

§ 746.4

an ECCN, or classified under ECCNs 1C980, 1C981, 1C982, 1C983, 1C984, 1C997, 5A980, 0A980, 0A982, 0A983, 0A985, and 0E982; however, to avoid duplication, an authorization from OFAC constitutes authorization under the EAR, and no separate BIS authorization is necessary. No person may export or re-export any item subject to both the EAR and OFAC's Iraqi Sanctions Regulations without prior OFAC authorization. Exports and reexports subject to the EAR that are not subject to the Iraqi Sanctions Regulations may require authorization from BIS.

(1) *License Exceptions.* You may export or reexport without a license if your transaction meets all the applicable terms and conditions of one of the following License Exceptions. Read each License Exception carefully, as the provisions available for embargoed countries are generally narrow.

(i) *Baggage (BAG)* (see § 740.14 of the EAR).

(ii) *Governments and international organizations (GOV)* (see § 740.11 of the EAR).

(2) *Exports for the official use of the United Nations, its personnel or agencies (excluding its relief or developmental agencies).* You must consult with OFAC to determine what transactions are eligible.

(b) Iraq has been designated by the Secretary of State as a country that has repeatedly provided support for acts of international terrorism. For anti-terrorism controls, see Supplement 2 to part 742 of the EAR.

(c) *Related controls.* OFAC maintains controls on the activities of U.S. persons, wherever located, involving transactions with Iraq or any specially designated Iraqi national, as provided in 31 CFR part 575.

[61 FR 12806, Mar. 25, 1996, as amended at 61 FR 64284, Dec. 4, 1996; 62 FR 25460, May 9, 1997; 66 FR 36682, July 12, 2001]

§ 746.4 **Libya.**

(a) *Introduction.* The Department of the Treasury and the Department of Commerce maintain comprehensive controls on exports and reexports to Libya. OFAC maintains comprehensive controls on exports and transshipments to Libya under the Libyan Sanctions Regulations (31 CFR part 550). To avoid

15 CFR Ch. VII (1-1-03 Edition)

duplicate licensing procedures, OFAC and BIS have allocated licensing responsibility as follows: OFAC licenses direct exports and transshipments to Libya; BIS licenses reexports, exports of foreign-manufactured items containing U.S.-origin parts, components or materials, and exports of foreign-produced direct product of U.S. technology or software. Issuance of an OFAC license also constitutes authorization under the EAR, and no license from BIS is necessary. Exports and reexports subject to the EAR that are not subject to the Libyan Sanctions Regulations continue to require authorization from BIS.

(b) *License requirements.*

(1) *Exports.* OFAC and BIS both require a license for virtually all exports (including transshipments) to Libya. Except as noted in paragraph (b) of this section or specified in OFAC regulation, you may not use any BIS License Exception or other BIS authorization to export or transship to Libya. You will need a license from OFAC for all direct exports and transshipments to Libya except those eligible for the following BIS License Exceptions:

(i) *Baggage (BAG)* (see § 740.14 of the EAR).

(ii) *Governments and international organizations (GOV)* (see § 740.11 of the EAR).

(iii) *Gift parcels (GFT)* (see § 740.12(a) of the EAR).

(2) *Reexports.* You will need a license from BIS to reexport any U.S.-origin item from a third country to Libya, any foreign-manufactured item containing U.S.-origin parts, components or materials, as defined in § 734.2(b)(2) of the EAR, or any national security-controlled foreign-produced direct product of U.S. technology or software, as defined in § 734.2(b)(3) of the EAR, exported from the U.S. after March 12, 1982. You will need a license from BIS to reexport all items subject to the EAR (see part 734 of the EAR) to Libya, except:

(i) Food, medicines, medical supplies, and agricultural commodities;

(ii) Reexports eligible for the following License Exceptions (read each License Exception carefully, as the provisions available for embargoed countries are generally narrow):

Bureau of Industry and Security, Commerce

§ 746.4

(A) Temporary exports and reexports (TMP); reexports by the news media (see § 740.9(a)(2)(viii) of the EAR).

(B) Operation technology and software (TSU) for legally exported commodities (see § 740.13(a) of the EAR).

(C) Sales technology (TSU) (see § 740.13(b) of the EAR).

(D) Software updates (TSU) for legally exported software (see § 740.13(c) of the EAR).

(E) Parts (RPL) for one-for-one replacement in certain legally exported commodities (§ 740.10(a) of the EAR).

(F) Baggage (BAG) (§ 740.14 of the EAR).

(G) Aircraft and vessels (AVS) for vessels only (see § 740.15 (c)(1) of the EAR), and temporary reexports of foreign registered aircraft (see § 740.15 (a)(4) of the EAR).

(H) Governments and international organizations (GOV) (see § 740.11 of the EAR).

(I) Gift parcels and humanitarian donations (GFT) (see § 740.12 of the EAR).

(J) Permissive reexports of certain spare parts in foreign-made equipment (see § 740.16(h) of the EAR).

