

## Fact Sheet: Preserving Agricultural Trade, Access to Communication, and Other Support to Those Impacted by Russia's War Against Ukraine

April 19, 2022

In response to Russia's unprovoked and brutal war against Ukraine, the United States, international partners, and allies have imposed unprecedented economic costs on the Government of the Russian Federation and its supporters. The U.S. Department of the Treasury's (Treasury) Office of Foreign Assets Control (OFAC) is issuing this Fact Sheet to make clear that U.S. sanctions issued in response to Russia's further invasion of Ukraine do not stand in the way of, agricultural and medical exports, nongovernmental organization (NGO) activities, Coronavirus Disease 2019 (COVID-19) relief, the free flow of information, humanitarian assistance, and other support to people impacted by Russia's war.

Beyond its toll on human life, Russia's war against Ukraine is causing significant harm in the region and the rest of the world. Russian President Vladimir Putin's unprovoked invasion of Ukraine is driving food and energy costs higher for people around the world. His actions have disrupted supply chains of agricultural commodities, destroyed agricultural and transportation infrastructure in Ukraine, and put millions at increased risk of food insecurity. Treasury is deeply concerned about the risks to global food supplies and food prices at a time when many emerging market and developing countries are still struggling to recover from the COVID-19 pandemic.

Treasury is working to address food security risks, including bolstering social safety nets for the most vulnerable people; unlocking trade finance to smooth disrupted supply chains for food and critical supplies; strengthening countries' domestic food production; and addressing the macroeconomic impacts of the crisis on the most affected countries.

As the United States continues to impose sanctions on Russia for the atrocities being committed in Ukraine, we reiterate our commitment to supporting activities that benefit the Ukrainian and Russian people and those around the world impacted by Russia's further invasion of Ukraine. These activities are not the target of our sanctions efforts, and U.S. and non-U.S. persons can avail themselves of the authorizations, exemptions, and public guidance that the Treasury has issued as they continue to engage in these activities in relation to Ukraine and Russia. These include the provision of basic foodstuffs and agricultural commodities; humanitarian and other assistance by NGOs; medicine and medical devices; COVID-19 relief; and telecommunications and internet services to support the flow of information.

As Treasury receives additional feedback, OFAC will continue to evaluate the need for additional authorizations in support of people impacted by Russia's war. The information below is current and operative as of the date of publication of this Fact Sheet, unless or until modified.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> This Fact Sheet is informational, does not have the force of law, and does not supersede the actual legal provisions cited.

#### **Overview of Authorizations**

OFAC administers and enforces multiple authorities under which sanctions have been imposed on Russia, including: (i) the Russian Harmful Foreign Activities sanctions program, established by the Russia-related national emergency declared in E.O. 14024 and subsequently expanded and addressed through certain additional authorities,<sup>2</sup> and (ii) the Ukraine-/Russia-related sanctions program, established with the Ukraine-related national emergency declared in Executive Order (E.O.) 13660 and subsequently expanded and addressed through certain additional authorities.<sup>3</sup> Pursuant to these sanctions programs, numerous exemptions or authorizations exist to support the people of Ukraine and Russia, as described in detail below.

# Russian Harmful Foreign Activities Sanctions Program

Treasury's Russian Harmful Foreign Activities sanctions program is codified at 31 CFR part 587 (Russian Harmful Foreign Activities Sanctions Regulations, or RuHSR).

OFAC has issued many general licenses (GLs) under the Russian Harmful Foreign Activities sanctions authorities to authorize, among other things, humanitarian assistance, agricultural and medical trade, and other support to people impacted by Russia's further invasion of Ukraine. In all cases, authorized transactions must comply with the terms and conditions set forth in the applicable GL, and the below GLs only authorize activity prohibited by certain authorities.

# Agricultural commodities, medicine, and medical devices: Russia-related GL 6A,

"Transactions Related to the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Devices, Replacement Parts and Components, or Software Updates, the Coronavirus Disease 2019 (COVID-19) Pandemic, or Clinical Trials," authorizes certain transactions prohibited by the RuHSR that are ordinarily incident and necessary to: (1) the exportation or reexportation of agricultural commodities, medicine, medical devices, replacement parts and components for medical devices, or software updates for medical devices to, from, or transiting the Russian Federation; (2) the prevention, diagnosis, or treatment of COVID-19 (including research or clinical studies relating to COVID-19); or (3) ongoing clinical trials and other medical research activities that were in effect prior to March 24, 2022.

