

Q1. What export control changes occurred as a result of Sudan's rescission as a State Sponsor of Terrorism?

A1. Consistent with the rescission, Sudan was removed from Country Group E:1 (terrorist supporting countries), and Anti-Terrorism (AT) controls no longer apply to the country. As a general matter, items controlled only for (AT) reasons on the Commerce Control List (CCL), Supp. No. 1 to Part 774 of the Export Administration Regulations (EAR), no longer require a license for export/reexport to Sudan. Categories of CCL items controlled only for AT reasons that no longer require a license for export/reexport to Sudan include certain civil aircraft and related parts and components and telecommunications and information security items.

Additionally, the *de minimis* threshold for foreign-manufactured items containing controlled U.S.-content by value will be raised from 10% to 25%, resulting in fewer foreign manufactured items requiring a license. This change is consistent with Sudan's removal from Country Group E:1.

Sudan has also been added to Country Group B. As a consequence of the removal of AT controls, the related removal of Sudan from Country Group E:1, and new Country Group B placement, certain license exceptions are now potentially available for export/reexport to Sudan. As with using any license exception, exporters are reminded to continue to review Section 740.2 of the EAR to ensure compliance with the criteria of the license exception.

Q2. In light of these changes in country group related to Sudan, are all license exceptions available for export and reexport to Sudan?

A2. No. Notably, License Exception Group B Shipments, Section 740.4 of the Export Administration Regulations (EAR), and License Exception Technology and Software under Restriction, Section 740.6 of the EAR, are not available for Sudan. As a general matter, to use a license exception, the exporter must review the entirety of the license exception and the criteria contained therein, to determine whether the transaction is eligible.

Q3. Is there still a general policy of denial for items on the Commerce Control List that are being exported or reexported to Sudan?

A3. No. There is no longer a general policy of denial, a policy that was in effect pursuant to Section 742.10 of the Export Administration Regulations (EAR). BIS removed this provision as part of its rule implementing the rescission of Sudan as a State Sponsor of Terrorism. The review policy for items destined for Sudan will be dependent upon the items' reasons for control, the end-uses and the end-users. See Parts 742 and 744 of the EAR generally. For example, consistent with Section 742.4 (National Security) of the EAR, authorization from BIS will still be required for a thermal camera or a navigational instrument, when exported or reexported to Sudan. Exporters should also review any end-user or end-use controls in Part 744 of the EAR and restrictions on the use of license exceptions set forth in Section 740.2 of the EAR, as would be expected of any transaction involving items subject to the EAR. Additionally, please note that Sudan remains in Country Group D:5 (U.S. Arms Embargoed Countries).

Q4. Is authorization still required to sell or lease civil aircraft to a Sudanese airline or a Sudanese national or for a civil aircraft to embark on temporary sojourn to Sudan?

A4. No. Civil aircraft are generally controlled only for Anti-Terrorism (AT) reasons. Such aircraft no longer require a license for permanent export or reexport to Sudan, such as for the sale or lease to a Sudanese airline or to a Sudanese national, given the removal of AT controls on the country. Additionally, with the removal of Sudan from Country Group E:1, aircraft on temporary sojourn to Sudan no longer need to rely on License Exception Aircraft, Vessels or Spacecraft, Section 740.15 of the Export Administration Regulations.

Q5. Is a license still required to export or reexport encrypted telecommunications items to Sudan?

A5. If the encrypted telecommunications item is controlled for any other reason than Anti-Terrorism, you must review the reasons for control by consulting applicable Export Administration Regulations (EAR) provisions, including Part 742, and check to see whether a license exception is available for the export or reexport of the item. If the item is not eligible for a license exception, (e.g, License Exception Encryption or “ENC” in Section 740.17 of the EAR), then you must submit a license application.

Q6. I currently have a license for items that are controlled for Anti-Terrorism (AT) reasons only, and the items have been shipped to Sudan. May I transfer them to someone else in Sudan?

A6. If the conditions of the license prohibit the transfer (in-country) of the items on your license, you must obtain a new license in order to transfer the items within Sudan, even if the items are controlled for AT reasons only.