

**BUREAU OF INDUSTRY AND SECURITY  
FREQUENTLY ASKED QUESTIONS  
LICENSE APPLICATION REVIEW POLICY  
CURRENT AS OF SEPTEMBER 16, 2022**

***Qi: What is the license application review policy for the items that require a license under the regulations to Russia and Belarus and to individuals who are Russian and Belarusian persons?***

Al: The license review policy relies on the facts and circumstances of each transaction as follows:

- I. License applications for items that are classified under ECCNs on the CCL will be reviewed under a policy of denial, except as specified below.
- II. License applications for all items intended, entirely or in part, for a 'military end use' or 'military end user' in Russia or Belarus are reviewed under a policy of denial. (see § 744.21(e) of the EAR)
- III. License applications for 'luxury goods' destined to any end user in Russia or Belarus and to certain Russian and Belarusian oligarchs and malign actors, wherever they are located, are reviewed under a policy of denial. (see § 746.10 and supplement no. 5 to part 746)
- IV. License applications for transactions subject to the two license requirements set forth in § 746.5 of the EAR (Russian industry sector sanctions) will generally be reviewed under a policy of denial. (see § 746.5 (a) (1)(i) and (ii) of the EAR).
- V. License applications for items destined to Crimea or to the so-called Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR) regions of Ukraine (Covered Regions of Ukraine), are reviewed under a policy of denial, except that applications for transactions authorized under OFAC Ukraine-Related General Licenses will be reviewed on a case-by-case basis. (see § 746.6 of the EAR)
- VI. With respect to new § 746.5(a)(1)(ii) (oil refinery-related equipment), applications for export, reexport, or transfer (in-country) of items that may be necessary for health and safety reasons will be reviewed under a case-by case license review policy. (Note that this license application review policy continues to apply to applications that fall within the scope of § 746.5 (a)(1)(i).)

VII. License applications for licenses required under § 746.S(a)(1) and (2) in the following scenarios will be reviewed on a case-by-case basis. The case-by-case review will take into consideration whether the transaction in question would benefit the Russian or Belarusian government or defense sector:

- a) applications related to safety of flight;
- b) applications related to maritime safety;
- c) applications for civil nuclear safety;
- d) applications to meet humanitarian needs;
- e) applications that support government space cooperation;
- f) applications for items destined to:
  - wholly-owned U.S. subsidiaries,
  - foreign subsidiaries of U.S. companies that are joint ventures with other U.S. companies,
  - joint ventures of U.S. companies with companies headquartered in countries from Country Group A:5 and A:6 in supplement no. 1 to part 740 of the EAR,
  - wholly-owned subsidiaries of companies headquartered in countries from Country Group A:5 and A:6 in supplement no. 1 to part 740, and
  - joint ventures of companies headquartered in Country Groups A:5 and A:6 with other companies headquartered in Country Groups A:5 and A:6;
- g) applications for companies headquartered in Country Groups A:5 and A:6 to support civil telecommunications infrastructure; and
- h) applications involving or in support of government-to-government activities.

VIII. The license review policy for license applications for Russian and Belarusian entities that are listed on the Entity List pursuant to 744.11 are set forth in the license review policy column on the Entity List in supplement no. 4 to part 744 of the EAR.

***Qii. What kinds of transactions does BIS consider to be for humanitarian needs?***

A2. Humanitarian needs include ensuring the availability of basic foodstuffs and agricultural commodities, safeguarding access to medicine and medical devices, and enabling telecommunications services to support the flow of information and access to the internet. Licenses to support these activities will be reviewed on a case-by-case basis.

See the White House Fact Sheet: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/04/06/fact-sheet-united-states-g7-and-eu-impose-severe-and-immediate-costs-on-russia/>