

ClientAlert

International Trade

January 2015

US Implements Measures to Liberalize Cuba Sanctions and Export Controls



On January 16, 2015, the United States amended existing regulations to implement the changes announced by President Obama on December 17, 2014, liberalizing US sanctions and export controls targeting Cuba.¹ As a result, the US Department of the Treasury's Office of Foreign Assets Control (OFAC) amended its economic sanctions regulations and the US Department of Commerce's Bureau of Industry and Security (BIS) amended its export control regulations relating to Cuba. These amended regulations became effective on Friday, January 16, 2015.

According to the United States, the purpose of the changes is to promote political and economic freedom for the Cuban people by easing sanctions related to travel, remittances, trade, banking and communications. OFAC sanctions were liberalized to authorize the following Cuba-related activities: (i) certain financial transactions, (ii) certain types of travel and travel services, including insurance, (iii) certain trade transactions, (iv) broader remittances, (v) additional transactions involving telecommunications and Internet-based services and (vi) expanded US and foreign governmental activities. US export controls were eased to authorize the export and reexport of certain items to Cuba. Although the measures signal the most significant change in US economic and trade policy towards Cuba to date, the Cuba embargo remains in place and most transactions between the United States or persons subject to the jurisdiction of the United States and Cuba continue to be prohibited. Therefore, it is all the more important that parties contemplating activities in Cuba undertake rigorous review of potential transactions to ensure compliance with both BIS and OFAC's amended regulations.

I. Amendments to OFAC's Cuba Sanctions Regulations

Financial Transactions Involving Cuba

Depository institutions subject to US jurisdiction are now authorized to engage in all transactions necessary to establish and maintain correspondent accounts at a Cuban financial institution, provided that such accounts are used only for authorized or exempt transactions.²

Richard J. Burke
Partner, Washington, DC
+ 1 202 626 3687
rburke@whitecase.com

Nicole E. Erb
Partner, Washington, DC
+ 1 202 626 3694
nerb@whitecase.com

Kristina Zissis
Counsel, Washington, DC
+ 1 202 626 3636
kzissis@whitecase.com

Claire A. DeLelle
Counsel, Washington, DC
+ 1 202 626 6485
claire.delelle@whitecase.com

Cristina Brayton-Lewis
Associate, Washington, DC
+ 1 202 729 2407
cbraytonlewis@whitecase.com

Tanya Hanna
Associate, Washington, DC
+ 1 202 637 6294
thanna@whitecase.com

¹ See December 2014 White & Case alert [here](#).

² A "depository institution" is an insured bank as defined in section 3 of the Federal Deposit Insurance Act; an insured institution as defined in section 408(a) of the National Housing Act; an insured credit union as defined in section 101 of the Federal Credit Union Act; or any other institution that is carrying on banking activities pursuant to a charter from a federal or state banking authority.

These depository institutions may also now reject, rather than block, funds transfers that remain prohibited originating and terminating outside the United States so long as the originator or beneficiary is not a person subject to US jurisdiction. If, however, a prohibited Cuban Government Official³ or member of the Cuban Communist Party⁴ has an interest in the transfer, the transfer should continue to be blocked.⁵ In addition, depository institutions may process transfers involving an originator or beneficiary who is not a person subject to US jurisdiction, if the transaction is authorized for persons subject to US jurisdiction.

Banking institutions, including US-registered brokers or dealers in securities and US-registered money transmitters may unblock any blocked account previously blocked solely because of the interest of one or more "Unblocked Nationals," a new concept authorizing dealings with Cuban nationals permanently resident outside of Cuba.⁶

The regulations also relax the prohibition on establishing and maintaining accounts in the United States or with a person subject to US jurisdiction by, on behalf of, or for the benefit of, a Cuban national. Specifically, depository institutions may now open and maintain accounts for Cuban nationals present in the United States in a non-immigrant status or pursuant to other non-immigrant travel authorization. The account must be closed before these individuals leave the United States at the end of their authorized stay, otherwise the account must be blocked.

As noted below, financial institutions are also authorized to engage in all transactions incident to the processing and payment of credit and debit cards involving authorized travel-related transactions in Cuba.

Specific licenses may be issued authorizing the administration of the estates of non-Cuban decedents who died in Cuba on or after July 8, 1963, provided that any distribution to a blocked national of Cuba is made by deposit in a blocked account in a domestic bank in the name of the blocked national.

