



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

**Case No. SU-2015-323915-1**

Mark Wasden  
King & Spalding LLP  
1700 Pennsylvania Avenue, NW  
Suite 200  
Washington, DC 20006-4707

Dear Mr. Wasden:

This responds to your request of January 16, 2015 (the “Application”) on behalf of your client, the American National Standards Institute (ANSI) and ANSI-accredited the U.S. Technical Advisory Groups (TAGs), (the “Applicants”) seeing a specific license for the Applicants to engage in standards development activities at the International Organization for Standardization (ISO) and the International Electrotechnical Committee (IEC) involving Sudan.<sup>1</sup> The Application requests confirmation as to whether ANSI’s members, including the U.S. government, may fully participate in ISO standards development activities in ISO and IEC. Your request also references OFAC’s August 14, 2012 guidance (“2012 Guidance Letter”), wherein OFAC stated that ANSI’s standards-setting activities involve either: (1) exempt exportation of information materials described in section 560.210(c) of the Iranian Transactions and Sanction Regulations, 31 C.F.R. Part 560 (ITSR), or (2) licensed collaboration on the creation and enhancement of written publications – in this instance, international standards – with representatives of an Iranian research institution, as authorized by the general license in section 560.538 or the ITSR. The 2012 Guidance Letter also stated that any request to authorize U.S. persons to engage in transactions beyond those within the exemption of under section 560.210(c) and what is generally licensed under 560.538 would not be consistent with current OFAC licensing policy and would therefore be denied.

We understand from your request that the Applicants seek further clarification with regards a 2014 Guidance Letter issued to the American Petroleum Institute (API). This letter responded to a request for interpretative guidance on behalf of the American Petroleum Institute (API), a non-profit trade association for the oil and gas industry. The API requested guidance on whether it could license pre-existing technical standards to the ISO with the understanding that ISO’s membership may adopt, exploit, reprint, translate or redraft the ISO standards licensed by API. Furthermore, API requested guidance on the participation of U.S. persons in standards development committees and other closed working groups that may include participants from sanctioned countries.

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<sup>1</sup> This letter constitutes OFAC’s response with respect to activities involving Sudan. OFAC is responding separately to your requests with respect to activities involving Cuba, Iran, and North Korea.

The Sudanese Sanctions Regulations (SSR) generally prohibit the exportation or reexportation of any goods, technology or services from the United States or by a United States person, wherever located, to Sudan. SSR, § 538.205. The prohibitions contained in § 538.205 apply not only to services performed in the United States, but also to services performed outside the United States by a U.S. person on behalf of the Government of Sudan or where the benefit of such services is otherwise received in Sudan. SSR, § 538.406(a). Finally, the SSR prohibits the importation into the United States, directly or indirectly, of any goods or services of Sudanese origin, other than information or informational materials. SSR, § 538.204.

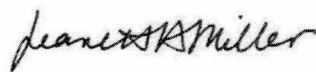
The exemption for information and informational materials under section 538.212(c) of the SSR and the general license authorizing transactions necessary and ordinarily incident to publishing under section 538.529 of the SSR exempt and/or authorize the continuation of activities by U.S. person as outlines in the Application, including: development of international standards and national adoptions, new work proposals, participation in technical committees and subcommittees, participation in working groups, participation in public review, and adoption of international standards processes. The Application states that the Sudanese Standards and Metrology Organization (SSMO) includes 15 laboratories that enable it to provide certification, testing, and calibration services, and that it from which it obtains more than 75 percent of its funding revenue. Please note that any interaction by U.S. person with individuals related to a Government of Sudan entity that is not an academic or research institution, or any other designated entity, would require additional authorization from OFAC.

As stated in our 2014 Guidance Letter, neither the exemption for information materials nor the general license authorizing transaction necessary and incident to publishing would permit an industry group to privately *license* their standards to a sanctioned country. However, Applicants may engage in transactions related to licensing of written materials and publications to the ISO by U.S. TAGs for future reexportation to Sudan to be adopted, modified and exploited nationally, and further transmitted through the ISO review process' technical committees, subcommittees, and working groups, in the interest of deriving new international standards

The Applicants may proceed with those activities in support of the development of international standards without further authorization from OFAC.

If you have any additional questions, you may refer to the OFAC website at [www.treas.gov/ofac](http://www.treas.gov/ofac) or call our office at (202) 622-2480.

Sincerely,



03/23/2016

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Jeanette A. Miller  
Chief, Licensing Division  
Office of Foreign Assets Control

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Date