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Overview

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- What is the new boilerplate language?
- What license conditions did it replace?
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What is Boilerplate?

“Boilerplate” is any text that is or can be reused in new contexts or applications without being greatly changed from the original.



New Boilerplate Language

- December 2014 – new boilerplate language included on every BIS license
- Clarifies that BIS licenses authorize the transaction(s) described in the license application and any letters of explanation



New Boilerplate Language: Why?

- To rationalize and make more consistent the use of conditions
- To eliminate the inclusion of requirements and prohibitions already existing in the Export Administration Regulations (EAR)



New Boilerplate License Condition Language

“Unless limited by a condition set forth below, the export, reexport or transfer (in-country) authorized by this license is for the item(s), end-use(s), and parties described in the license application and any letters of explanation. The applicant is responsible for informing the other parties identified on the license, such as ultimate consignees and end-users, of the license's scope and of the specific conditions applicable to them. BIS has granted this license in reliance on representations the applicant made in the license application, letters of explanation, and other documents submitted.”



Conditions No Longer in General Use


Conditions No Longer in General Use	EAR Reference
No reexport without prior authorization of the U.S. Government	<p><u>EAR § 736.2(b)(1)</u>:</p> <p>General Prohibition One – You may not, without a license or License Exception, export any item subject to the EAR to any country, or reexport any item of U.S.-origin, if each of the following is true:</p> <ul style="list-style-type: none"> (i) The item is controlled for a reason indicated in the applicable Export Control Classification Number (ECCN), and (ii) Export to the country of destination requires a license for the control reason as indicated on the Country Chart at EAR part 738.



Conditions No Longer in General Use

Conditions No Longer in General Use	EAR Reference
<ol style="list-style-type: none"> 1. No resale or transfer without prior authorization from the U.S. Government 2. For stated end-use and end-users only 3. No military end-use 4. Civil end-use only 5. Access is not granted to [embargoed destination(s)] nationals 	<p><u>EAR § 750.7(a)</u>:</p> <p>A license authorizes only a specific transaction, or series of transactions, as described in the license application and any supporting documents.</p>
Applicant must inform consignee of license conditions	<p><u>EAR § 750.7(d)</u></p> <p>It is the licensee's responsibility to communicate in writing the specific license conditions to the parties to whom those conditions apply</p>





Impact of the New Boilerplate Language

- Licenses have a smaller number of conditions
- Allows BIS and its interagency partners to process license applications more efficiently
- Encourages applicants to submit license applications with specific and detailed information

