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U.S. Expands License Requirements for Russia and Belarus to Include All Items on Commerce Control List

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April 13, 2022 – To further escalate pressure in response to Russia’s ongoing invasion of Ukraine, including Russian soldiers’ apparent massacre of civilians in Bucha last week, on April 9, 2022, the U.S. Department of Commerce’s Bureau of Industry and Security (“BIS”) published a [final rule](#) expanding sanctions against Russia and Belarus under the Export Administration Regulations (“EAR”). This rule expands BIS’s license requirement on the export and reexport of U.S.-origin and certain foreign-produced commodities, software, and technologies to Russia and Belarus to include all items on the Commerce Control List (“CCL”). The rule also revokes the availability of the License Exception AVS (Aircraft, Vessels, and Spacecraft) for aircraft registered in, owned, or controlled by, or under charter or lease by Belarus or a national of Belarus. This rule is effective April 9, 2022.

Secretary of Commerce Gina M. Raimondo announced, “Last weekend’s horrific revelations are further evidence that Russia’s brutality must be met strongly by the international community. The Department of Commerce is using the authorities it has to respond to Putin’s depravity.” She further commented, “Today’s action by BIS, in cooperation with our international allies and partners, shows that we will continue to apply pressure on Russia’s and Belarus’s strategic sectors to degrade their military capabilities.”

New U.S. Actions

In further response to Russia’s offensive in Ukraine, BIS imposed extensive restrictions on Russia and Belarus by amending the EAR to impose a license requirement on all items on the CCL, which expands U.S. controls to nearly all dual-use technology, software, or commodities that could be used to support Russia’s war on Ukraine.

Specifically, this rule expands the license requirement that was previously imposed on Russia and Belarus to include items classified under any Export Classification Control Number (“ECCN”) in Categories 0 through 2 of the CCL. Categories 0-2 include materials and equipment relevant to nuclear, chemical, and materials processing. While the vast majority of items in Categories 0-2 already required a license for Russia and Belarus, this rule imposes new license requirements for other items, including certain composite materials, medical products containing toxins or genetically

modified organisms, hydraulic fluids, pumps, valves, and lower-level machine tools. With limited exceptions, BIS will review license applications involving all such CCL items under a policy of denial.

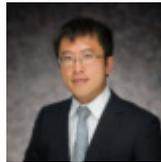
The new rule also limits the availability of Licensing Section AVS by excluding aircraft registered in, owned, or controlled by, or under charter or lease by Belarus or a national of Belarus. Previously, BIS imposed similar restrictions on the availability of AVS for aircraft registered in, owned, or controlled by, or under charter or lease by Russia, or by a national of Russia; the most recent rule imposes the same restrictions on Belarus.

Finally, the rule contains a savings clause which allows any shipments of items subject to the EAR solely under the Russian version of the foreign direct product rule, which were already subject to a license requirement, and en route through May 9, 2022, to continue to their destination without an additional license. All other items subject to the EAR that were en route on April 8, 2022, which did not previously require a specific license, may also proceed to their destination.

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