

Sudan FAQs

Q: What is a License Exception?

A: A License Exception is an authorization, under conditions stated in the Export Administration Regulations (EAR), for the export or reexport of items that would otherwise require a BIS license.

Q. What does the Sudan “tools of trade” provision in License Exception TMP authorize after the February 28, 2008 revision?

A: It authorizes certain organizations registered with the Department of the Treasury’s Office of Foreign Assets Control (OFAC) to export or reexport specified items without a BIS license to Sudan for use in humanitarian and development activities and activities supporting the Darfur Peace Agreement and Comprehensive Agreement.

Q: Who is eligible to use this provision in License Exception TMP?

A: Any of the following organizations or individuals:

- Organizations that are engaged in activities to relieve human suffering in Sudan and that are registered with the Department of the Treasury, Office of Foreign Assets Control (OFAC) pursuant to 31 C.F.R. §538.521;
- Organizations that are authorized by OFAC to take actions to support of the Darfur Peace Agreement and the Comprehensive Peace Agreement, to provide humanitarian and development assistance, or to support activities to relieve human suffering that otherwise would be prohibited by the Sudanese Sanctions Regulations (31 C.F.R. Part 538);
- Organizations operating to relieve human suffering in Sudan in areas that are exempt from the Sudanese Sanctions Regulations by virtue of the Darfur Peace and Accountability Act and Executive Order 13412;
- Staff, employees or contractors of either type of organization named above.

Q: How can I get OFAC to authorize my organization to perform humanitarian work in Sudan?

A: For information on OFAC ([hyperlink here to direct to OFAC web site](#)) authorization and registration for Sudan, please contact them directly at (202) 622-2490 or via fax at (202) 622-1657.

Q: What constitutes “individual staff member, employee or contractor” of an eligible organization?

A: This rule applies the term “individual staff member, employee or contractor” to this provision of License Exception TMP instead of the term “employees” that applies to other tools of trade exports under License Exception TMP. Use of “individual staff member, employee or contractor” allows the use of License Exception TMP for temporary tools of trade exports by persons traveling to Sudan at the direction of, or with the knowledge of, an organization eligible

for this License Exception, even if that person is not employed by that organization. For example, we would consider a health care worker traveling from the United States to Sudan act as a volunteer providing medical care as part of the activities of an eligible organization to be “staff” under this rule, even if that person is not an employee of the eligible organization.

Q: What types of equipment are eligible under this License Exception?

A: Under this rule, eligible parties are authorized, under section 740.9(a)(i) of the EAR, to export to Sudan:

- Certain basic telecommunications equipment controlled under Export Control Classification Number (ECCN) 5A991, including cell phones, personal digital assistants and other wireless handheld devices;
- Personal computers (including laptops) controlled under ECCN 4A994.b that do not exceed an adjusted peak performance of 0.008 weighted teraflops (WT);
- Commodities controlled under ECCNs 4A994.d, 4A994.e (other than industrial controllers for chemical processing), 4A994.g and 4A994.h;
- Global positioning system (GPS) or similar satellite receivers controlled under ECCN 7A994;
- Software controlled under ECCNs 4D994 and 5D992 for the use of telecommunications equipment or computers described above;
- Parts and components of those ECCN 5A991 and 4A994 devices that are controlled under ECCN 5A992 and that are installed with, or contained in, such computers or telecommunications equipment. The parts and components must remain installed with, or contained in, the computers or telecommunications equipment while in Sudan.

Q: Are reexports to Sudan eligible under the February 28, 2008 rule?

A: Yes, both exports and reexports are authorized under this rule.

Q: May the items eligible under the February 18, 2005 rule be shipped to Sudan?

A: Yes. The items may either accompany a member of the staff or an employee of an eligible organization to Sudan either as checked baggage or by being hand carried by the staff member or employee or be shipped or transmitted to an eligible user of this provision by a method reasonably calculated to assure delivery to the permissible user.

Q: How do I know the Export Control Classification Numbers (ECCN) for the items I want to take?

A: You may classify the item on your own, check with the manufacturer, or submit a classification request to BIS and BIS will determine the ECCN for you.

To classify your product, you should begin with a review of the general characteristics of your item. This will usually guide you to the appropriate category on the Commerce Control List (CCL). Once the appropriate category is identified, you should match the particular

characteristics and functions of your item to a specific Export Control Classification Number (ECCN) on the CCL. See “Do I Need an ECCN” for additional information.(link) The CCL is available at (link).

You may consider going to the source. Ask the manufacturer, producer or developer of the item. If the item has been exported in the past, they may know the ECCN and provide it to you.

You may also request an official classification from BIS. A classification request requires the submission of an application and technical specifications of your commodity, software or technology to BIS. Instructions for submitting a classification request are available at (link)

BIS's Office of Exporter Services (202-482-4811) in Washington D.C. or (949-660-0144) in Newport Beach, CA is available to explain how to submit a classification request to BIS. They may also guide you in attempting to determine your ECCN. The Commerce Control List is found in Supplement 1 to Part 774 of the Export Administration Regulations (EAR). BIS cannot provide official classification determinations by phone. However, we can help guide you through the classification determination process.

Q: How do I know the adjusted peak performance (APP) of my computer?

A: Instructions on the calculation of adjusted peak performance (APP) of a computer may be found in the technical note to Category 4 of the Commerce Control List (CCL), Supplement No. 1 to Part 774 of the EAR. Some computer and microchip manufacturers also provide information on the APP levels of their products on their web sites.

Q. What type of software can be exported under this License Exception?

A: Software controlled under ECCNs 4D994 and 5D992 is eligible for export under this license exception. These ECCNs cover a broad variety of commercially available “mass market” software packages.

Q: Are all cellular phones and satellite phones classified under ECCN 5A991?

A: All commercially available civil cellular and satellite telephones without encryption are classified under ECCN 5A991. Cellular and satellite telephones containing encryption technology classified under ECCN 5A992 or 5D992 are also eligible for temporary export under this License Exception. Some advanced radio equipment may be classified under ECCN 5A001, depending on its capabilities.

Q: Are all computers classified under ECCN 4A994?

A: Most single and dual-core processor desktop or laptop computers that can be purchased at retail outlets in the United States are classified under ECCN 4A994.

Q: Are all global positioning system (GPS) receivers classified under 7A994?

A: No. Certain GPS receivers that have very high capabilities are classified under ECCN 7A005, and are under the licensing jurisdiction of the Department of State. However, commercially available GPS receivers are generally classified under ECCN 7A994.

Q: What does "temporary export" mean?

A: License Exception TMP allows organizations to take the authorized items with them to Sudan for up to one year. At the end of the one-year, organizations must either bring the items back to the United States, have obtained a license authorizing a longer period of time, destroyed the items, or taken them to a destination BIS does not require a license for its export. Note that this license exception is not available, if at the time of export, the item is intended to stay in Sudan for more than one year.

Q: What if my organization needs to use an item in Sudan for more than a year?

A: If an organization wishes to keep an item exported to Sudan under this License Exception in Sudan for more than one year, that organization should obtain a BIS license before the expiration of the one-year period. If not, the exporter must return the item to the United States.

Q: What if my organization has already sent the items described under this rule to Sudan without a BIS license?

A: If your organization exported items that require a BIS license to Sudan before February 19, 2005, including those eligible for this License Exception, it may have violated the Export Administration Regulations (EAR). Your organization is encouraged to submit a voluntary self-disclosure of a violation to BIS's Office of Export Enforcement. For instructions on the procedures for filing a voluntary self-disclosure, please see Part 764.5 of the EAR.