



Cuba Frequently Asked Questions

Effective September 21, 2015

I. General	1
II. Embargo	3
III. Private Sector Economic Activity	3
IV. Physical Presence	6
V. Communications	6
VI. State Sponsor of Terrorism Rescission	9
VII. Vessels and Aircraft	12
VIII. Temporary Exports	14
IX. Civil Society	15
X. Agricultural Commodities, Medicines, and Medical Devices	16
XI. Environmental Protection	16
XII. Consolidated Shipments and Gift Parcels	16
XIII. License Exception Usage	17
XIV. Technology	18

This document is provided for informational purposes only and does not have any force of law. Where specific questions arise, please consult the relevant legal authority, such as the underlying statutes, regulations, and Executive Orders, and, if appropriate, consult with legal counsel.

Only the license exceptions specified in 15 CFR § 746.2(a)(1) are available for Cuba. Please read 15 CFR §§ 740.1 and 740.2 for general information regarding the use of license exceptions and read the specific terms and conditions of the license exception that you want to use.

I. General

1. What major changes does the September 21, 2015, rule make?

The rule amends the Export Administration Regulations (EAR) (15 CFR 730 – 774) to expand the scope of License Exception Support for the Cuban People (SCP) (15 CFR 740.21) to facilitate engagement between the U.S. and Cuban people; the free flow of information to, from, and among the Cuban people; and independent economic activity



generated by Cuba's private sector. It also makes temporary sojourns of certain categories of vessels to Cuba eligible for License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR 740.15). Additionally, the rule creates a case-by-case review policy for license applications to export and reexport to Cuba items to ensure the safety of civil aviation and safe operation of commercial passenger aircraft. Finally, it amends the deemed export and deemed reexport license requirements for releases of technology and source code to Cuban nationals; removes certain unintended restrictions on exports and reexports under License Exception SCP and License Exception Consumer Communications Devices (CCD) (15 CFR 740.19); and makes certain technical corrections to License Exception Agricultural Commodities (AGR) (15 CFR 740.18).

2. What major changes did the July 22, 2015, rule make?

The rule removed anti-terrorism (AT) license requirements from Cuba and eliminated references to Cuba as a State Sponsor of Terrorism in the Export Administration Regulations (EAR) (15 CFR 730 – 774), while maintaining preexisting license requirements for all items subject to the EAR unless authorized by a license exception. The rule also removed Cuba from Country Group E:1 (terrorist supporting countries) in Supplement No. 1 to Part 740 of the EAR, making Cuba eligible for a general 25 percent *de minimis* level and additional portions of License Exceptions Servicing and Replacement of Parts and Equipment (RPL) (15 CFR 740.10); Governments, International Organizations, International Inspections under the Chemical Weapons Convention, and the International Space Station (GOV) (15 CFR 740.11); Baggage (BAG) (15 CFR 740.14); and Aircraft, Vessels and Spacecraft (AVS) (15 CFR 740.15). However, consistent with the comprehensive embargo on trade with Cuba, a license is still required to export or reexport to Cuba any item subject to the EAR unless authorized by a license exception specified in § 746.2(a)(1) of the EAR. License applications submitted to BIS are reviewed pursuant to the licensing policy in § 746.2(b) of the EAR.

3. What major changes did the January 16, 2015, rule make?

The rule created License Exception Support for the Cuban People (SCP) (15 CFR 740.21) authorizing the export without a license of certain categories of items to the Cuban private sector. It also allowed for the export or reexport without a license of certain telecommunications items, including internet-related items, intended to improve the free flow of information to, from and among the Cuban people. The rule also expanded the scope of two existing license exceptions which will now authorize the commercial sale of consumer communications devices and the shipment of consolidated gift parcels, again without a license. Additionally, it set a general policy of approval for license applications to export items necessary for the environmental protection of U.S. and international air

quality, waters and coastlines (including items related to renewable energy or energy efficiency).

4. Has the Department of the Treasury also amended its regulations?

Yes. The Department of the Treasury's Office of Foreign Assets Control (OFAC) has also amended its regulations to implement the President's policy to engage and empower the Cuban people. For additional information, please see the OFAC website:

<http://www.treasury.gov/cuba>.