<u>**Telecommunications and internet-based communications**</u>: Russia-related GL <u>25</u>, "Authorizing Transactions Related to Telecommunications and Certain Internet-Based Communications," authorizes certain transactions prohibited by the RuHSR that are ordinarily

<sup>&</sup>lt;sup>2</sup> The Russian Harmful Foreign Activities sanctions program represents the implementation of multiple legal authorities. Some of these authorities are in the form of executive orders issued by the President (E.O.s <u>14071</u>, <u>14068</u>, <u>14066</u>, <u>14039</u>, and <u>14024</u>). Other authorities are public laws (statutes) passed by Congress. These authorities are further codified by OFAC in its regulations which are published in the Code of Federal Regulations (CFR) at <u>31 CFR part 587</u>. Modifications to these regulations are posted in the Federal Register.

<sup>&</sup>lt;sup>3</sup> The Ukraine-/Russia-related Sanctions program represents the implementation of multiple legal authorities. Some of these authorities are in the form of an executive order issued by the President (E.O.s <u>14065</u>, <u>13849</u>, <u>13685</u>, <u>13662</u>, <u>13661</u>, and <u>13660</u>). Other authorities are public laws (statutes) passed by Congress. These authorities are further codified by OFAC in its regulations which are published in the CFR at <u>31 CFR part 589</u>. Modifications to these regulations are posted in the Federal Register.

incident and necessary to the receipt or transmission of telecommunications involving the Russian Federation, as well as the exportation or reexportation, sale, or supply, directly or indirectly, from the United States or by U.S. persons to the Russian Federation of services, software, hardware, or technology incident to the exchange of communications over the internet, such as instant messaging, videoconferencing, chat and email, social networking, sharing of photos, movies, and documents, web browsing, blogging, web hosting, and domain name registration services.

<u>NGO activities</u>: Russia-related GL <u>27</u>, "Certain Transactions in Support of Nongovernmental Organizations' Activities," authorizes transactions ordinarily incident and necessary to the activities described below by NGOs that are prohibited by the RuHSR, provided that the only involvement of blocked persons is the processing of funds by financial institutions blocked pursuant to E.O. 14024:

- Activities to support humanitarian projects to meet basic human needs in Ukraine or the Russian Federation, including drought and flood relief; food, nutrition, and medicine distribution; the provision of health services; assistance for vulnerable or displaced populations, including individuals with disabilities and the elderly; and environmental programs;
- Activities to support democracy building in Ukraine or the Russian Federation, including activities to support rule of law, citizen participation, government accountability and transparency, human rights and fundamental freedoms, access to information, and civil society development projects;
- Activities to support education in Ukraine or the Russian Federation, including combating illiteracy, increasing access to education, international exchanges, and assisting education reform projects;
- Activities to support non-commercial development projects directly benefiting the people of Ukraine or the Russian Federation, including related to health, food security, and water and sanitation; and
- Activities to support environmental and natural resource protection in Ukraine or the Russian Federation, including the preservation and protection of threatened or endangered species, responsible and transparent management of natural resources, and the remediation of pollution or other environmental damage.

**<u>Personal remittances</u>**: Russia-related GL <u>18</u>, "Authorizing U.S. Dollar-Denominated Banknote Noncommercial, Personal Remittances Prohibited by Executive Order of March 11, 2022," authorizes certain transactions prohibited by the RuHSR that are ordinarily incident and necessary to the transfer of U.S. dollar-denominated banknote noncommercial, personal remittances from: (i) the United States or a U.S. person, wherever located, to an individual located in the Russian Federation; or (ii) a U.S. person who is an individual located in the Russian Federation.

**Personal maintenance of U.S. individuals**: Russia-related GL <u>19</u>, "Authorizing Transactions Related to Personal Maintenance of U.S. Individuals Located in the Russian Federation Prohibited by Executive Order of March 11, 2022," authorizes individuals who are U.S. persons located in the Russian Federation to engage in certain transactions prohibited by the RuHSR that are ordinarily incident and necessary to their personal maintenance within the Russian Federation, including payment of housing expenses, acquisition of goods or services for personal use, payment of taxes or fees, and purchase or receipt of permits, licenses, or public utility services, subject to certain conditions.

