

§ 746.9

any international agreement or any contract entered into or any license or permit granted prior to that date, except to the extent provided in regulations, orders, directives or licenses that may be issued in the future under Executive Order 12918 or under the EAR.

(d) *Related controls.* The Department of State, Directorate of Defense Trade Controls, maintains controls on arms and military equipment under the International Traffic in Arms Regulations (22 CFR parts 120 through 130).

[61 FR 12806, Mar. 25, 1996, as amended at 63 FR 42229, Aug. 7, 1998; 65 FR 55179, Sept. 13, 2000; 71 FR 67036, Nov. 20, 2006; 74 FR 23948, May 22, 2009]

§ 746.9 Syria.

General Order No. 2, supplement No. 1 to part 736 of the EAR, sets forth special controls for exports and reexports to Syria.

[71 FR 9442, Feb. 24, 2006]

SUPPLEMENT NO. 1 TO PART 746— EXAMPLES OF LUXURY GOODS

The following further amplifies the illustrative list of luxury goods set forth in § 746.4(b)(1):

- (a) Tobacco and tobacco products
- (b) Luxury watches: Wrist, pocket, and others with a case of precious metal or of metal clad with precious metal
- (c) Apparel and fashion items, as follows:
 - (1) Leather articles
 - (2) Silk articles
 - (3) Fur skins and artificial furs
 - (4) Fashion accessories: Leather travel goods, vanity cases, binocular and camera cases, handbags, wallets, designer fountain pens, silk scarves
 - (5) Cosmetics, including beauty and make-up
 - (6) Perfumes and toilet waters
 - (7) Designer clothing: Leather apparel and clothing accessories
- (d) Decorative items, as follows:
 - (1) Rugs and tapestries
 - (2) Tableware of porcelain or bone china
 - (3) Items of lead crystal
 - (4) Works of art (including paintings, original sculptures and statuary), antiques (more than 100 years old), and collectible items, including rare coins and stamps
 - (e) Jewelry: Jewelry with pearls, gems, precious and semi-precious stones (including diamonds, sapphires, rubies, and emeralds), jewelry of precious metal or of metal clad with precious metal
 - (f) Electronic items, as follows:

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(1) Flat-screen, plasma, or LCD panel televisions or other video monitors or receivers (including high-definition televisions), and any television larger than 29 inches; DVD players

- (2) Personal digital assistants (PDAs)
- (3) Personal digital music players
- (4) Computer laptops
- (g) Transportation items, as follows:
 - (1) Yachts and other aquatic recreational vehicles (such as personal watercraft)
 - (2) Luxury automobiles (and motor vehicles): Automobiles and other motor vehicles to transport people (other than public transport), including station wagons
 - (3) Racing cars, snowmobiles, and motorcycles
 - (4) Personal transportation devices (stand-up motorized scooters)
 - (h) Recreational items, as follows:
 - (1) Musical instruments
 - (2) Recreational sports equipment
 - (i) Alcoholic beverages: wine, beer, ales, and liquor

[72 FR 3726, Jan. 26, 2007, as amended at 72 FR 20223, Apr. 24, 2007]

SUPPLEMENT NOS. 1–3 TO PART 746 [RESERVED]

PART 747—SPECIAL IRAQ RECONSTRUCTION LICENSE

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AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; Sec 1503, Public Law 108–11, 117 Stat. 559; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 3 CFR, 2001 Comp., p. 783; Presidential Determination 2003–23 of May 7, 2003, 68 FR 26459, May 16, 2003; Notice of August 12, 2010, 75 FR 50681 (August 16, 2010).

SOURCE: 69 FR 46078, July 30, 2004, unless otherwise noted.

§ 747.1 Scope.

A Special Iraq Reconstruction License (SIRL) authorizes exports and re-exports to Iraq and transfers within Iraq of items in furtherance of civil reconstruction and other related projects.

§ 747.2 Eligibility requirements.

- (a) A SIRL authorizes exports and re-exports to Iraq and transfers within

Iraq of items in furtherance of civil reconstruction and other projects funded by:

- (1) The United States Government;
- (2) The United Nations, the World Bank, and the International Monetary Fund, their affiliated entities (*i.e.*, International Bank for Reconstruction and Development, International Finance Corporation, and United Nations Development Programme); and
- (3) Any other entities that the U.S. Government may designate.

(b) To be eligible for a SIRL, exports, reexports or transfers must be made pursuant to and within the scope of contractual or similar arrangements in furtherance of civil reconstruction or other projects in Iraq funded by any of the entities described above.

§ 747.3 Eligible items.

All items subject to the EAR, other than items controlled for missile technology (MT), nuclear nonproliferation (NP) or chemical and biological weapons (CB) reasons, are eligible for export, reexport or transfer under a SIRL.

§ 747.4 Steps you must follow to apply for a SIRL.

(a) *Step One: Prepare your documentation.* (1) Form BIS-748P, Multipurpose Application, and Form BIS-748P-A, Item Appendix. You must complete the Multipurpose Application Form (BIS-748P) to apply for a SIRL. Applications must specifically describe, on Form BIS-748P-A, Item Appendix, all items subject to the EAR to be exported or reexported to Iraq, or transferred within Iraq, for which BIS approval is sought. Export control classification numbers (ECCNs) must be identified for all such items. Applicants should provide BIS commodity classifications, where available, as this will assist BIS to rule upon the application quickly.

(2) Form BIS-748P-B, End-User Appendix. All end-users must be identified on Form BIS-748P-B, End-User Appendix.

(b) *Step Two: Narrative statement to support application*—In support of an application for a SIRL, exporters must submit with the application a narrative statement that includes the following information:

(1) Identity of all parties to the proposed transaction;

(2) Detailed description of the project, funding entity, the contract or work order which formed the basis of the transaction, and any identification number or project code for that contract or work order;

(3) Explanation of how the project will contribute to the reconstruction of Iraq and any potential security issues associated with the items to be exported, reexported or transferred;

(4) Written statement from one or more funding agencies referred to in § 747.2 addressing whether the transaction is likely to pose security issues;

(5) Certification that items will not be used in any of the prohibited proliferation activities described in part 744 of the EAR;

(6) For items that will remain in the control of the exporter, a commitment to return all items to the United States when the authorized project or activity is complete, excluding those items that are consumed in Iraq, absent specific permission from BIS; and

(7) Certification that parties to the transaction will obtain a license from BIS prior to transferring within Iraq or reexporting items to end-users not authorized under the SIRL, unless they would not require a BIS license to the new country of destination. (Please see the guidance in § 747.5(d) regarding the transfer of items to persons within Iraq not included on the End-User Appendix.)

§ 747.5 SIRL application review process.

(a) *Application processing time frames.* Upon receiving a complete application with all requisite supporting documentation, BIS may review the application for up to ten days before referring the application to the other appropriate agencies. Agencies have 30 days from the date of referral to process the application. The U.S. Government will review the application as expeditiously as possible.

(b) *Review policy.* (1) BIS will review SIRL applications on a case-by-case basis. To approve a SIRL, BIS must be satisfied that the parties to the license will adhere to the conditions of the license and the EAR, and that approval