(c) *Licensing policy.* (1) You should consult with OFAC regarding licensing policy for transactions subject to OFAC regulation.

(2) The licensing policy for BIS controls is as follows. Licenses will generally be denied for:

(i) Items controlled for national security purposes and related technology and software, including controlled foreign produced products of U.S. technology and software exported from the United States after March 12, 1982; and

(ii) Oil and gas equipment and technology and software, if listed in paragraph (c)(2)(vii) of this section, or if determined by BIS not to be readily available from sources outside the United States; and

(iii) Commodities, software, and technology destined for the petrochemical processing complex at Ras Lanuf, if listed in paragraph (c)(2)(vii) of this section, or where such items would contribute directly to the development or construction of that complex (items destined for the township at Ras Lanuf, or for the public utilities or harbor facilities associated with that township, generally will not be re-

garded as making such a contribution where their functions will be primarily related to the township, utilities or harbor);

(iv) Aircraft (including helicopters) or aircraft parts, components, or accessories to Libya or the provision of engineering and maintenance servicing of Libyan aircraft or aircraft components;

(v) Arms and related material of all types, including the sale or transfer of weapons and ammunition, military vehicles and equipment, paramilitary police equipment, spare parts for the aforementioned, and equipment or supplies for the manufacture or maintenance of the aforementioned.

(vi) Materials destined for the construction, improvement or maintenance of Libyan civilian or military airfields and associated facilities and equipment or any engineering or other services or components destined for the maintenance of any Libyan civil or military airfields or associated facilities and equipment, except emergency equipment and equipment and services directly related to civilian air traffic control; and

(vii) Items listed in paragraphs (c)(2)(vii) (A) through (E) and equipment and supplies for the manufacture or maintenance of such items:

(A) Pumps of medium or large capacity (equal to or larger than 3500 cubic meters per hour) and drivers (gas turbines and electric motors) designed for use in the transportation of crude oil and natural gas.

(B) Equipment designed for use in crude oil export terminals, as follows:

(1) Loading buoys or single point moorings;

(2) Flexible hoses for connection between underwater manifolds (plem) and single point mooring and floating loading hoses of large sizes (from 12–16 inches); or

(3) Anchor chains.

(C) Equipment not specially designed for use in crude oil export terminals, but which because of its large capacity can be used for this purpose, as follows:

(1) Loading pumps of large capacity (4000 m³/h) and small head (10 bars);

(2) Boosting pumps within the same range of flow rates;

§ 746.4

15 CFR Ch. VII (1-1-03 Edition)

(3) Inline pipe line inspection tools and cleaning devices (i.e., pigging tools) (16 inches and above); or

(4) Metering equipment of large capacity (1000 m³/h and above).

(D) Refinery equipment, as follows:

(1) Boilers meeting American Society of Mechanical Engineers 1 standards;

(2) Furnaces meeting American Society of Mechanical Engineers 8 standards;

(3) Fractionation columns meeting American Society of Mechanical Engineers 8 standards;

(4) Pumps meeting American Petroleum Institute 610 standards;

(5) Catalytic reactors meeting American Society of Mechanical Engineers 8 standards; or

(6) Prepared catalysts, including catalysts containing platinum and catalysts containing molybdenum.

(E) Spare parts for any of the items described in paragraph (c)(2)(vii) of this section.

(3) Notwithstanding the presumptions of denial in paragraphs (c)(2) (i) through (iii) of this section, licenses will generally be issued for items not included in paragraphs (c)(2) (iv) through (vii) of this section when the transaction involves:

(i) The export or reexport of commodities or technology and software under a contract in effect prior to March 12, 1982, where failure to obtain a license would not excuse performance under the contract;

(ii) Reexport of items not controlled for national security purposes that had been exported from the United States prior to March 12, 1982 or exports of foreign products incorporating such items as components; or

(iii) Incorporation of U.S.-origin parts, components, or materials in foreign-manufactured products destined for Libya, where the U.S. content is 20 percent or less by value.

(4) Notwithstanding the presumption of denial in paragraph (c)(2) (iv) through (vii), applications for reexports under a contract pre-dating January 18, 1994, will be reviewed under the licensing policy in effect prior to that date.

(5) Licenses will generally be considered favorably on a case-by-case basis

when the transaction involves the following items, provided such items are not included in paragraph (c)(2) (iv) through (vii):

(i) Reexports of items subject to national security controls that were exported prior to March 12, 1982 and exports of foreign products incorporating such U.S.-origin components, where the particular authorization would not be contrary to specific foreign policy objectives of the United States; or

(ii) Items destined for use in the development or construction of the petrochemical processing complex at Ras Lanuf, where the transaction could be approved but for the general policy of denial set out in paragraph (c)(2)(iii), and where either:

(A) The transaction involves a contract in effect before December 20, 1983 that requires export or reexport of the items in question; or

(B) The items had been exported from the U.S. before that date.

