

Best Practice: Certification to Prevent Diversion to Russia of Highest Priority Items

BIS, together with allies and partner countries, has identified [forty-five Harmonized System \(HS\) codes](#) covering controlled items at heightened risk of being diverted illegally to Russia because of their importance to Russia’s war efforts.¹ Of these, *we have prioritized nine HS codes as the most significant* to Russian weaponry requirements (the Highest Priority Items List) – see inset.²

<i>Highest Priority Items List</i>	
<i>HS Codes</i>	HS Description and Representative Part
8542.31	Electronic integrated circuits: Processors and controllers, whether or not combined with memories, convertors, logic circuits, amplifiers, clock and timing circuits, or other circuits
8542.32	Electronic integrated circuits: Memories
8542.33	Electronic integrated circuits: Amplifiers
8542.39	Electronic integrated circuits: Other
8517.62	Machines for the reception, conversion and transmission or regeneration of voice, images, or other data, including switching and routing apparatus
8526.91	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus: Radio navigational aid apparatus
8532.21	Other fixed capacitors: Tantalum capacitors
8532.24	Other fixed capacitors: Ceramic dielectric, multilayer
8548.00	Electrical parts of machinery or apparatus, not specified or included elsewhere in chapter 85

Given the heightened threat resulting from Russia’s continued attempts to evade U.S. export controls through third countries for which a BIS export license is generally not required, it is recommended that, at least for transactions involving these nine Highest Priority Items³ with parties in countries outside of the Global Export Controls Coalition (GECC),⁴ exporters seek assurances of compliance with U.S. export controls. It is a best practice to receive these assurances in writing, for example, through a signed certification statement.⁵

BIS has identified the following information and assurances that can help prevent the diversion of Highest Priority Items to Russia through non-GECC countries. For exporters that already are using customer certifications or end-user statements, our suggestions below are not meant to

¹ See <https://www.bis.doc.gov/index.php/all-articles/13-policy-guidance/country-guidance/2172-russia-export-controls-list-of-common-high-priority-items>, September 14, 2023.

² <https://www.bis.doc.gov/index.php/documents/enforcement/3278-bis-guidance-to-prevent-evasion-of-prioritized-harmonized-system-codes-to-russia-final/file>, May 24, 2023.

³ This best practice could also apply to all 45 HS codes or any items subject to control to Russia.

⁴ See Supplement No. 3 to Part 746 of the Export Administration Regulations (EAR) for a list of GECC countries.

⁵ See also Section 748.11 for requirements for obtaining a Statement by Ultimate Consignee and Purchaser for countries excluding China and Supplement No. 3 to Part 748 of the EAR for the associated [BIS Form 711](#).

replace what you have already determined best mitigates diversion risk. We do, however, encourage you to review the information below and consider whether it's worth adding any of the suggested questions to your existing documentation to help prevent diversion through third countries to Russia.

- Full name and address of the non-GECC customer, line of business, website address, and role in the transaction (i.e., purchaser, intermediate consignee, ultimate consignee, or end user).
 - For new customers, request a copy of the business license.
- Activity the customer intends to take with the item:
 - Consumed
 - Transformed into a different item (e.g., through further processing, integration, or incorporation)
 - Maintained for stock, including the likelihood for reexport v. transfer (in-country)
 - Resold with a specification as to who the next customer is (name and address)
 - Other (specify)
- If the customer is not the end user, the name and address of the known end user.
- List of items covered by the transaction and confirmation from the customer that the item requires a license if exported or reexported to Russia or Belarus.
- Attestation that the customer will comply with the Export Administration Regulations (EAR) and flow-down these EAR requirements to its customers and other parties to the subsequent reexport or transfer (in-country) transaction to:
 - Ensure that before reexporting or transferring (in-country) the item, subsequent parties to a reexport or transfer (in-country) transaction will be screened against the [U.S. Consolidated Screening List](#)⁶ and comply with any restrictions related to any such transaction parties.
 - Not providing the item for end use by or to end users of the military, intelligence, or national police of Belarus or Russia.
 - Not providing the item for end uses or to end users tied to nuclear weapons, chemical and biological weapons, or missiles or unmanned aerial vehicles capable of a range of at least 300 kilometers (or when such range is unknown).
 - Not providing the item for ultimate end use in Belarus or Russia or temporarily occupied regions of Ukraine and covered regions of Ukraine pursuant to Part 746.6 of the EAR.
- Certification by the customer, including name, title, phone number, email address, date, and signature.

