

Commerce Department Expands Russia and Belarus Controls, Implements Clarifying Changes

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On January 25, 2024, the Commerce Department's Bureau of Industry and Security ("BIS") [strengthened its existing controls](#) under the Export Administration Regulations ("EAR") against Russia and Belarus. Specifically, BIS is expanding the list of products under additional U.S. Harmonized Tariff Schedule ("HTS") codes that are restricted for export to Russia or Belarus and by making certain changes to the licensing requirements that apply to the occupied Crimea region of Ukraine. Additionally, BIS further restricted Russia's access to unmanned aerial vehicles supplied by Iran.

BIS added 95 new HTS codes at the 6-digit level to the list of items requiring a license for export, reexport, or transfer (in-country) to Russia or Belarus. The expanded list of items includes certain chemicals, lubricants, and metals, and it covers the entirety of Chapter 88 of the HTS (aircraft, spacecraft, and parts thereof), further restricting Russia's access to inputs for its defense industrial base. Other new HTS codes include 281830 (aluminum hydroxide), 283324 (nickel sulfate), and 284330 (gold compounds). The goal of the new HTS controls is to prevent additional related items not enumerated on the Commerce Control List from being exported to Russia and Belarus.

Additionally, BIS removed the lowest-level military and spacecraft-related items from being eligible for *de minimis* treatment when incorporated into foreign-made items for export from abroad or reexport to Russia or Belarus. This action brings additional foreign-made military and spacecraft items within the scope of the EAR if they include certain U.S. components, putting more pressure on Russia's defense industrial base and making it more challenging for foreign suppliers to provide low-level military and spacecraft items to Russia and Belarus.

Finally, BIS made several clarifying and harmonizing changes, including by adding an exclusion from BIS license requirements in situations involving transactions that are related to deployments by the Armed Forces of Ukraine to or within the temporarily occupied Crimea region of Ukraine and covered regions of Ukraine.

Please [contact](#) our export controls and sanctions team if you need assistance navigating these latest developments.