Remittances

Banking institutions, including US-registered brokers or dealers in securities and US-registered money transmitters, are authorized to provide services in connection with the collection or forwarding of authorized remittances.

The amount of personal periodic remittances in a three-month period to Cuban nationals has been increased to US\$2,000 from US\$500.

Remittances by the following are now authorized:

- Close relatives of a person subject to US jurisdiction who are students in Cuba under the educational authorization, for the purpose of funding such authorized activities.
- Persons subject to US jurisdiction to individuals and independent nongovernmental entities in Cuba, including pro-democracy groups and civil society groups, and their members, to support: (i) humanitarian projects⁷ in or related to Cuba that are designed to directly benefit the Cuban people; (ii) the Cuban people through activities of recognized human rights organizations, independent organizations designed to promote a rapid, peaceful transition to democracy, and activities of individuals and non-governmental organizations that promote independent activity intended to strengthen civil society in Cuba; and (iii) the development of private businesses, including small farms.

3 Defined as Ministers and Vice-ministers, members of the Council of State and the Council of Ministers; members and employees of the National Assembly of People's Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors, and deputy editors of Cuban state-run media organizations and programs, including newspapers, television and radio; and members and employees of the Supreme Court (Tribuno Supremo Nacional).

4 Defined as members of the Politburo, the Central Committee, Department Heads of the Central Committee, employees of the Central Committee and secretaries and first secretaries of the provincial Party central committees.

5 This authorization does not relieve blocking obligations under other sanctions programs and regulations including OFAC's List of Specially Designated Nationals and Blocked Persons (SDN List).

6 Unblocked Nationals are defined as:

- Individual nationals of Cuba who have taken up residence in the United States and are a US citizen, permanent resident, or have applied to become a lawful permanent resident and have an adjustment of status application pending, or are lawfully present and intending to lawfully remain in the United States on a permanent basis. Such persons cannot be a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party.
- Individual nationals of Cuba who have taken up permanent residence in a third country, provided certain required documentation is obtained demonstrating permanent resident status. Such persons cannot be a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party.
- Entities that otherwise would be a national of Cuba solely because of the interest of one or more individuals who would be considered unblocked nationals.

Unblocked Nationals remain unblocked unless and until the individual becomes domiciled in or a permanent resident of Cuba.

7 The following projects are authorized: medical and health-related projects; construction projects intended to benefit legitimately independent civil society groups; environmental projects; projects involving formal or non-formal educational training, within Cuba or off-island, on the following topics: entrepreneurship and business, civil education, journalism, advocacy and organizing, adult literacy or vocational skills; community-based grassroots projects; projects suitable to the development of small-scale private enterprise; projects that are related to agricultural and rural development that promote independent activity; microfinancing projects (except for loans, extensions of credit, or other financing prohibited under the regulations); and projects to meet basic human needs.

Specific licenses may be issued on a case-by-case basis to authorize remittances:

- By persons subject to US jurisdiction to a person in Cuba, directly or indirectly, for transactions to facilitate non-immigrant travel by an individual in Cuba to the United States under circumstances where humanitarian need is demonstrated, including illness or other medical emergency.
- From a blocked account to a Cuban national in excess of US\$300.

Telecommunications/Internet-Based Services⁸

1. Telecommunications

The amendments related to telecommunications are intended to provide efficient and adequate telecommunications services between the United States and Cuba. The following transactions, including payments, relating to the provision of telecommunications services are authorized, subject to a reporting requirement to OFAC:

- Transactions incident to the provision of telecommunications services⁹ related to the transmission or the receipt of telecommunications involving Cuba, including the entry into and performance under roaming service agreements with telecommunications services providers in Cuba, by persons subject to US jurisdiction.
- Contracts with telecommunications service providers, or particular individuals in Cuba, for telecommunications services provided to particular individuals in Cuba, provided that such individuals in Cuba are not prohibited officials of the Government of Cuba, or prohibited members of the Cuban Communist Party.
- Transactions incident to the establishment of facilities, including fiber-optic cable and satellite facilities, to provide telecommunications services linking the United States or third countries and Cuba, including facilities to provide telecommunications services in Cuba.

