



OFFICE OF FOREIGN ASSETS CONTROL LICENSING DIVISION

LICENSE APPLICATION GUIDELINES FOR EXPORTS TO IRAN AND SUDAN OF AGRICULTURAL COMMODITIES, MEDICINE, AND MEDICAL DEVICES TSRA Program

The following information is intended to serve as guidance to persons applying for licenses authorizing exports of agricultural commodities, medicine, and medical devices to Iran and Sudan pursuant to the Trade Sanctions Reform and Export Enhancement Act of 2000 (TSRA), the Iranian Transactions Regulations, 31 C.F.R. Part 560, and the Sudanese Sanctions Regulations, 31 C.F.R. Part 538. Applicants are encouraged to consult the regulations for a complete statement of the rules applicable to TSRA-related exports.

Applications not containing all of the required information will be considered incomplete and returned without action and without prejudice. A new application will be accepted upon resubmission of a **complete** application.

To apply for a license to export agricultural commodities, medicine, or medical devices to Iran or Sudan under the TSRA Program, applicants must submit a license request, in writing, to the Office of Foreign Assets Control (OFAC). The following items must be included in clear and legible form:

- Identification of the country and program for which the applicant is requesting a license on the top of the first page of the application and on the front of the envelope (Example: **Iran – TSRA Program**). If the applicant wishes to export eligible items to both Iran and Sudan, **a separate application** must be submitted for each country;
- Applicant's full legal name (If the applicant is a business entity, include the state or jurisdiction of incorporation and principal place of business);
- Applicant's mailing and street address;
- Name(s) of the individual(s) responsible for the application and related commercial transactions, including their telephone numbers, fax numbers, and if available, email addresses so that we may reach a responsible point of contact should there be any questions about the application;
- Applicant's signature;
- Names and addresses of all parties involved in the transactions and their roles, including financial institutions, and any Iranian or Sudanese broker, purchasing agent, end-user, or other participant in the purchase of the agricultural commodities, medicine, or medical devices;
- A description of all products to be exported, including a statement that each product is an agricultural commodity, medicine, or medical device and that it is classified as

EAR99, and documentation and information sufficient to verify that each product to be exported is classified as EAR99 and eligible for exportation under the TSRA program. This would typically include the name of the product, a short description of it in layperson's terms (for medical devices, also include technical specifications which should include a picture of the device), the intended use of the agricultural commodities, medicine, or medical devices, and a statement explaining how the product qualifies as an agricultural commodity, medicine, or a medical device as those terms are defined in the regulations.

- To be eligible for export in the TSRA program, each product must be classified as EAR99. We encourage exporters to consult the website of the Department of Commerce's Bureau of Industry and Security ("BIS"), www.bis.doc.gov/licensing/ccrequestguidance.html, for guidelines on how to submit a commodity classification request.
- Exporters of all fertilizers, live horses, and western red cedar must provide to OFAC a copy of an Official BIS Commodity Classification of EAR99 as part of the license application (because certain of these items are controlled on the Commerce Control List and thus are not eligible for export under the TSRA program).
- Exporters of medicine must provide to OFAC a copy of an Official BIS Commodity Classification of EAR99 as part of the license application (because certain medicines are not eligible for export under the TSRA program).
- Exporters of medical devices must provide to OFAC a copy of an Official BIS Commodity Classification of EAR99 as part of the license application, unless the proposed export is for medical supply and that medical supply is specifically listed under the TSRA program on BIS's website at www.bis.doc.gov/policiesandregulations/tradesanctionsreformexportenhancementact.html. Please note that if an application for the export of a medical device does not include an Official BIS Commodity Classification of EAR99 and OFAC is unable to determine the export eligibility of the proposed export product, OFAC will request an Official BIS Commodity Classification of EAR99 from the applicant. To avoid delays in processing time, we encourage exporters of medical devices to provide Official BIS Commodity Classifications of EAR99 for all export products.
- Exporters of agricultural commodities may wish to consult the following U.S. Department of Agriculture website, www.fas.usda.gov, for a list of agricultural commodities that qualify for export under the TSRA program.
- The maximum number of export products and/or number of end-users should not exceed 50 per application.
- **Please note:** Payment by cash in advance, open account financing, or third-country bank letter of credit is authorized by general license. A special request will have to be made to use a letter of credit issued by an Iranian or Sudanese bank. Upon such a request, payment by letter of credit issued by an Iranian or Sudanese bank may be authorized by specific license on a case-by-case basis, provided that such letter of credit may not be advised, confirmed or otherwise dealt in by any financial institution that is a United States person (see 31 C.F.R. §§ 560.314, 560.532; 31 C.F.R. §§ 538.315, 538.525). Also, please note that your financing arrangements cannot involve any

entities that are designated pursuant to Executive Order 13224 of September 23, 2001, "Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism"; Executive Order 13382 of June 28, 2005, "Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters"; or any other Executive order or Chapter V of Title 31 of the C.F.R.

- Applicants should note that U.S. persons are prohibited from engaging in any transactions involving directly or indirectly Bank Saderat, Bank Sepah, Bank Mellat, Bank Melli, Future Bank, and Export Development Bank of Iran, which have been designated pursuant to Executive Order 13224 or Executive Order 13382.
- Applicants also should be aware that on September 10, 2008, OFAC designated, pursuant to Executive Order 13382, the Islamic Republic of Iran Shipping Lines (IRISL) and 18 affiliated entities for providing logistical services to Iran's Ministry of Defense and Armed Forces Logistics (MODAFL). U.S. persons are prohibited from engaging in any transaction or dealing involving these entities.

The application should be mailed to the address below.

**Attn: Licensing Division
Office of Foreign Assets Control
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, D.C. 20220**

Applicants may also send a complete copy of their application in Adobe Acrobat PDF format to the following email address:

agmed@do.treas.gov

Applicants who choose to send a copy of their application via the Internet *must* also send a hard copy of their application in order for OFAC to process their application. Applicants should note that the official date of receipt for their application will be the date the hard copy of the application is received by OFAC via mail.

The hard copy of all licenses will be mailed to applicants. Upon request, applicants may receive via email a copy of their license in Adobe Acrobat PDF format.

If you have any questions about the application process, please contact OFAC's Licensing Division at (202) 622-2480.