



US DEPARTMENT OF ENERGY

Memorandum for the Record

Date and Location of Meeting: 12/20/2023, Virtual

Attendees:

- United States
 - o Department of Energy
 - o Department of the Treasury
 - o National Security Council
 - o Department of State
 - o U.S. Trade Representative
- Republic of Korea (ROK)
 - o Ministry of Trade, Industry and Energy
 - o ROK Embassy

Issues Presented:

Korean representatives raised a number of concerns related to DOE's proposed Foreign Entity of Concern Interpretive Guidance.

First, they noted that they are generally concerned with wanting to ensure that Korean companies are able to maximize their ability to comply with the rules, with the impact of the rules on the cost of batteries, and with price competitiveness in the US market.

Second, they raised concerns related to graphite. Specially, they discussed the current sources of graphite used by the industry, and their belief that the rule should contain an exemption or transition period.

Third, they raised concerns related to the guidance's interpretation of "effective control." They requested clarification on what qualifies as "other contractual instruments" that can lead to effective control.

Finally, ROK representatives noted they would be submitting written comments for the record.