2. Internet-Based Services

The changes related to Internet-based services authorize persons subject to US jurisdiction to provide additional services incident to Internet-based communications and related to certain authorized exportations and reexportations of communications items. The new regulations broadly authorize the exportation or reexportation, directly or indirectly, from the United States or by a person subject to US jurisdiction to Cuba of:

- Services incident to the exchange of communications over the internet, such as instant messaging, chat and email, social networking, sharing of photos and movies, web browsing, blogging, web hosting (provided that it is not for the promotion of tourism) and domain name registration services.¹⁰
- Services, including software design, business consulting and information technology management services (including cloud storage), that are related to the following items, or of services to install, repair (including repair training), or replace such items:
 - Items subject to the Export Administration Regulations (EAR) exported or reexported to Cuba under License Exception Consumer Communications Devices (CCD).
 - Items of foreign origin or located outside the United States that are exported, reexported, or provided, directly or indirectly, by a person subject to US jurisdiction to Cuba pursuant to a specific license, items that are of a type described in License Exception CCD, provided that the items would be designated EAR99 or would meet the criteria for classification under the relevant Export Classification Control Number (ECCN) specified in License Exception CCD if they were subject to the EAR.
 - “Publicly available” software not subject to the EAR that is exported, reexported or provided, directly or indirectly, by a person subject to US jurisdiction to Cuba; software that is of a type described in License Exception CCD.

Additionally, the importation into the United States of items described above by an individual entering the United States, directly or indirectly, from Cuba is also authorized.

8 OFAC also is expanding authorizations for the operation of news bureaus, permitting all transactions necessary for the establishment and operation of news bureaus in Cuba whose primary purpose is the gathering and dissemination of news to the general public. This includes the hiring and employment of Cuban nationals in Cuba to provide reporting services or other services related to the gathering and dissemination of news.

9 “Telecommunications services” includes data, telephone, telegraph, internet connectivity, radio, television, news wire feeds, and similar services, regardless of the medium of transmission, including transmissions by satellite.

10 These services may be provided to a prohibited official of the Government of Cuba or a prohibited member of the Cuban Communist Party, or to organizations administered or controlled by the Government of Cuba or the Cuban Communist Party, provided they are *widely available to the public at no cost to the user*. This also pertains to services related to items subject to the EAR exported or reexported to Cuba under License Exception CCD.

Unless specifically stated, these authorizations do not include:

- The direct or indirect exportation or reexportation of services with knowledge or reason to know that such services are intended for a prohibited official of the Government of Cuba, or a prohibited member of the Cuban Communist Party, or to organizations administered or controlled by the Government of Cuba or the Cuban Communist Party.
- The direct or indirect exportation of any items to Cuba.

Specific licenses may be issued on a case-by-case basis for the exportation of other Internet-based services.

Insurance

The regulations now authorize the provision of health insurance, life insurance, and travel insurance–related services to authorized travelers, as well as the receipt of emergency medical services and the making of payments related to such services.

Additionally, persons subject to US jurisdiction are authorized to issue or provide coverage for global health, life, or travel insurance policies for individuals ordinarily resident in a country outside of Cuba who travel to or within Cuba. Persons subject to US jurisdiction are authorized to service those policies and pay claims arising from events that occurred while the individual was traveling in, or to or from, Cuba.

Relaxation of Impediments to Trade

In the context of certain authorized transactions, such as those involving agricultural goods, OFAC has revised the definition of “cash in advance” from “cash before shipment” to “payment before the transfer of title to, and control of, the exported items to the Cuban purchaser.” Previously, payment was required “before shipment,” limiting the trade finance possibilities and imposing increased costs on parties engaging in such transactions. The change is intended to allow expanded financing options for authorized exports to Cuba. Financing must still be provided by a banking institution located in a third country that is not a US citizen, a US permanent resident alien, or an entity organized under the laws of the United States or any jurisdiction within the United States (including any foreign branch of such an entity) or a designated party. However, such financing may be confirmed or advised by a US banking institution.

In the past, another impediment to trade-related transactions with Cuba was a prohibition on the entry of vessels into US ports that

had recently visited a Cuban port. This made chartering vessels for Cuba trade difficult, as additional time had to be built into a voyage to comply with the prohibition on vessel entry. Under the amended regulations, this prohibition on entry would no longer apply to a vessel that:

- Is engaging or has engaged in certain authorized or exempt trade with Cuba
- Is engaging or has engaged in the exportation or re-exportation to Cuba from a third country of agricultural commodities, medicine, or medical devices that would be considered EAR99 under the EAR if they were located in the United States or
- Has entered a port or place in Cuba while carrying students, faculty, and staff authorized to travel to Cuba under the regulations

Additionally, the provision of goods and services ordinarily incident and necessary to the personal maintenance of Cuban nationals who are prohibited from disembarking from vessels in US ports is authorized.

