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UNITED STATES-AUSTRALIA-CANADA-NEW ZEALAND-UNITED KINGDOM RELEASE JOINT GUIDANCE ON COUNTERING RUSSIA EVASION

WASHINGTON, D.C. —As a follow-up to the establishment of the “Export Enforcement Five” or “E5” partnership to coordinate on export control enforcement issues in June 2023, the governments of Australia, Canada, New Zealand, the United Kingdom, and the United States today issued joint guidance to industry and academia identifying high priority items critical to Russian weapons systems and urging specific actions to prevent diversion of these items to Russia through third countries.

“Responding effectively to Russia’s aggression against Ukraine is a global effort, and today’s joint guidance is another demonstration of the resolve with which U.S. and our partners and allies are disrupting Russia’s efforts to circumvent export controls,” **said Under Secretary of Commerce for Industry and Security Alan F. Estevez**. “Industry and academia play a key role in defending our values, and effective compliance and cooperation is an important force-multiplier to government efforts to degrade Russia’s war machine.”

“The United States is proud to collaborate with our E5 partners to ensure industry receives consistent guidance on how best to identify Russian evasion tactics,” **said Assistant Secretary of Commerce for Export Enforcement Matthew S. Axelrod**. “The private sector is the first line of defense in preventing Russia from illicitly acquiring items to prosecute its unprovoked war against Ukraine, and all five partners have committed to vigorously enforce our export restrictions to ensure that companies and universities that invest in robust compliance programs are not placed at a disadvantage by those that enable diversion to Russia.”

On June 28, 2023, the governments of Australia, Canada, New Zealand, the United Kingdom, and the United States established the E5 partnership to significantly enhance the effectiveness of each country’s export control regimes, minimize gaps in enforcement, and foster joint investigations and coordinated enforcement actions. The E5 also agreed to strengthen enforcement partnerships with industry to further counter Russian diversion efforts.

The quint-seal guidance released today provides industry and academia with the list of 45 prioritized Harmonized System (HS) codes containing items Russia needs for its weapons systems, of which nine (9) codes are the highest priority. The guidance then identifies anomalous patterns associated with importers in countries outside of the Global Export Control Coalition (GECC), which is the 39-member global coalition that has implemented substantially similar controls in response to Russia’s invasion of Ukraine, that may raise diversion concerns,

due diligence tips for screening such parties, and red flag indicators that may be relevant to exporters to assist in determining whether an activity may be connected to export control and/or sanctions evasion.

Since February 24, 2022, BIS has implemented a series of stringent export controls that restrict Russia's access to the technologies and other items that it needs to sustain its illegal war in Ukraine. These controls target Russia's defense, aerospace, and maritime sectors, and have been expanded to Russia's oil refining, industrial, and commercial sectors, as well as to luxury goods used by Russian elites. BIS's controls have also been applied to Belarus for its substantial enabling of Russia's invasion and have been continually updated to align with GECC allies and partners, which include the E5. Additional information on BIS's actions is available online at: <https://bis.doc.gov/index.php/policy-guidance/country-guidance/russia-belarus>.

The full guidance is available online here: <https://www.bis.doc.gov/index.php/documents/about-bis/newsroom/press-releases/3336-2023-09-26-export-enforcement-five-guidance-for-industry-and-academia-priority-hs-codes/file>.