II. Embargo

5. Do these changes lift the trade embargo against Cuba?

No. As required by statute, the United States continues to maintain a trade embargo against Cuba. Only limited categories of items may be exported or reexported to Cuba subject to authorization by Department of Commerce's Bureau of Industry and Security (BIS). These changes implement the policy announced by the President on December 17, 2014 aimed at supporting independent economic activity in Cuba and improving communications by and living conditions for the Cuban people.

6. Due to the embargo, do all export transactions also require separate authorizations from the Department of the Treasury's Office of Foreign Assets Control (OFAC)?

An OFAC general license authorizes all transactions ordinarily incident to exportation from the United States or reexportation of 100% U.S. origin items to Cuba, provided that the exportation or reexportation is licensed or otherwise authorized (including by license exception) by BIS.

III. Private Sector Economic Activity

7. How do you define 'private sector'?

For the purposes of § 740.21 of the Export Administration Regulations (EAR) (15 CFR 730 – 774), the private sector in Cuba encompasses economic activity generated by private individuals and groups as enterprises for profit and also that which is generated by non-profit organizations and charities. Companies and corporations that are government owned, operated or controlled are not considered private sector.

8. What general categories of items may I sell to the Cuban private sector without obtaining a license?

New License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), among other provisions, authorizes the export and reexport to Cuba, without a license, of certain commercially sold categories of items:

- building materials, equipment, and tools for use by the private sector to construct or renovate privately-owned buildings, including privately-owned residences, businesses, places of worship, and buildings for private sector social or recreational use;
- tools and equipment for private sector agricultural activity; and
- tools, equipment, supplies, and instruments for use by private sector entrepreneurs.

Items eligible for this provision must be designated as EAR99 or controlled on the Commerce Control List (CCL) (15 CFR Part 774, Supplement No. 1) only for anti-terrorism (AT) reasons.

9. May Cuban government import agencies and other government owned, operated or controlled companies and corporations receive and deliver eligible items to the private sector?

Yes. Cuban government import agencies and other government owned, operated or controlled companies and corporations may act as consignees to receive and effect delivery of eligible items to the private sector. With the exception of telecommunications discussed below, Cuban government owned, operated or controlled companies and corporations may not be end users of the items.

10. Does License Exception Support for the Cuban People cover the export of instruction manuals or other information on how to assemble and use authorized tools and equipment?

Instruction manuals or other information on how to assemble and use authorized tools and equipment are likely not subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) under §734.7 (Published Information and Software) or by the definition of “use” in Part 772. If such information is subject to the EAR, it is likely eligible for export to Cuba under §740.13(a) of the EAR.

11. Can eligible items now be leased or loaned to authorized end-users under License Exception Support for the Cuban People (SCP)?

Yes, if the items, end-uses, and end-users qualify for paragraph (b) or (d)(1) of License Exception SCP (15 CFR§ 740.21). Paragraph (b) authorizes certain exports and reexports to improve living conditions and support independent economic activity in Cuba.

Paragraph (d)(1) authorizes certain exports and reexports to improve the free flow of information to, from, and among the Cuban people. On September 21, 2015, License Exception SCP was amended to remove a requirement that the items be sold or donated when exported or reexported pursuant to paragraph (b) or (d)(1). This change is intended to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users.

12. May I sell items to Cuban state enterprises under License Exception Support for the Cuban People (SCP)?

Items exported under paragraph (b) of License Exception SCP (15 CFR § 740.21) must be for use by the Cuban private sector. However, they may be sold to Cuban government-owned, operated, or controlled companies and corporations, provided that such entities will resell or otherwise distribute the items to the private sector, *in accordance with the terms and conditions of the license exception*. Items exported to improve telecommunications infrastructure pursuant to paragraph (d)(1) of License Exception SCP may be sold to *and* used by Cuban government-owned, operated, or controlled companies and corporations, provided that all of the terms and conditions of the license exception are met.

13. May I now import products from Cuba?

The Department of the Treasury's Office of Foreign Assets Control (OFAC) has jurisdiction over imports from Cuba. For additional information, please review OFAC's Cuba sanctions webpage: <http://www.treasury.gov/cuba>. In addition, you may contact OFAC by calling its toll free hotline (1-800-540-6322), its local hotline (1-202-622-2490), or the Licensing Division (1-202-622-2480), or by sending a message to OFAC's email hotline account (ofac_feedback@do.treas.gov).

