

Sanctions and Special Controls

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UPDATE CONFERENCE ON EXPORT CONTROLS AND POLICY





Panelists

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Country Policy

- Cuba §746.2
- Iraq §746.3
- N. Korea §746.4
- Russia §746.5 & §746.6
- Russia & Venezuela §744.21
- Iran §746.7
- Syria §746.9
- Sudan §742.10



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Cuba

- On December 17, 2014, the President announced Cuba policy changes intended to support the ability of the Cuban people to gain greater control over their own lives and determine their country's future
- Since then, BIS has published three amendments to the Export Administration Regulations (EAR) regarding exports and reexports to the island

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Cuba

Cuba: Providing Support for the Cuban People (January 16, 2015; 80 FR 2286)

- Created License Exception Support for the Cuban People (SCP) (§ 740.21)
 - Private sector
 - Civil society
 - Communications
- Expanded License Exceptions Consumer Communications Devices (CCD) (§ 740.19) and Gift Parcels and Humanitarian Donations (GFT) (§ 740.12)
- Created environmental protection licensing policy (§ 746.2(b)(5))

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Cuba

Cuba: Implementing Rescission of State Sponsor of Terrorism Designation (July 22, 2015; 80 FR 43314)

- Removed Cuba from Country Group E:1, while retaining it in E:2
 - Increased general *de minimis* level to 25%
 - Expanded eligibility for certain license exceptions, including License Exception Aircraft, Vessels and Spacecraft (AVS) (§ 740.15) for private aircraft on temporary sojourn
- Removed anti-terrorism (AT) controls
- Maintained license requirement for exports and reexports of all items subject to the EAR unless authorized by license exception (§ 746.2(a))

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Cuba

Enhancing Support for the Cuban People (September 21, 2015; 80 FR 56898)

- Expanded License Exception SCP
 - Physical presence
 - Temporary exports and reexports
 - Software development
- Expanded License Exception AVS for certain temporary sojourns of vessels and aircraft
- Created civil aviation safety licensing policy (§ 746.2(b)(6))
- Revised deemed export and deemed reexport license requirements (§ 746.2(a)(2))

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Iran

- BIS maintains license requirements in the EAR for exports and reexports of certain items subject to the EAR to Iran
- If you receive a license from OFAC for export or reexport of items subject to the EAR, you do not need to obtain a BIS license for the same transaction (EAR Section 746.7(2))
- The Joint Comprehensive Plan of Action (JCPOA) will provide Iran with phased sanctions relief upon verification by the International Atomic Energy Agency (IAEA) that Iran has implemented key nuclear-related measures described in the JCPOA

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Iran

- Currently, all sanctions on Iran remain in place
- Of note, a violation of OFAC regulations involving an export or reexport of an item subject to the EAR is a violation of the EAR (EAR Section 746.7(e))
- Please refer to OFAC's website at <http://www.treasury.gov/resource-center/sanctions/Programs/pages/iran.aspx> for information about the JCPOA and for guidance about license requirements for, and restrictions on, exporting or reexporting items subject to the EAR to Iran

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Russia

Russian Energy Sector Sanctions

(August 6, 2014; 79 FR 45675)

- Items for exploration or production of gas or oil from deepwater (500 feet), arctic offshore, or shale projects
- Applications with potential to produce oil reviewed under a presumption of denial

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Military End Uses and Users

Russia and Venezuela Military Controls

(September 17, 2014; 79 FR 55608) Russia
(November 7, 2014; 79 FR 66288) Venezuela

- Certain items on the CCL intended for military end uses or military end users in Russia or Venezuela
- Only items listed in Supp. No. 2 to Part 744
- Applications reviewed on a case-by-case basis

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Russia/Ukraine

Occupied Crimea

(January 29, 2015; 80 FR 4776)

- All items to and within the Crimea region of Ukraine, other than food and medicine
- Presumption of denial with few exceptions
- Applications eligible for OFAC GL No. 4 reviewed on a case-by-case basis: Certain agricultural commodities, medicine, medical supplies, and replacement parts

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Sudan

Revision to License Exception Availability for Consumer Communication Devices and Licensing Policy for Civil Telecommunications-Related Items Such as Infrastructure Regarding Sudan
(February 18, 2015; 79 FR 8520)

- Permits the export and reexport of certain consumer communications devices to Sudan under License Exception CCD
- Telecommunication items that are not eligible under a license exception may be authorized for export or reexport to Sudan on a case-by-case basis
- The rule change removed Sudan specific requirements under TMP

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Sudan

Revisions to License Exception Availability for Consumer Communications Devices and Licensing Policy for Civil Telecommunications-Related Items Such as Infrastructure Regarding Sudan; Correction
(September 2, 2015; 80 FR 52962)

- BIS amended license exception TMP “tools of trade” to authorize company owned consumer communications devices to Sudan
- It removed the clause “sold or donated” from License Exception CCD (**September 21, 2015; 80 FR 56898**)
- This rule change permits items enumerated in License Exception Consumer Communications Devices eligible for export or reexport Sudan under License Exception TMP

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Questions?



The Foreign Policy Division gladly accepts
telephonic inquires concerning country policy at:

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