

Bureau of Industry and Security

BIS 2019 | ANNUAL CONFERENCE
ON EXPORT CONTROLS

July 9-11 | Washington, D.C.



Sanctions & Foreign Policy-based Export Controls

Foreign Policy Division
Bureau of Industry and Security



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Recent Changes

- Cuba
 - Non-commercial aircraft and non-cargo vessels generally prohibited from going to Cuba
 - License Exception Aircraft, Vessels and Spacecraft (AVS) and Cuba licensing policy revised
- Venezuela
 - Moved from Country Group B to D:1
 - Added to Country Groups D:2-4



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Cuba

- Authorization required for all items subject to the Export Administration Regulations (EAR)
- License Exceptions
 - Agriculture (AGR)
 - Support for the Cuban People (SCP)
 - Aircraft and Vessels on Temporary Sojourn (AVS)
 - Consumer Communication Devices (CCD)
- Favorable/case-by-case licensing policy
 - Medicines and Medical Devices
 - Telecommunications
 - Needs of Cuban people
 - Environmental Protection
 - Safety of Civil Aviation



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Cuba

- General Policy of Denial
 - Non-commercial aircraft and non-cargo vessels on temporary sojourn
 - Items to military, police, intelligence or security services
 - Items for use by state-owned enterprises that primarily generate revenue for the state, including those engaged in tourism and those engaged in the extraction or production of minerals or raw materials
 - Items for reexport and that enable the export of goods and services from Cuba (other than from the private sector)



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Iran

- BIS currently maintains license requirements on Commerce Control List (CCL) items
- EAR99 items require licenses in very limited circumstances
- The Office of Foreign Assets Control (OFAC) is the primary licensing agency
 - If OFAC authorizes an export or reexport to Iran, no additional BIS license is required
 - Except for EAR Part 744 end use/user controls such as parties on the Entity List and persons subject to denial orders (CCL and EAR99 items) and deemed exports/reexports (CCL items)



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North Korea

- Authorization required for all items subject to the EAR
 - Except food and medicine designated EAR99
- Favorable licensing policy (policy of approval)
 - Humanitarian items intended for the benefit of the North Korean people
 - Items in support of United Nations humanitarian efforts
 - Certain agricultural commodities or medical devices
- General Policy of Denial
 - Items controlled for nuclear nonproliferation and missile technology
 - Arms and related materiel
 - Items specified by the UN, including items the UN Security Council determines could contribute to the country's WMD programs
 - "Luxury goods"



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Sudan

- CCL items require a BIS license
- EAR99 items may be subject to Part 744 end use/user controls
- License Exceptions
 - Consumer Communications Devices (CCD)
 - Limited availability for TMP, RPL, GOV, GFT, TSU, BAG, AVS
- Favorable licensing policy
 - Telecommunications Infrastructure (case-by-case)
 - Parts and components for the safety of civil aviation/fixed-wing commercial passenger aircraft and the improvement, repair, operation, design, inspection, maintenance, overhaul of railroads (general policy of approval)
 - Items for United Nations humanitarian efforts
- General Policy of Denial
 - Military-related items
 - Many other items on the CCL including certain encryption items



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Syria

- Authorization required for all items subject to the EAR
 - Except food and medicine designated EAR99
- Case-by-case review of items in support of:
 - the Syrian people including for agricultural production, power generation, sanitation and transportation
 - activities of the U.S. Government
 - United Nations operations
- Case-by-case review also applies to:
 - medicine (CCL) and medical devices
 - parts and components intended to ensure the safety of civil aviation and safe operation of commercial passenger aircraft
 - aircraft chartered by the Syrian Government for the transport of Syrian Government officials on official Syrian Government business
 - telecommunications equipment and associated computers, software, and technology
- General policy of denial for most other items



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Occupied Crimea

- Authorization required for export, reexport, or transfer within Crimea of all items subject to the EAR
 - Except food and medicine designated EAR99 and certain communications software
- General Presumption of Denial
 - Case-by-case review for certain medical supplies and replacement parts authorized under OFAC Ukraine-Related General License No. 4



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Russian Energy Sector Sanctions

- Authorization required to export, reexport, or transfer (in-country) certain items for oil or gas exploration or production from deepwater (500 feet), arctic offshore, or shale projects, or if unable to determine whether the items will be used in such projects.
- Applications reviewed under a presumption of denial when the items are for use in exploration or production projects that have the potential to produce oil



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Military Controls

- Authorization required for the export, reexport or transfer (in-country) of certain items on the CCL intended for military end uses in China or military end users in Russia or Venezuela
- A Part 744 knowledge/“is informed” standard applies
- Applications reviewed on a case-by-case basis. Licenses will be denied when it is determined that a proposed export, reexport, or transfer would make a material contribution to the country’s military capabilities and would result in advancing the country’s military activities contrary to the national security interests of the U.S.



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Questions?

Contact the Foreign Policy Division

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Office of Export Enforcement



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Office Of Foreign Assets Control