**Emergency medical services**: Section 587.508 of the RuHSR authorizes the provision and receipt of nonscheduled emergency medical services.

**<u>U.S. government business</u>**: Section 587.205(b) of the RuHSR exempts transactions that are for the conduct of the official business of the U.S. government.

**International organizations**: Section 587.205(b) of the RuHSR exempts transactions that are for the conduct of the official business of the United Nations (including its specialized agencies, programs, funds, and related organizations) (UN) by employees, grantees, or contractors thereof. Additional activity related to the UN is also authorized by § 587.510 of the RuHSR. In addition, § 587.510 of the RuHSR authorizes transactions prohibited by the RuHSR that are for the conduct of the official business of the following entities by employees, grantees, or contractors thereof:

- The International Centre for Settlement of Investment Disputes (ICSID) and the Multilateral Investment Guarantee Agency (MIGA);
- The African Development Bank Group, the Asian Development Bank, the European Bank for Reconstruction and Development, and the Inter-American Development Bank Group (IDB Group), including any fund entity administered or established by any of the foregoing; and
- The International Committee of the Red Cross and the International Federation of Red Cross and Red Crescent Societies.

**Overflight payments, emergency landings, and air ambulance services**: Russia-related GL 7, "Authorizing Overflight Payments, Emergency Landings, and Air Ambulance Services," authorizes transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to the receipt of, and payment of charges for, services rendered in connection with overflights of the Russian Federation or emergency landings in the Russian Federation by aircraft registered in the United States or owned or controlled by, or chartered to, U.S. persons. GL 7 also authorizes transactions prohibited by E.O. 14024 that are ordinarily incident and necessary to provide air ambulance and related medical services, including medical evacuation, to individuals in the Russian Federation.

# **Related FAQs:**

- **FAQ** <u>978</u>: *Guidance on permissible funds transfers involving sanctioned foreign financial institutions.*
- **FAQ** <u>979</u>: Guidance on transactions for official business of international organizations, certain humanitarian-related trade, or the response to the COVID-19 pandemic.
- **FAQ** <u>1025</u>: *Guidance on the impact of E.O. 14068 on GL 6.*
- **FAQ** <u>1028</u>: *Guidance on sending noncommercial, personal remittances denominated in U.S. dollars to the Russia Federation.*

### Ukraine-/Russia-related Sanctions Program

The Ukraine-/Russia-related sanctions program is codified in part at the Ukraine Related Sanctions Regulations, 31 CFR part 589. The Ukraine-/Russia-related sanctions program is a key tool in the U.S. government's effort to disrupt and deter Russia's malign activities stemming from Russia's invasion of Ukraine in 2014 and to impose long-term costs on the Russian government for these activities.

While the Crimea region of Ukraine and the so-called Donetsk People's Republic (DNR) and Luhansk People's Republic (LNR) regions of Ukraine are blocked jurisdictions pursuant to E.O.s. 13685 and 14065, respectively, OFAC has issued many GLs under the Ukraine-/Russia-related sanctions program to authorize humanitarian assistance, agricultural and medical trade, and other support to people impacted by Russia's malign activities. In all cases, authorized transactions must comply with the terms and conditions set forth in the applicable GL and only authorize activity prohibited by certain authorities.

<u>Authorized activities involving the Crimea region of Ukraine</u>: While the Crimea region of Ukraine is comprehensively blocked pursuant to E.O. 13685, OFAC maintains several GLs designed to provide humanitarian relief and assistance to the Ukrainian people, including transactions related to the export of food or medicine, personal remittances, telecommunications, internet services, and mail.

- Agricultural and medical exports: Ukraine-related GL <u>4</u>, "Authorizing the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Supplies, and Replacement Parts," authorizes certain transactions prohibited by E.O. 13685 that are ordinarily incident and necessary to: the exportation or reexportation of agricultural commodities, medical supplies, or replacement parts and components for medical supplies to the Crimea region of Ukraine, or to persons in third countries purchasing specifically for resale to the Crimea region of Ukraine. A list of authorized medical supplies can be found here.
- **Personal remittances**: Ukraine-related GL <u>6</u>, "Noncommercial, Personal Remittances Authorized," authorizes certain transactions prohibited by E.O. 13685 to send and receive, and U.S. depository institutions, U.S.-registered brokers or dealers in securities, and U.S.-registered money transmitters are authorized to process transfers of, funds to or

from the Crimea region of Ukraine or for or on behalf of an individual ordinarily resident in the Crimea region of Ukraine in cases in which the transfer involves a noncommercial, personal remittance.