14. May I export products to Cuban cooperatives?

If the cooperatives are in the private sector, then you may be able to export your products to Cuba pursuant to License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), subject to its terms and conditions. If the cooperatives are not in the private sector or your transaction is not otherwise eligible for a license exception specified in § 746.2(a)(1), then you must apply for a license from the Bureau of Industry and Security.

15. Do I need a license to export parts for classic cars?

A license is required to export or reexport to Cuba any item subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) unless authorized by a license exception specified in § 746.2(a)(1). If the parts are intended for use by the private sector (*e.g.* a private sector auto mechanic), the export or reexport of the parts may be eligible under License Exception Support for the Cuban People (15 CFR § 740.21). Additionally, paragraph (a) of License Exception Servicing and Replacement of Parts and Equipment (RPL) (15 CFR § 740.10) authorizes certain exports and reexports associated with one-on-one replacement of parts, components, accessories, and attachments. If your export is not eligible for an available license exception, then you must apply for a license from the Bureau of Industry and Security. Please note that the Department of the Treasury’s Office of Foreign Assets Control administers restrictions on the importation of items from Cuba, including cars and car parts.

IV. Physical Presence

16. Can persons authorized to establish a physical presence in Cuba receive exports and reexports of eligible items to support their presence?

Paragraphs (e)(1) and (e)(2) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorize exports and reexports to Cuba of certain items for use by specified persons to establish, maintain, and operate a physical presence in Cuba. Please note that separate authorization is required for exports, reexports, or transfers (in-country) of items that would be sold, donated, or otherwise used by other persons.

V. Communications

17. What telecommunications and internet-related items may I sell to Cuba?

License Exception Support for the Cuban People (SCP) (15 CFR 740.21) authorizes the export and reexport to Cuba of certain items, including equipment, intended to improve the free flow of information to, from, and among the Cuban people. Paragraph (d)(1) authorizes certain the export or reexport to Cuba of items for telecommunications infrastructure creation and upgrades. Items eligible for export or reexport to Cuba are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons.

Paragraph (d)(4) of License Exception SCP (15 CFR § 740.21) authorizes the export or reexport of certain commodities and software to individuals and private sector entities in Cuba that will be used to develop software that will improve the free flow of information or that will support private sector activities described in paragraph (b) of License Exception SCP. The Cuban Government, Cuban Communist Party and certain officials

thereof are designated as ineligible end users for commodities and software exported under paragraph (d)(4). Additionally, commodities and software authorized for export or reexport under this paragraph (d)(4) are limited to those that are either EAR99 (i.e., items subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) but not specified in any Export Control Classification Number (ECCN)) or controlled on the Commerce Control List (CCL) for anti-terrorism reasons only.

Additionally, License Exception Consumer Communications Devices (CCD) (15 CFR § 740.19) now authorizes the export and reexport to Cuba of certain consumer communications items for use by eligible recipients. License Exception CCD specifies the eligible items by description and Export Control Classification Number (ECCN).

Please see License Exceptions SCP and CCD for additional information. If your transaction is not eligible for one of those license exceptions, you may submit an export license application to the Department of Commerce’s Bureau of Industry and Security (BIS). BIS accepts applications through its online portal, SNAP-R. If you are not familiar with SNAP-R you can learn about it at <http://www.bis.doc.gov/index.php/licensing/simplified-network-application-process-redesign-snap-r/getting-started-with-snap-r>.

18. May I sell telecommunications infrastructure equipment to Cuban government owned, operated or controlled companies and corporations?

Yes. Subject to the terms and conditions of License Exception Support for the Cuban People (SCP) (15 CFR 740.21), certain items may be sold to Cuban government owned, operated or controlled companies and corporations for telecommunications infrastructure creation and upgrades. Items eligible for export or reexport to Cuba pursuant to this portion of License Exception SCP are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons. If your transaction is not eligible for that license exception, you may submit an export license application to BIS. BIS accepts applications through its online portal, SNAP-R.

