

FAQS FOR INDIA DE-LISTING ENTITY LIST RULE
January 15, 2025

QUESTION: I know that BARC is a nuclear explosives facility. I have received an order for an item for use for clean energy. The item is designated as EAR99 and would not otherwise require a license. Can I sell this item without a license?

ANSWER: Yes, absent knowledge (know or reason to know) that an item will be used for a prohibited activity in 744.2 or otherwise prohibited by the EAR.

QUESTION: Same facts but what if the items is on the CCL? Would I need a license?

ANSWER: For an item on the CCL, you would need to review the specific ECCN and determine licensing requirements for India. In addition, if you know or have reason to know that the item will be used for a prohibited activity in 744.2 or otherwise prohibited by the EAR, a license would be required.

QUESTION: How do I know that BARC is not engaging in a prohibited activity under 744.2?

ANSWER: You can obtain an end user certification regarding the intended use of the item and reasonably rely upon it provided you have no other reason to know that it will be used in a prohibited activity.

QUESTION: Can I use License Exception STA to send items to Indian Rare Earths for an End Use that is not identified in Part 744.2?

ANSWER: Yes, provided that the other terms and conditions for using license exception STA are met.