(iii) Other unusual situations such as transactions involving firms with contractual commitments in effect before March 12, 1982.

(6) Licenses will generally be considered favorably on a case-by-case basis for the reexport of reasonable quantities for civil use of off-highway wheel tractors of carriage capacity of 9t (10 tons) or more, as defined in ECCN 9A990.b, provided such tractors are not for uses described in paragraph (c)(2) (iv) through (vi) of this section.

(7) All other reexports not covered by United Nations resolutions will generally be approved, subject to any other licensing policies applicable to a particular transaction.

(d) Libya has been designated by the Secretary of State as a country whose government has repeatedly provided support for acts of international terrorism. For anti-terrorism controls, see Supplement 2 to part 742 of the EAR.

(e) *Related controls.* OFAC administers broad economic sanctions on Libya, and restricts participation by U.S. persons in transactions with Libya or specially designated Libyan

Bureau of Industry and Security, Commerce

§ 746.8

nationals. The applicable OFAC regulations, the Libyan Sanctions Regulations, are found in 31 CFR part 550.

[61 FR 12806, Mar. 25, 1996, as amended at 61 FR 64284, Dec. 4, 1996; 62 FR 25460, May 9, 1997; 63 FR 42229, Aug. 7, 1998; 64 FR 49383, Sept. 13, 1999]

§ 746.5—746.6 [Reserved]

§ 746.7 Iran.

The Treasury Department's Office of Foreign Assets Control (OFAC) administers a comprehensive trade and investment embargo against Iran under the authority of the International Emergency Economic Powers Act of 1977, as amended, section 505 of the International Security and Development Cooperation Act of 1985, and Executive Orders 12957 and 12959 of March 15, 1995 and May 6, 1995, respectively. This embargo includes prohibitions on export and certain reexport transactions involving Iran, including transactions dealing with items subject to the EAR. (See OFAC's Iranian Transactions Regulations, 31 CFR part 560.) BIS continues to maintain licensing requirements on exports and reexports to Iran under the EAR as described in paragraph (a)(2) of this section. No person may export or reexport items subject to both the EAR and OFAC's Iranian Transactions Regulations without prior OFAC authorization. Exports and reexports subject to the EAR that are not subject to the Iranian Transactions Regulations may require authorization from BIS.

(a) *License requirements*—(1) *OFAC administered embargo*. You should consult with OFAC if:

(i) You seek authorization to export from the United States; or

(ii) You are a United States person (as defined in OFAC's Iranian Transactions Regulations, 31 CFR part 560) and seek authorization to export or reexport from a third country; or

(iii) You seek authorization to reexport U.S.-origin items that were subject to any export license application requirements prior to Executive Order 12959 of May 6, 1995.

(2) *BIS license requirements*. A license is required under the EAR:

(i) To export to Iran any item on the CCL containing a CB Column 1, CB Col-

umn 2, CB Column 3, NP Column 1, NP Column 2, NS Column 1, NS Column 2, MT Column 1, RS Column 1, RS Column 2, CC Column 1, CC Column 2, CC Column 3, AT Column 1 or AT Column 2 in the Country Chart Column of the License Requirements section of an ECCN, or classified under ECCNs 1C980, 1C981, 1C982, 1C983, 1C984, 5A980, 0A980, and 0A983; or

(ii) To reexport to Iran any of the items identified in paragraph (a)(2)(i) of this section, except for ECCNs 2A994; 3A992.a; 5A991.g; 5A992; 6A991; 6A998; 7A994; 8A992.d, .e, .f, and .g; 9A990.a and .b; and 9A991.d and .e. However, the export of these items from the United States to any destination with knowledge that they will be reexported, in whole or in part, to Iran, is prohibited without a license; or

(iii) To export or reexport items subject to the general prohibitions, including proliferation end-use prohibitions (see part 736 of the EAR).

(3) *BIS authorization*. To avoid duplication, exporters or reexporters are not required to seek separate authorization from BIS for an export or reexport subject both to the EAR and to OFAC's Iranian Transactions Regulations. Therefore, if OFAC authorizes an export or reexport, no separate authorization from BIS is necessary.

(4) *Definitions*. For purposes of this section, the term "United States person" means any United States citizen, permanent resident alien, entity organized under the laws of the United States (including foreign branches), or any person in the United States; the term "foreign person" means those not defined as United States persons.

(b) Iran has been designated by the Secretary of State as a country that has repeatedly provided support for acts of international terrorism. For anti-terrorism controls, see § 742.8 of the EAR and Supplement 2 to part 742.

[61 FR 12806, Mar. 25, 1996, as amended at 63 FR 42229, Aug. 7, 1998; 65 FR 34075, May 26, 2000; 66 FR 36683, July 12, 2001]

§ 746.8 Rwanda.

(a) *Introduction*. In addition to the controls on Rwanda reflected on the Country Chart in Supplement 1 to part 738 of the EAR, there are special controls on items that fall within the