



COVID-19 Update

April 2020

OFAC Issues Fact Sheet on Providing Humanitarian Aid to Combat COVID-19 Under Various Sanctions Programs

On April 16, 2020, the Department of the Treasury's Office of Foreign Assets Control (OFAC) stated that the United States "is committed to ensuring that humanitarian assistance continues to reach at-risk populations through legitimate and transparent channels as countries across the globe fight the Coronavirus Disease 2019 (COVID-19)." Noting that OFAC's sanctions programs generally allow exemptions, exceptions and authorizations for providing humanitarian aid and related trade to even comprehensively sanctioned countries, OFAC issued a [Fact Sheet](#) highlighting such allowable trade under these sanctions programs. The fact sheet also notes that for the export of personal protective equipment (PPE), all relevant U.S. regulations, guidance and rules should be reviewed, including the temporary rule issued by the Federal Emergency Management Agency (FEMA) on April 10, 2020, which prohibits the export from the United States of five types of PPE without explicit FEMA approval. See [Trump and Trade Update of April 9, 2020](#).

The fact sheet provides an up-to-date listing and summary authorizations that allow such humanitarian trade under the Iran, Venezuela, North Korea, Syria, Cuba and Ukraine/Russia-related sanctions programs.

Iran: For COVID-19 related support, U.S. and non-U.S. persons are allowed to provide certain humanitarian goods (including medicine and medical devices) to Iran under existing exemptions, exceptions and authorizations under OFAC regulations. The fact sheet notes that "most medicine and medical devices, including certain personal protective equipment and other items used for COVID-19- related treatment such as medical gowns, medical eye shields and

goggles, surgical gloves, face shields, certain respirators and masks such as N95, N99, and N100 masks, and certain ventilators, already qualify for export and reexport to Iran under general licenses, without the need for further authorization from OFAC." For other categories of medical devices, OFAC continues its policy of reviewing license applications on a case-by-case basis.

Venezuela: OFAC notes that under existing sanctions toward this country, U.S. persons are not prohibited from engaging in transactions involving Venezuela or its citizens, "provided that the Government of Venezuela, other blocked persons, or proscribed conduct are not involved." In instances where there may be a nexus to the government, OFAC has broad exemptions and authorizations for the commercial sale and export of agricultural commodities, food, medicine and medical devices to Venezuela.

North Korea: The fact sheet highlights that OFAC generally licenses nongovernmental organizations (NGO) to provide services related to certain humanitarian activities in North Korea: "Such support may include providing items to the civilians of North Korea, to include but not limited to testing kits, respiratory devices, personal protective equipment, and medicine used in the prevention, diagnosis, treatment, and recovery from COVID-19." Otherwise, OFAC authorizes only limited engagement or transactions directly with the government of North Korea.

Syria: Despite the complexity of sanctions toward Syria (given that concerns regarding Iran, Russia and global terrorism are also involved), OFAC indicates that it is "committed to ensuring that these sanctions do not limit

the ability of civilians located in Syria to receive humanitarian support from the international community. Such support may include providing items to the civilians of Syria, to include testing kits, respiratory devices, personal protective equipment, and medicine used in the prevention, diagnosis, treatment, and recovery from COVID-19.” Several general licenses are in place allowing for certain activities to be undertaken by NGOs and for the export of certain non-U.S.-origin food, medicine and medical devices.

Cuba: OFAC acknowledges that most transactions between Cuba and the United States continue to be prohibited, but that general license authorizations to allow for humanitarian relief and assistance are available. This would include certain travel-related authorizations for medical and health-related projects as well as certain categories authorizing monetary remittances. The fact sheet notes that the Department of Commerce also maintains certain regulations and controls pertaining to the export of medicine and medical devices to Cuba.

Ukraine/Russia: The fact sheet states that Russia is involved in “a broad range of malign activities” including activities in Syria, Venezuela and North Korea, as well as ongoing aggression in Ukraine. OFAC notes that U.S. persons are not prohibited from engaging in transactions involving the country or people of Russia, provided that the transactions do not involve the Crimea region of Ukraine, blocked persons, or proscribed conduct. Further, while exports to the Crimea region of Ukraine are blocked, OFAC has issued several general licenses which allow for the export of medicine and medical supplies to this region of Ukraine.

The fact sheet provides helpful links to relevant OFAC general and specific licenses, executive orders, and other helpful guidance tools for assistance in providing humanitarian aid to these six countries.

FOR MORE INFORMATION

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Additional Resources

Thompson Hine’s multidisciplinary COVID-19 Task Force is monitoring the latest developments and guidance from public health officials and assessing the potential impacts on our clients and their businesses. The [COVID-19 Task Force page](#) on our website provides a centralized location for recent publications, webinars, articles and resources that you may find helpful.

For the latest news and analysis in international trade law, please visit our blog, [Trump and Trade](#). To receive an email notification whenever a new post is published, please [subscribe to the blog](#).

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