Persons subject to US jurisdiction may also engage in all transactions, including payments, necessary to import certain goods and services produced by independent Cuban entrepreneurs as set forth on the State Department’s Section 515.582 List.¹¹

In third countries, persons subject to US jurisdiction are authorized to sponsor, provide services in connection with, and participate in conferences or other similar events in a third country that are attended by Cuban nationals, provided that the conference or other similar event does not relate to tourism in Cuba.

Any US-owned or US-controlled partnership, association, corporation, or other organization in a third country is authorized to provide goods and services to a Cuban national who is an individual located outside of Cuba, provided that the transaction does not involve a commercial exportation, directly or indirectly, of goods or services to or from Cuba.

Travel to Cuba

OFAC has generally authorized 12 categories of travel, which previously required specific licensing.¹² Tourism travel to Cuba remains unauthorized.

¹¹ As of the date of publication, this list has not yet been generated, but will be available at <http://www.state.gov/e/eb/tfs/spi/>.

¹² Family visits; Official business of the US government, foreign governments, and certain intergovernmental organizations; Journalistic activity; Professional research and professional meetings; Educational activities; Religious activities; Public performances, clinics, workshops, athletic and other competitions, and exhibitions; Support for the Cuban people; Humanitarian projects; Activities of private foundations or research or educational institutes; Exportation, importation or transmission of information or informational materials; Certain export transactions that may be considered for authorization under existing regulations and guidelines.

OFAC has eliminated the per diem limit on spending ordinarily incident to authorized travel within Cuba and the purchase of goods for personal consumption in Cuba is permitted. Authorized travelers may also carry US\$10,000 in remittances to Cuba. They may import no more than US\$400 worth of goods from Cuba, including up to US\$100 in alcohol or tobacco products combined. Non-US persons arriving in the United States on a trip that included Cuba may import up to US\$100 of alcohol or tobacco products purchased or otherwise acquired in Cuba as accompanied baggage, for personal use only.

US credit and debit cards¹³ may now be used in Cuba for authorized travel-related transactions. Persons subject to US jurisdiction may rely on the traveler to comply with this authorization, provided that such persons do not know or have reason to know that a transaction is unauthorized. US financial institutions are accordingly authorized to enroll merchants and process such transactions.

Persons subject to US jurisdiction, including travel agents and airlines, are authorized to provide certain travel and carrier services by aircraft to, from, or within Cuba in connection with authorized travel or transportation to Cuba of persons, baggage, or cargo, without a specific license. Scheduled flights to Cuba are now permitted; however, the other federal agencies, including the US Department of Transportation, will need to establish procedures for restoration of scheduled services. Payments and related transactions for certain overflights of Cuba by US aircraft are also now authorized without a specific license.

Governmental/Diplomatic Authorizations

OFAC is expanding an existing authorization covering all Cuba-related transactions by employees, grantees, and contractors of the US Government, foreign governments, and certain international organizations in their official capacities.

Specifically, depository institutions are authorized to process funds transfers for the operating expenses or other official business in Cuba of third-country official missions or any intergovernmental organization in which the United States is a member or holds observer status, as well as processing funds transfers and maintaining accounts for the personal expenditures of the employees, grantees, and contractors, or persons who share a common dwelling as a family member of such employees, grantees, and contractors, of third-country official missions or any intergovernmental organization in which the United States is a member or holds observer status in Cuba.

Additionally, OFAC has authorized the provision of goods and services (and corresponding payment) with Cuban official missions and their employees¹⁴ in the United States provided:

- The goods or services are for the conduct of the official business of the missions, or for personal use of the employees, or persons who share a common dwelling as a family member of such an employee of the missions, and are not for resale.
- The transaction does not involve the purchase, sale, financing or refinancing of real property.
- The transaction is not otherwise prohibited by law.

Depository institutions are authorized to operate accounts for, or extend credit to, the official missions of the Government of Cuba to the United States, and the official missions of the Government of Cuba to international organizations in the United States, and employees of such organizations. Reports to OFAC are required under this authorization.