A sample written certification, which can be adapted for your specific industry needs, is attached.

Exporters should review the information provided in any certification to identify errors, omissions, or red flags (e.g., line of business does not match with the exported item, phone

⁶ See <https://www.trade.gov/consolidated-screening-list>.

number mismatch with the country where the purported customer or end user is located). Additionally, the unwillingness of a customer to attest to one or more requests for information may be a red flag. When used in conjunction with the actions identified in [*Supplemental Alert: FinCEN and the U.S. Department of Commerce's Bureau of Industry and Security Urge Continued Vigilance for Potential Russian Export Control Evasion Attempts*](#)⁷ and BIS's [*Guidance to Prevent Evasion of Prioritized Harmonized System Codes to Russia*](#)),⁸ this guidance can help exporters more effectively harden their supply chains to prevent Russian evasion efforts.

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https://www.fincen.gov/sites/default/files/shared/FinCEN%20and%20BIS%20Joint%20Alert%20_FINAL_508C.pdf, May 19, 2023.

⁸ <https://www.bis.doc.gov/index.php/documents/enforcement/3278-bis-guidance-to-prevent-evasion-of-prioritized-harmonized-system-codes-to-russia-final/file>, May 24, 2023.

Attachment: Sample Certification to Prevent Diversion to Russia of Highest Priority Items

Highest Priority Items Covered by the Export Transaction (i.e., HS Codes 8542.31, 8542.32, 8542.33, 8542.39, 8517.62, 8526.91, 8532.21, 8532.24, 8548.00)

Item Name	Item Quantity	Item Description

1. Information Regarding Parties to the Export Transaction

Customer (located outside of a GECC country)

Full Company Name	
Company Address	
Company Website	
Company POC and Title	
Email Address	
Line of Business	
Role of customer (purchaser, intermediate consignee, ultimate consignee)	
Activity to be performed (e.g., consumed, transformed, maintained for stock, resold, other)	

For new customers, please attach a copy of the business license with translations in both English and the native language.

End User (if the customer is not the end user)

Full Company Name	
Company Address	
Company Website	
Company POC and Title	
Email Address	
Line of Business	

For new end users, please attach a copy of the business license with translations in both English and the native language.

For each other party to the transaction as described in Part 748.5 of the EAR (e.g., purchaser, intermediate consignee, ultimate consignee) *For each new party to the transaction, please attach a copy of the business license with translations in both English and the native language.*

Full Company Name	
Company Address	
Company Website	
Company POC and Title	

Email Address	
Line of Business	

2. EAR Compliance

Parties to the transaction have been informed that if any of the items listed above are reexported to Russia or Belarus, a license would be required.

Additionally, you agree to the following and have informed and received confirmation from the parties to the transaction that for any subsequent reexport or transfer (in-country) to...

- Ensure that before reexporting or transferring (in-country) the item, all parties to the onward transaction will be screened against the [U.S. Consolidated Screening List](#)ⁱ and to comply with any restrictions related to any such transaction parties.

Additionally, you and parties to the reexport or transfer (in-country) transaction agree...

- Not to provide the item(s) for end use by or end users of the military, intelligence, or national police of Belarus or Russia.
- Not to provide the item(s) for end uses or to end users tied to nuclear weapons, chemical and biological weapons, or missiles or unmanned aerial vehicles capable of a range of at least 300 kilometers (or when such range is unknown).
- Not to provide the item(s) for ultimate end use in Belarus or Russia, or temporarily occupied regions of Ukraine and covered regions of Ukraine pursuant to Part 746.6 of the EAR.

3. Customer Attestation of Accuracy of the Information Listed Above

Name: _____

Title: _____

Phone Number: _____

Email Address: _____

Date: _____

Signature: _____

ⁱ <https://www.trade.gov/consolidated-screening-list>