19. May I sell consumer communications devices to Cuban government owned, operated or controlled companies and corporations for resale to the Cuban people?

Yes. Consumer communications devices such as mobile phones, computers and related hardware and software may be sold to Cuban government owned, operated or controlled companies and corporations for resale to the Cuban people. Please note that such items are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons; other items require an individual validated license.

20. What changes have been made to License Exception for Consumer Communications Devices (CCD)?

On January 16, 2015, License Exception CCD (15 CFR § 740.19) was amended to authorize commercial sales, in addition to donations, of eligible items. Additionally, technical revisions were made to more precisely track the current technical specifications for some of the specified items and to explicitly state that some items must be consumer items to be eligible for the license exception. On September 21, 2015, License Exception CCD was amended to remove a requirement that items exported or reexported pursuant to the license exception be sold or donated. This change is intended to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users.

21. What is the difference between eligible consumer communications items in License Exception Consumer Communications Devices (CCD) and those eligible for export under License Exception Support for the Cuban People (SCP)?

Certain consumer communications items listed in License Exception CCD (15 CFR § 740.19) would also be eligible for export under License Exception SCP (15 CFR § 740.21) to support independent economic activity, including mobile phones, consumer “information security” equipment and software, consumer computers, modems, and network access controllers. Under certain circumstances, both license exceptions may apply and in those cases either may be relied on for authorization.

22. What changes have been made with regard to the export and reexport of items for use by news media?

Paragraphs (d)(2) and (d)(3) of License Exception Support for the Cuban People (SCP) (15 CFR 740.21) authorizes the export and reexport to Cuba without a license of certain items for use by news media personnel and U.S. news bureaus engaged in the gathering and dissemination of news to the general public. Please note that such items are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons; other items require an individual validated license.

23. Do I need a license to export commodities and software to Cuba for use in software development?

Paragraph (d)(4) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes exports and reexports of certain commodities and software to individuals and private sector entities in Cuba that will be used to develop software that will improve the free flow of information or that will support private sector activities described in paragraph (b) of License Exception SCP. The Cuban Government, Cuban Communist Party and certain officials thereof are designated as ineligible end users for

commodities and software exported under paragraph (d)(4). Additionally, commodities and software authorized for export or reexport under this paragraph (d)(4) are limited to those that are either EAR99 (i.e., items subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) but not specified in any Export Control Classification Number (ECCN)) or controlled on the Commerce Control List (CCL) for anti-terrorism reasons only.

24. Can I now lease or loan eligible items under License Exception Consumer Communications Devices (CCD)?

Yes, if the items and end-users qualify for License Exception CCD (15 CFR § 740.19). On September 21, 2015, License Exception CCD was amended to remove a requirement that items exported or reexported pursuant to the license exception be sold or donated. This change is intended to support other types of transactions, such as leases and loans of eligible items for use by eligible end-users.

VI. State Sponsor of Terrorism Rescission

25. Since Cuba is no longer a State Sponsor of Terrorism, what changes have been made to the Export Administration Regulations (EAR)?

On July 22, 2015, the Bureau of Industry and Security (BIS) published a rule in the Federal Register to implement the rescission of Cuba's State Sponsor of Terrorism designation. The rule removed anti-terrorism (AT) license requirements from Cuba and eliminated references to Cuba as a State Sponsor of Terrorism in the EAR (15 CFR 730 – 774), while maintaining preexisting license requirements for all items subject to the EAR unless authorized by a license exception. The rule also removed Cuba from Country Group E:1 (terrorist supporting countries) in Supplement No. 1 to Part 740 of the EAR, making Cuba eligible for a general 25 percent *de minimis* level and additional portions of License Exceptions Servicing and Replacement of Parts and Equipment (RPL) (15 CFR 740.10); Governments, International Organizations, International Inspections under the Chemical Weapons Convention, and the International Space Station (GOV) (15 CFR 740.11); Baggage (BAG) (15 CFR 740.14); and Aircraft, Vessels and Spacecraft (AVS) (15 CFR 740.15). However, consistent with the comprehensive embargo on trade with Cuba, a license is still required to export or reexport to Cuba any item subject to the EAR unless authorized by a license exception specified in § 746.2(a)(1) of the EAR. License applications submitted to BIS are reviewed pursuant to the licensing policy in § 746.2(b) of the EAR.