- **Operation of Accounts**: Ukraine-related GL <u>7</u>, "Operation of Accounts Authorized," authorizes the operation of an account in a U.S. financial institution for an individual ordinarily resident in the Crimea region of Ukraine other than an individual whose property and interests in property are blocked pursuant to E.O.s 13660, 13661, 13662, or 13685 (collectively, the "Orders"), provided that transactions processed through the account are of a personal nature and not for use in supporting or operating a business; do not involve transfers directly or indirectly to the Crimea region of Ukraine or for the benefit of individuals ordinarily resident in the Crimea region of Ukraine unless authorized by Ukraine-related GL 6 ("Noncommercial, Personal Remittances Authorized"); and are not otherwise prohibited by the Orders.
- Telecommunications and mail: Ukraine-related GL <u>8</u>, "Transactions Related to Telecommunications and Mail Authorized," authorizes transactions prohibited by E.O. 13685 with respect to the receipt and transmission of telecommunications involving the Crimea region of Ukraine, as well as certain transactions of common carriers incident to the receipt or transmission of mail and packages between the United States and the Crimea region of Ukraine.
- Internet-based communications: Ukraine-related GL 9, "Exportation of Certain Services and Software Incident to Internet-Based Communications Authorized," authorizes, as otherwise prohibited by E.O. 13685, the exportation or reexportation, directly or indirectly, from the United States or by U.S. persons, wherever located, to persons in the Crimea region of Ukraine, of certain services incident to the exchange of personal communications over the internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, as well as the export of software to enable such services. Ukraine-related GL 9 also authorizes the exportation or reexportation, directly or indirectly, from the United States or by U.S. persons, wherever located, to persons in the Crimea region of Ukraine of Software necessary to enable the certain services.
- Journalistic activities and establishment of news bureaus: Ukraine-related GL <u>25</u>, "Journalistic Activities and Establishment of News Bureaus in Certain Regions of Ukraine," authorizes news reporting organizations that are U.S. persons and individuals who are U.S. persons regularly employed by a news reporting organization, either as journalists (including photojournalists) or as supporting broadcast or technical personnel, to engage in the certain transactions in the Crimea region of Ukraine, that are ordinarily incident and necessary to their journalistic activities in said region (see below for details on how this GL also applies to the DNR and LNR regions of Ukraine).

# **Related FAQs:**

- **FAQ** <u>453</u>: *Guidance on sending noncommercial, personal remittances to or from the Crimea region of Ukraine.*
- **FAQ** <u>454</u>: Guidance on the export or reexport services or software with knowledge or reason to know that such services or software are intended for an individual or entity identified on the Sectoral Sanctions Identification List.

<u>Authorized activities involving the so-called DNR and LNR regions of Ukraine</u>: While the DNR and LNR regions of Ukraine are comprehensively blocked pursuant to E.O. 14065, OFAC maintains several GLs designed to provide humanitarian relief and assistance to the Ukrainian people, including transactions related to the export of food or medicine, personal remittances, telecommunications, internet services, mail, and NGO activities.