II. Cuba Export Control Restrictions: Amendments to BIS Regulations:

Corresponding liberalizations have been made to US export controls through amendments to EAR. These changes include a new License Exception Support for the Cuban People (SCP), expansions to License Exception Consumer Communications Devices (CCD) and License Exception Gift Parcels and Humanitarian Donations (GFT), and a favorable licensing policy for exports and reexports of items necessary for environmental protection.

License Exception Support for the Cuban People (SCP) (Section 740.21 of the EAR)

The newly-created License Exception SCP authorizes a number of different exports and reexports without a license of items that are either classified EAR99 or controlled on the Commerce Control List (CCL) *only* for anti-terrorism purposes and meet the criteria identified below.

For the items listed below, 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 authorizations, Cuban government-owned, operated or controlled companies and corporations may not be end users of the items.

¹³ In addition to stored value cards, checks, drafts, travelers' checks, and similar instruments.

¹⁴ Including persons who share a common dwelling as a family member of such an employee.

1. Private Sector Tools and Equipment

This License Exception authorizes the export or reexport of *commercially sold* or *donated* items within one or more of the following categories:

- Building materials equipment and tools for use by the private sector¹⁵ 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
- Tools, equipment, supplies and instruments for use by private sector entrepreneurs

According to the regulations, this includes goods for use by private sector entrepreneurs such as auto mechanics, barbers and hairstylists, and restaurateurs.

BIS guidance also states that instruction manuals or other information on how to assemble and use authorized tools and equipment are likely not subject to the regulations, and therefore likely may accompany any exports of equipment or tools.

2. Items for use in Scientific, Archeological, Cultural, Ecological, Educational, Historic Preservation or Sporting Activities

This License Exception authorizes the export or reexport of *donated* items for use in scientific, archaeological, cultural, ecological, educational, historic preservation, or sporting activities, or the *temporary export* of items by persons departing the United States for use in scientific, archeological, cultural, ecological, educational, historic preservation, or sporting activities, or for their use in their professional research.

In each case, such items (or 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 US Munitions List (USML) or CCL unless only controlled for anti-terrorism purposes.

For the temporary export provision to apply, the items must be directly related to the traveler's profession, professional background or area of expertise, including area of graduate-level full-time study. The items must also be returned to the United States within two years unless consumed in Cuba or specifically authorized by BIS.

3. Items for Individuals and Organizations in Support of Activity Intended to Strengthen Civil Society

License Exception SCP further authorizes the export and reexport to Cuba of certain items to human rights organizations, individuals or non-governmental organizations that promote independent activity intended to strengthen civil society.

4. Items in Support of the Free Flow of Information

Finally, License Exception SCP authorizes the export or reexport to Cuba of certain items intended to improve the free flow of information to, from and among the Cuban people:

- Items, either *sold* or *donated*, for telecommunications, including access to the Internet, use of Internet services, infrastructure creation and upgrades.
- Certain items for use by news media personnel engaged in the gathering and dissemination of news to the general public. News media personnel are defined to be:
 - Regularly employed as journalists by a news reporting organization
 - Regularly employed as supporting broadcast or technical personnel
 - Freelance journalists with a record of previous journalistic experience working on a freelance journalistic project
 - Broadcast or technical personnel with a record of previous broadcast or technical experience who are supporting a freelance journalist working on a freelance journalistic project
- Items for use by US news bureaus engaged in the gathering and dissemination of news to the general public.

With respect to telecommunications exports, BIS guidance confirms that certain items may be sold to Cuban government-owned, operated or controlled companies and corporations for telecommunications infrastructure creation and upgrades.

Revision of License Exception Consumer Communications Devices (CCD) (Section 740.19 of the EAR)

License Exception CCD, first issued in 2009, authorized the export and reexport of certain consumer communications devices that were *donated* to Cuba. This revision removes the donation requirement and authorizes such exports on a *commercial* basis.

¹⁵ BIS guidance states that 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.

International Trade

Importantly, License Exception CCD *does not* authorize US-owned or US-controlled entities in third countries to engage in reexports of foreign-produced commodities to Cuba for which no license would be issued by OFAC.

