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15 CFR Ch. VII (1-1-12 Edition)

because the items are controlled by an ECCN where “\$ value” is the stated “Unit”.

(3) A license authorizes the export of 10 pieces of equipment controlled by an ECCN where the “Unit” is stated as “Number”, with a total value of \$10,000,000 and the export of parts and accessories covered by that same entry valued at \$1,000,000:

(i)(A) If one shipment is made, the quantity of equipment that may be exported may not exceed 10 pieces of equipment because there is no shipping tolerance on the “number” of units. That one shipment of equipment may not exceed \$12,500,000:

\$10,000,000 (the total value shown on the license)
+2,500,000 (25% of the total value shown on the license)

\$12,500,000

(B) If the one shipment includes parts and accessories, those parts and accessories may not exceed \$1,000,000 because there is no shipping tolerance on any commodity licensed in terms of dollar value.

(ii)(A) If the first shipment is for 4 pieces of equipment valued at \$4,000,000, the second shipment may not exceed 6 pieces of equipment (no tolerance on “number”) valued at no more than \$8,500,000:

\$6,000,000 (the value of the unshipped 6 pieces).
+2,500,000 (25% of the original total value shown on the license).

\$8,500,000

(B) If the first shipment includes \$300,000 of parts and accessories, the second shipment may not exceed \$700,000 of parts and accessories because there is no shipping tolerance on any commodity licensed in terms of dollar value.

(iii)(A) If the first shipment is for 4 pieces of equipment valued at \$4,000,000 and the second shipment is for 3 pieces of equipment valued at \$3,000,000, the third shipment may not exceed 3 pieces of equipment (no tolerance on “number”) valued at no more than \$5,500,000:

\$3,000,000 (the value of the unshipped 3 pieces).
+2,500,000 (25% of the original value shown on the license).

\$5,500,000

(B) If the first shipment includes \$300,000 of parts and accessories and the second shipment includes another

\$300,000, the third shipment may not exceed \$400,000 because there is no shipping tolerance on commodities licensed in terms of dollar value.

[61 FR 12829, Mar. 25, 1996, as amended at 73 FR 37, Jan. 2, 2008]

PART 752—SPECIAL COMPREHENSIVE LICENSE

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SUPPLEMENT NO. 1 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BIS-748P, MULTIPURPOSE APPLICATION FOR REQUESTS FOR SPECIAL COMPREHENSIVE LICENSES

SUPPLEMENT NO. 2 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BIS-748P-A, ITEM ANNEX

SUPPLEMENT NO. 3 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BIS-752, STATEMENT BY CONSIGNEE IN SUPPORT OF SPECIAL COMPREHENSIVE LICENSE

SUPPLEMENT NO. 4 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BIS-752-A, REEXPORT TERRITORIES

SUPPLEMENT NO. 5 TO PART 752—INSTRUCTIONS FOR COMPLETING FORM BIS-748-B END-USER APPENDIX

AUTHORITY: 50 U.S.C. app. 2401 *et seq.*; 50 U.S.C. 1701 *et seq.*; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp. p. 219; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 12, 2011, 76 FR 50661 (August 16, 2011).

SOURCE: 61 FR 12835, Mar. 25, 1996, unless otherwise noted.

§ 752.1 Scope.

(a)(1) *Introduction.* In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. This part describes the provisions of the Special Comprehensive License (SCL).

You may apply for an SCL, when appropriate, in lieu of a license described in part 748 of the EAR, or a License Exception described in part 740 of the EAR, for multiple exports and reexports of items subject to the EAR. The SCL provides authorization to make specified exports and reexports that are otherwise prohibited by General Prohibitions One, Two, and Three described in part 736 of the EAR. The existence of an SCL does not supersede an exporter's obligation to request a separate license as may be required by part 744 of the EAR. Because the Bureau of Industry and Security (BIS) does not review each individual transaction authorized by an SCL, parties to the SCL must have the mechanisms in place to ensure that each export and reexport made under an SCL meets all the terms and conditions of the license and are in accordance with all applicable provisions of the EAR. It is through the design and effective implementation of an Internal Control Program (ICP) that the SCL holder and the SCL consignee (referred to as "consignee" for purposes of this part) assure that exports and reexports are not made contrary to the EAR.

(2) *Definitions*—(i) *SCL holder*. As used in this part, "SCL holder" is that party approved on an SCL to perform activities approved under the SCL.

(ii) *SCL consignee*. As used in this part, "SCL consignee" or "consignee" means any party authorized to receive items under the SCL and named as a consignee on an approved Form BIS-752, Statement by Consignee in Support of Special Comprehensive License.

(b) *ICP requirement*. To qualify for an SCL, you must develop an ICP. Section 752.11 of this part includes a general description of the elements of the ICP, and guidance on which elements your company must implement before making shipments under the SCL. The elements of the ICP your company will develop reflect the complexity of the activities authorized under the SCL, the countries and items involved, and the relationship between the SCL holder and the approved consignees. BIS may require you to include in your ICP any combination of elements, depending upon the nature of your SCL application. During your pre-application

consultation required by § 752.5(a)(1), BIS will provide you guidance on which elements you must implement.

[61 FR 12835, Mar. 25, 1996, as amended at 62 FR 25463, May 9, 1997]

§ 752.2 Eligible activities.

(a) *Possible authorizations*. Under the SCL, BIS may authorize you to perform any number of activities, which can be grouped under the general categories of "service", "end-user", "distribution" and "other" activities. Examples of the general categories include:

(1) *Service activities*. Exporting items subject to the EAR as spare and replacement parts for servicing or stocking.

(2) *End-user activities*. Exporting and reexporting items subject to the EAR for use as capital equipment.

(3) *Distribution activities*. Exporting and reexporting items subject to the EAR for the purpose of resale and reexport by consignees.

(4) *Other activities*. Other activities not included in paragraphs (a)(1) through (a)(3) of this section may be authorized by BIS under the SCL on a case-by-case basis.

(b) *Prohibited activities*. The general prohibitions described in § 736.2(b)(4) through (10) of the EAR apply to all exports and reexports by, and conduct of, all parties approved on your SCL, unless you are specifically authorized under the SCL to perform such activities, or the particular activity otherwise qualifies for a License Exception described in part 740 of the EAR.

§ 752.3 Eligible items.

(a) All items subject to the EAR, including items eligible for License Exceptions described in part 740 of the EAR, are eligible for export and reexport under the SCL, except:

(1) Items controlled for missile technology reasons that are identified by the letters MT in the applicable "Reason for Control" paragraph on the Commerce Control List (CCL) (see Supplement No. 1 to part 774 of the EAR);

(2) Items controlled by ECCNs 1C351, 1C352, 1C353, 1C354, 1C991, 1E001, 2B352, 2E001, 2E002, and 2E301 on the CCL controlled for CB reasons;