26. Does the rescission of Cuba’s State Sponsor of Terrorism designation mean items controlled for anti-terrorism reasons no longer require a license for export or reexport to Cuba?

No. Consistent with the comprehensive embargo on trade with Cuba, a license is still required to export or reexport to Cuba any item subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) unless authorized by a license exception specified in § 746.2(a)(1), including any item controlled on the Commerce Control List (CCL) (Supplement No. 1 to Part 774 of the EAR) only for anti-terrorism (AT) reasons. The license requirements and licensing policy for Cuba are specified in § 746.2 of the EAR.

27. I have licenses with conditions that refer to Country Group E:1. Since Cuba is no longer in Country Group E:1, does that mean the conditions specific to Country Group E:1 no longer apply to Cuba?

No. The rule that removed Cuba from Country Group E:1 also created General Order No. 3 in Supplement No. 1 to Part 736 of the Export Administration Regulations (EAR) (15 CFR 730 – 774). General Order No. 3 specifies that all conditions that apply to Country Group E:1 on licenses issued prior to July 22, 2015, that are in effect on that date, are revised to apply to Country Groups E:1 and E:2 as specified in Supplement No. 1 to Part 740 of the EAR. Since Cuba is in Country Group E:2, those conditions continue to apply to Cuba. If you seek authorization for a transaction that is affected by General Order No. 3, you may submit a license application that refers to General Order No. 3 and explains the reason for the request in Block 24 of the application. All license applications involving Cuba are reviewed pursuant to the licensing policy in § 746.2(b) of the EAR. The request should provide any available information in support of the argument that the transaction would be consistent with the licensing policy in § 746.2(b) of the EAR.

28. My foreign-made products contain less than 25 percent U.S.-origin content. Do I still need a license to reexport to Cuba?

If your foreign-made products contain 25 percent or less U.S.-origin controlled content by value, then they *may* not be subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) if exported from abroad to Cuba. Please review Part 734 of the EAR for additional information, including exceptions to the general 25 percent *de minimis* rule and guidelines for *de minimis*.

29. Do I need a license to export replacement parts to Cuba?

Your transaction may be eligible for paragraph (a) of License Exception Servicing and Replacement of Parts and Equipment (RPL) (15 CFR § 740.10). That provision authorizes certain exports and reexports associated with one-on-one replacement of parts,

components, accessories, and attachments. With the removal of Cuba from Country Group E:1 (terrorist sponsoring countries), Cuba is no longer subject to the exclusions to License Exception RPL in paragraphs (a)(3)(iv)-(vi) relating to aircraft, commodities controlled for national security (NS) reasons, explosives detection equipment and software, and concealed object detection equipment and software.

30. What was the effect of the rescission on License Exception Governments, International Organizations, International Inspections under the Chemical Weapons Convention, and the International Space Station (GOV)?

Since Cuba is no longer in Country Group E:1, the following restrictions in License Exception GOV (15 CFR § 740.11) no longer apply to Cuba:

- Paragraphs (a)(2)(iv) and (d)(4), which restricts access by Country Group E:1 nationals to certain computers used for authorized international safeguards, inspections, and verification activities;
- Paragraph (e)(7)(i), which precludes the export, reexport, or transfer (in-country) to Country Group E:1 nationals of items used to support of the International Space Station (ISS); and paragraph (e)(8)(iii), which precludes the return of parts for the ISS to destinations in Country Group E:1.

31. What was the effect of the rescission on License Exception Baggage (BAG)?

Since Cuba is no longer in Country Group E:1, the following restrictions in License Exception BAG (15 CFR § 740.14) no longer apply to Cuba:

- Paragraph (f)(1), which authorizes certain exports and reexports of encryption commodities and software subject to Encryption Items (EI) controls on the Commerce Control List by United States citizens and permanent resident aliens to destinations other than Country Group E:1;
- Paragraph (f)(2), which authorizes such exports and reexports by individuals other than nationals of a country in Country Group E:1; and
- Paragraph (g), which authorizes certain exports and reexports of technology by U.S. persons, but excludes in paragraph (g)(4) exports and reexports of encryption technology controlled in Export Control Classification Number (ECCN) 5E002 to destinations in Country Group E:1.

