send quick inquiries to numerous countries and to obtain formal or informal guidance about encryption regulations. Our contacts are particularly useful in countries that do not publish the details of their encryption policies. With the help of our extended network, we provide both counseling on country-by-country requirements and assistance in obtaining import, export, sale, and/or use licenses around the world.

Step toe’s CryptoGuide

Step toe offers a comprehensive, online guide to worldwide encryption regulations, the “Country-by-Country Guide to Encryption Regulations.” Our subscribers include:

-  Internet service providers
-  Communications providers
-  Voice over Internet Protocol providers
-  Numerous software and hardware companies
-  Global investment and commercial banks
-  Energy companies

CryptoGuide

This unique resource contains detailed reports on the encryption regulations of over 130 countries. Each report discusses applicable laws and regulations regarding the import, use, and export of encryption, including rules on “internal” corporate use, “intangible” imports and exports (i.e., Internet downloads or uploads), and temporary imports of encryption by business travelers on laptops or other mobile devices. Each report also covers applicable penalties and provides local points of contact for additional information.

The CryptoGuide covers:

Africa	Senegal	Kazakhstan	Europe	Netherlands	Oceania
Asia	Seychelles	Kuwait	Albania	Norway	Australia
Europe	South Africa	Kyrgyzstan	Austria	Poland	Fiji
North America	Swaziland	Laos	Belarus	Portugal	Marshall Islands
Oceania	Tanzania	Lebanon	Belgium	Romania	New Zealand
South America	Togo	Macau, SAR	Bosnia and Herzegovina	Serbia	Samoa
Africa	Tunisia	Malaysia	Bulgaria	Slovakia	
Algeria	Uganda	Myanmar (Burma)	Bulgaria	Slovenia	South America
Angola	Zimbabwe		Croatia	Spain	Argentina
Botswana	Asia		Cyprus	Sweden	Bolivia
Burkina Faso	Afghanistan		Czech Republic	Switzerland	Brazil
Cameroon	Armenia		Denmark	Ukraine	Chile
Congo, Dem. Republic	Azerbaijan		Estonia	United Kingdom	Columbia
Congo, Republic of	Bahrain		European Union		Ecuador
Egypt	Bangladesh		Finland	North America	Paraguay
Ethiopia	Brunei		France	Canada	Peru
Gabon	Cambodia		Germany	Costa Rica	Uruguay
Ghana	China		Greece	Dominican Republic	Venezuela
Ivory Coast	Georgia		Hungary	El Salvador	
Kenya	Hong Kong, SAR		Iceland	Guatemala	
Libya	India		Ireland	Honduras	
Mauritius	Indonesia		Italy	Mexico	
Morocco	Iran		Latvia	Nicaragua	
Mozambique	Iraq		Liechtenstein	Panama	
Namibia	Israel		Lithuania	Trinidad & Tobago	
Niger	Japan		Luxembourg	United States	
Nigeria	Jordan		Macedonia		
			Montenegro		

Subscription

The CryptoGuide is available on an annual subscription basis, which entitles subscribing companies to unlimited access to the guide by its employees and one hour of free consultation per month with Steptoe personnel regarding the contents of the guide. Subscribers can also purchase access to individual reports, with the cost dependent on the jurisdiction.

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