- Agricultural and medical exports: Ukraine-related GL <u>18</u>, "Authorizing the Exportation or Reexportation of Agricultural Commodities, Medicine, Medical Devices, Replacement Parts and Components, or Software Updates to Certain Regions of Ukraine and Transactions Related to the Coronavirus Disease 2019 (COVID-19) Pandemic," authorizes transactions prohibited by E.O. 14065 that are ordinarily incident and necessary to: (1) the exportation or reexportation of agricultural commodities, medical devices, replacement parts and components for medical devices, or software updates for medical devices, to the DNR and LNR regions of Ukraine, or to persons in third countries purchasing specifically for resale to the DNR and LNR regions of Ukraine; or (2) the prevention, diagnosis, or treatment of COVID-19 (including research or clinical studies relating to COVID-19).
- **Telecommunications and mail**: Ukraine-related GL <u>19</u>, "Authorizing Transactions Related to Telecommunications and Mail," authorizes transactions prohibited by E.O. 14065 related to telecommunications that are ordinarily incident and necessary to the receipt or transmission of telecommunications in the DNR and LNR regions of Ukraine, as well as certain transactions of common carriers involving the DNR and LNR regions of Ukraine that are ordinarily incident and necessary to the receipt or transmission of mail and packages.
- Official business of international organizations: Ukraine-related GL <u>20</u>, "Official Business of Certain International Organizations and Entities," authorizes transactions prohibited by E.O. 14065 for the conduct of the official business of certain international organizations and entities.
- **Personal remittances and operation of accounts**: Ukraine-related GL <u>21</u>, "Authorizing Noncommercial, Personal Remittances and the Operation of Accounts," authorizes certain transactions prohibited by E.O. 14065 that are ordinarily incident and necessary to the transfer of noncommercial, personal remittances to or from the DNR and LNR regions of Ukraine or for or on behalf of an individual ordinarily resident in the DNR and LNR regions of Ukraine. Further, Ukraine-related GL 21 authorizes certain transactions that are ordinarily incident and necessary to maintaining, operating, or closing an account of an individual ordinarily resident in the DNR and LNR regions of Ukraine. U.S.

depository institutions, U.S.-registered brokers or dealers in securities, and U.S.registered money transmitters are authorized to process noncommercial, personal remittances pursuant to Ukraine-related GL 21 regardless of whether the originator or beneficiary is an individual who is a U.S. person. GL 21 is not limited to a specific method of payment.

- Internet-based communications: Ukraine-related GL 22, "Authorizing the Exportation of Certain Services and Software Incident to Internet-Based Communications," authorizes, as otherwise prohibited by E.O. 14065, the exportation or reexportation, directly or indirectly, from the United States or by U.S. persons, wherever located, to persons in the DNR and LNR regions of Ukraine, of certain services incident to the exchange of personal communications over the internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, and blogging, as well as the export of software to enable such services. Ukraine-related GL 22 also authorizes the exportation or reexportation, directly or indirectly, from the United States or by U.S. persons, wherever located, to persons in the DNR and LNR region of Ukraine of software necessary to enable certain services.
- NGO activities: Ukraine-related GL 23, "Certain Transactions in Support of Nongovernmental Organizations' Activities," authorizes certain transactions prohibited by E.O. 14065 that are ordinarily incident and necessary to the support of NGO activities in the DNR and LNR regions of Ukraine, including activities related to humanitarian projects to meet basic human needs, democracy building, education, non-commercial developments projects, and environmental and natural resource protection. Such transactions may include the processing and transfer of funds, payment of taxes, fees, and import duties, and purchase or receipt of permits, licenses, or public utility services.
- **Civil maritime services**: Ukraine-related GL <u>24</u>, "Transactions Related to the Provision of Maritime Services," authorizes transactions related to the provision or receipt of civil maritime services performed by individuals who are ordinarily resident in the DNR or LNR regions of Ukraine, provided that such services are performed outside the DNR and LNR regions of Ukraine and such services are not performed on behalf of any entity located in, or organized under the laws of, the DNR and LNR regions of Ukraine.
- Journalistic activities and establishment of news bureaus: Ukraine-related GL <u>25</u>, "Journalistic Activities and Establishment of News Bureaus in Certain Regions of Ukraine," authorizes news reporting organizations that are U.S. persons and individuals who are U.S. persons regularly employed by a news reporting organization, either as journalists (including photojournalists) or as supporting broadcast or technical personnel, to engage in certain transactions in the DNR and LNR regions of Ukraine that are ordinarily incident and necessary to their journalistic activities in said regions (see above for details on how this GL also applies to the Crimea region of Ukraine).

#### **Related FAQs:**

• **FAQ** <u>1007</u>: *Guidance on authorized activities with the DNR and LNR regions of Ukraine.* 

# **Additional Licensing**

For transactions neither exempt nor authorized by OFAC, OFAC considers specific license requests on a case-by-case basis and prioritizes license applications and other requests for guidance that are related to humanitarian activity. Please see OFAC's <u>License Application Page</u> for additional details regarding the specific licensing process.

# **Additional Information**

If you have additional questions, we encourage you to contact the OFAC Compliance Hotline at 1-800-540-6322 or email <u>OFAC\_Feedback@treasury.gov</u>. As with specific license requests, OFAC prioritizes answering questions that are related to humanitarian activity.