32. Now that Cuba is no longer a State Sponsor of Terrorism, do I need a license to sell items to the Cuban government or Cuban state-owned enterprises?

A license is still required to export or reexport to Cuba any item subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774) unless authorized by a license exception specified in § 746.2(a)(1).

VII. Vessels and Aircraft

33. Do I need an export license to sail my boat to Cuba?

You do not need an export license to sail your boat to Cuba if your temporary sojourn is eligible for paragraph (d)(6) of License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). That paragraph authorizes certain temporary sojourns to Cuba, including temporary sojourns of recreational vessels that are used in connection with travel authorized by the Department of the Treasury’s Office of Foreign Assets Control (OFAC). However, you must submit a license application to the Bureau of Industry and Security if your vessel would remain in Cuba for longer than 14 consecutive days before departing for a country to which the vessel could be exported without a license or to the United States.

34. Are cargo and passenger vessels destined for Cuba eligible for License Exception Aircraft, Vessels and Spacecraft (AVS)?

Yes, provided all of the terms and conditions paragraph (d)(6) of License Exception AVS (15 CFR § 740.15) are met. That paragraph authorizes temporary sojourns to Cuba of the following types of vessels for the specified purposes: (1) cargo vessels for hire for use in the transportation of items; (2) passenger vessels for hire for use in the transportation of passengers and/or items; and (3) recreational vessels that are used in connection with travel authorized by the Department of the Treasury’s Office of Foreign Assets Control (OFAC). However, you must submit a license application to the Bureau of Industry and Security if your vessel would remain in Cuba for longer than 14 consecutive days before departing for a country to which the vessel could be exported without a license or to the United States. Additionally, vessels used to transport both passengers and items to Cuba may transport automobiles only if the export or reexport of the automobiles to Cuba have been authorized by a separate license issued by BIS (i.e., not authorized by license exception).

35. May I fly my aircraft to Cuba and remain there for more than one day?

You do not need an export license to fly aircraft to Cuba if your temporary sojourn is eligible for paragraph (a) of License Exception Aircraft, Vessels and Spacecraft (AVS) (15 CFR § 740.15). General aviation now qualifies for License Exception AVS in order to

fly to Cuba, provided that all of the terms and conditions of the license exception are met. However, you must submit a license application to the Bureau of Industry and Security if your aircraft would remain in Cuba for longer than seven consecutive days before departing for a country to which the aircraft could be exported without a license or to the United States. Please note that persons subject to the jurisdiction of the United States, including crew, must be separately authorized to travel to Cuba by the Department of the Treasury's Office of Foreign Assets Control (OFAC).

36. Does general aviation qualify for License Exception Aircraft, Vessels and Spacecraft (AVS) in order to fly to Cuba?

General aviation now qualifies for License Exception AVS (15 CFR § 740.15) in order to fly to Cuba, provided that all of the terms and conditions of the license exception are met. With the removal of Cuba from Country Group E:1, there is no longer a requirement for U.S.-registered aircraft destined for Cuba to apply for a license.

37. What is the effect of the September 21, 2015, rule on the export and reexport of aircraft parts and components to Cuba?

The rule published in the Federal Register on September 21, 2015, created a new case-by-case licensing policy in § 746.2 of the Export Administration Regulations (EAR) (15 CFR 730 – 774) for exports and reexports to Cuba of items to ensure the safety of civil aviation and the safe operation of commercial passenger aircraft. Items eligible for review pursuant to this policy include aircraft parts and components; software and technology related to safety of flight; air traffic control, aviation communications, and aviation weather related equipment; airport safety equipment; and devices used for security screening of passengers and baggage. This licensing policy is intended to support international aviation and passenger safety.

38. If I have a pending license application for a vessel that now qualifies for License Exception Aircraft, Vessels and Spacecraft (AVS), will my application still be processed?

If, based upon the information included in your application, the proposed temporary sojourn appears to meet all the terms and conditions of License Exception AVS (15 CFR § 740.15), the Bureau of Industry and Security will return your license application without action (RWA). However, you are ultimately responsible for ensuring that you meet all of the terms and conditions of the license exception.