Specifically, License Exception CCD authorizes the export and reexport of consumer communications devices (commodities such as computers, communications equipment and related items, including personal computers, mobile phones, televisions, radios and digital cameras) that are widely available for retail purchase and that are commonly used to exchange information and facilitate interpersonal communications, as well as certain telecommunications and information security-related software.

The items eligible for export under this authorization have been updated and now include the following:

No.	Product	Relevant Classification
1.	Consumer computers	EAR99, 5A992.c, 4A994.b
2.	Consumer disk drives and solid state storage equipment	EAR99, 5A992
3.	Input/output control units (other than industrial controllers designed for chemical processing)	EAR99
4.	Graphics accelerators and graphics coprocessors	EAR99
5.	Monitors	EAR99, 5A992.c
6.	Printers	EAR99, 5A992.c
7.	Modems	EAR99, 5A991.b.2, b.4, 5A992.c
8.	Network access controllers and communications channel controllers	EAR99, 5A991.b.4.
9.	Keyboards, mice and similar devices	EAR99
10.	Mobile phones, including cellular and satellite telephones, personal digital assistants, and subscriber information module (SIM) cards and similar devices	EAR99, 5A992.c, 5A991
11.	Memory devices	EAR99, 5A992.c
12.	Consumer “information security” equipment, “software” (except “encryption source code”) and peripherals	EAR99, 5A992.c, 5D992.c
13.	Digital cameras and memory cards	EAR99, 5A992
14.	Television and radio receivers	EAR99, 5A992
15.	Recording devices	EAR99, 5A992
16.	Batteries, chargers, carrying cases and accessories for the equipment described in this list	EAR99
17.	Consumer “software” (except “encryption source code”) used for equipment described in 1 – 16 above	EAR99, 4D994, 5D991, 5D992.c

Eligible end users include independent non-governmental organizations and individuals other than specified Cuban Government and Cuban Communist Party Officials. However, 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 if they are intended *for resale to the Cuban people*.

The following *are not* eligible to receive exports under this License Exception:

- The Cuban Government, Cuban Communist Party or any organizations they administer or control
- Cuban Government Officials¹⁶
- Cuban Communist Party Officials¹⁷

Expansion of License Exception Gift Parcels and Humanitarian Donations (GFT) (Section 740.12 of the EAR)

The expansion of License Exception GFT now authorizes the export and reexport of multiple gift parcels in a single shipment, instead of only authorizing one parcel per shipment.

New Licensing Policy for Environmental Protection, Including Renewable Energy (Section 746.2 of the EAR)

BIS has implemented a general policy of approval for applications to export or reexport items necessary for the environmental protection of US and international air quality, waters, and coastlines (including items related to renewable energy or energy efficiency).

As noted, while covering a broad range of topics, the amended regulations narrowly limit newly authorized transactions. Further, transactions may be subject to regulation by both OFAC and BIS. Companies doing business or wishing to do business with Cuba therefore should monitor these developments closely to ensure compliance. The White House has emphasized that “Persons must comply with all provisions of the revised regulations; violations of the terms and conditions are enforceable under US law.” Penalties for noncompliance can be severe.

¹⁶ Including Ministers and Vice-ministers; members of the Council of State; members of the Council of Ministers; members and employees of the National Assembly of People’s Power; members of any provincial assembly; local sector chiefs of the Committees for the Defense of the Revolution; Director Generals and sub-Director Generals and higher of all Cuban ministries and state agencies; employees of the Ministry of the Interior (MININT); employees of the Ministry of Defense (MINFAR); secretaries and first secretaries of the Confederation of Labor of Cuba (CTC) and its component unions; chief editors, editors and deputy editors of Cuban state-run media organizations and programs, including newspapers, television, and radio; or members and employees of the Supreme Court (Tribuno Supremo Nacional).

¹⁷ Including Members of the Politburo; the Central Committee; Department Heads of the Central Committee; employees of the Central Committee; and the secretaries and first secretaries of provincial Party central committees.

This Client Alert is provided for your convenience and does not constitute legal advice. It is prepared for the general information of our clients and other interested persons. This Client Alert should not be acted upon in any specific situation without appropriate legal advice and it may include links to websites other than the White & Case website.

White & Case has no responsibility for any websites other than its own and does not endorse the information, content, presentation or accuracy, or make any warranty, express or implied, regarding any other website.

This Client Alert is protected by copyright. Material appearing herein may be reproduced or translated with appropriate credit.