39. If I travel to Cuba on a ferry, may I take my automobile?

You may not take an automobile when traveling to Cuba on a ferry without an export license from the Bureau of Industry and Security (BIS). BIS generally would not approve such an application.

VIII. Temporary Exports

40. May I temporarily reexport eligible items to Cuba in support of professional meetings?

Paragraph (c)(2) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes certain temporary reexports to Cuba. Paragraph (c)(2) previously authorized certain temporary exports of items to Cuba by persons departing the United States for use in scientific, archeological, cultural, ecological, educational, historic preservation, or sporting activities, or in the traveler's professional research. Now, travelers departing the United States or a foreign country may temporarily export or reexport authorized items to Cuba for eligible end-uses under paragraph (c)(2) of License Exception SCP, including professional meetings, provided all of the terms and conditions are met.

41. Do I need a license for the temporary export or reexport of items for my own use while engaged in scientific, archaeological, cultural, ecological, educational, historic preservation or sporting activities or professional meetings or research in Cuba?

No. Paragraph (c)(2) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the temporary (up to two years) export or reexport to Cuba by travelers for the travelers' use in scientific, archaeological, cultural, ecological, educational, historic preservation or sporting activities or professional meetings or research. Please note that paragraph (c)(2) also includes certain additional limitations that could affect your eligibility.

42. May I take my company-owned laptop or mobile device to Cuba under License Exception Support for the Cuban People (SCP)?

Paragraph (c)(2) of License Exception SCP (15 CFR § 740.21) authorizes certain temporary exports and reexports by travelers to Cuba for the travelers' use in professional meetings and research. Eligible items include company-owned or personally-owned laptops and mobile devices designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons. Please note that paragraph (c)(2) also includes certain additional limitations that could affect your eligibility.

43. Do I need an export license to exhibit my products at a trade show in Cuba?

No, provided the items are temporarily exported and you meet the other terms and conditions of paragraph (f)(4) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21).

44. Do I need an export license for tools that I would take to Cuba to install or repair equipment?

No, provided the items are eligible under paragraph (f) of License Exception Support for the Cuban People (SCP) (15 CFR § 740.21), are temporarily exported, and you meet the other terms and conditions of paragraph (f)(1) and/or (f)(2) of License Exception SCP.

45. If I travel to Cuba on a ferry, may I take my automobile?

You may not take an automobile when traveling to Cuba on a ferry without an export license from the Bureau of Industry and Security (BIS). BIS generally would not approve such an application.

IX. Civil Society

46. Do I need a license to export or reexport items to human rights organizations or non-governmental organizations in Cuba?

License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export and reexport to Cuba of certain items without a license to human rights organizations, individuals, or non-governmental organizations that promote independent activity intended to strengthen civil society. Please note that such items are limited to those designated as EAR99 or controlled on the Commerce Control List (CCL) only for anti-terrorism (AT) reasons; other items require an individual validated license.

47. Do I need a license to export or reexport *donated* items for use by the Cuban people?

License Exception Support for the Cuban People (SCP) (15 CFR § 740.21) authorizes the export and reexport to Cuba of certain *donated* items without a license for use in scientific, archaeological, cultural, ecological, educational, historic preservation or sporting activities. The activities may not relate to the development, production, use, operation, installation maintenance, repair, overhaul or refurbishing of any item enumerated or otherwise described on the United State Munitions List (USML) (22 CFR Part 121) or the Commerce Control List (CCL) unless the only reason for control that applies to the item as set forth in the Export Control Classification Number (ECCN) that controls the item is anti-terrorism (AT) reasons.

X. Agricultural Commodities, Medicines, and Medical Devices

48. Have any changes been made with regard to the export and reexport to Cuba of agricultural commodities?

No. The terms and conditions of License Exception Agricultural Commodities (AGR) (15 CFR § 740.18) continue to apply. Notifications of intent to export/reexport eligible agricultural commodities may be submitted through BIS's online portal, SNAP-R (<http://www.bis.doc.gov>).

49. Have any changes been made with regard to the export and reexport to Cuba of medicine and medical devices?

No. As specified in § 746.2(b)(1) of the Export Administrations Regulations (EAR) (15 CFR 730 – 774), medicine and medical devices continue to require an individual validated license. Exporters/reexporters may submit an export license application to BIS through its online portal, SNAP-R (<http://www.bis.doc.gov>). Applications for the export/reexport of medicine and medical devices will generally be approved subject to certain limited exceptions.

XI. Environmental Protection

50. Do I need a license to sell items necessary for environmental protection to Cuba?

Yes. The export and reexport of items necessary for environmental protection require a license. You may submit an export license application to BIS through its online portal, SNAP-R (<http://www.bis.doc.gov>). Applications for items necessary for the environmental protection of U.S. and international air quality, waters and coastlines (including items related to renewable energy or energy efficiency) will generally be approved. No license exception applies.

XII. Consolidated Shipments and Gift Parcels

51. What responsibilities do consolidators retain pursuant to the Export Administration Regulations?

Given that an authorization is required for the export or reexport to Cuba of all items subject to the Export Administration Regulations (EAR) (15 CFR 730 – 774), the consolidator must know which authorization (i.e., the relevant license exception or an individual validated license) applies to the consolidated shipment. Additionally, consolidators and other parties involved in exports and reexports have general compliance responsibilities (e.g., recordkeeping requirements) specified in the EAR.

52. What changes have been made with regard to gift parcels?

License Exception Gift Parcels and Humanitarian Donations (GFT) (15 CFR § 740.12) was amended to remove the note that excluded from eligibility consolidated shipments of multiple parcels for delivery to individuals residing in a foreign country. Now, individuals who wish to send gift parcels to Cuba do not have to search for parties that have received a license from BIS authorizing consolidated shipments to Cuba.

XIII. License Exception Usage

53. How do license exceptions relate to license requirements and licensing policy for Cuba in the Export Administration Regulations?

A license exception is an exception to the license requirement that would otherwise apply to the transaction. Thus if a license exception is available, requirements for a license and licensing policy specified in §746.2 do not apply. For Cuba, only the license exceptions listed in § 746.2(a)(1) of the Export Administration Regulations (EAR) (15 CFR 730 – 774) may be used. The transaction must meet all of the terms of the license exception and must not be prohibited by § 740.2 of the EAR. Persons who are unfamiliar with the structure of the EAR or the relationship of license exceptions to license requirements generally may wish to consult the BIS online training room: <http://www.bis.doc.gov/index.php/compliance-a-training/export-administration-regulations-training>.

54. Do I need to notify the Bureau of Industry and Security prior to using a license exception available for Cuba?

The only license exception available for Cuba that requires prior notification is License Exception Agricultural Commodities (AGR) (15 CFR § 740.18). However, you should read 15 CFR §§ 740.1 and 740.2 for general information regarding the use of license exceptions and read the specific terms and conditions of the license exception that you want to use. You are responsible for making sure that your transaction meets the terms and conditions of the license exception.

55. Do I have to file an AES record in order to use a license exception?

The Bureau of Industry and Security's Export Administration Regulations (EAR) (15 CFR 730 – 774) and the Census Bureau's Foreign Trade Regulations (FTR) (15 CFR 30) contain certain export clearance and recordkeeping requirements. In many instances, such as when using License Exceptions Support for the Cuban People (SCP) (15 CFR § 740.21) and Consumer Communications Devices (CCD) (15 CFR § 740.19), you are required to file Electronic Export Information (EEI) in the Automated Export System (AES) (15 CFR § 758.1(b)). Bear in mind that when citing a license exception in the EEI filing to AES, the exporter is representing to the United States Government that the export is in

accordance with the terms and conditions of the license exception cited. Exporters should be sure of the facts related to the transaction before making such a representation.

XIV. Technology

56. Is a deemed export or deemed reexport license required for the release of EAR99 technology or source code to a Cuban National in the United States or a third country?

No. A deemed export or deemed reexport license is no longer required for the release of EAR99 technology or source code to a Cuban national in the United States or in a third country. However, a license is still required for the release of technology or source code on the Commerce Control List (including those controlled for anti-terrorism reasons only) to Cuban nationals within the United States or in a third country.