



United States Imposes New Sanctions and Export Controls on Russia in Response to Chemical Weapons Poisoning

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On March 2, 2021, the U.S. Department of State (State) determined Russia violated international law when it used chemical weapons against its own nationals on multiple occasions (press release found [here](#)). In accordance with this determination, both State and the U.S. Department of Commerce's Bureau of Industry and Security (BIS) have expanded sanctions and export restrictions on Russia.

The United States imposed two sets of sanctions on Russia pursuant to the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (CBW Act), following Russia's use of the Novichok nerve agent against former Russian military officer Sergei Skripal and his daughter on March 4, 2018. On August 24, 2020, Russia deployed the Novichok nerve agent against Russian opposition leader Aleksey Navalny. After his unlikely survival, Navalny was convicted and sentenced to two years in prison in February 2021. Navalny's poisoning and subsequent imprisonment prompted State to implement additional sanctions, retaining and expanding on the export restrictions originally imposed in response to Russia's attack on Skripal.

Specific Restrictions

Accordingly, the following sanctions were imposed, effective March 18, 2021 (found [here](#)):

- Termination of assistance to Russia under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance, food, or agricultural commodities.
- Termination of sales to Russia of defense items or services under the Arms Export Control Act (AECA) and termination of licenses or approvals for the export to Russia of any item on the United States Munitions List (USML), except in support of government space cooperation, or commercial space cooperation after a six-month transition period.
- Termination of all foreign military financing for Russia under the AECA.
- Denial of any credit, credit guarantees, or other financial assistance by any agency of the United States Government, including the Export-Import Bank of the United States.

- Prohibition of export to Russia of any goods or technology that are part of the control list established under Section 2404(c)(1) of the Appendix to Title 50.

While some export restrictions are waived in light of the United States' national security interests, BIS has limited the availability of certain waivers. Generally, waivers for license applications will continue to be reviewed on a case-by-case basis. Notably, the new sanctions eliminate the waiver for exports and reexports of items controlled for national security reasons (NS items) to commercial end-users in Russia – now, applications for such exports are evaluated under a “presumption of denial” policy. Similarly, following a six-month transition period, the sanctions eliminate the waiver for exports of items supporting commercial space flight activities that qualify as NS items or are on the USML – the exports will be subject to license review under a “presumption of denial”. Export of NS items to Russia is further limited by the elimination of waivers for Service and Replacement of Parts and Equipment (RPL), Technology and Software Unrestricted (TSU), and Additional Permissive Reexports (APR).

The export or reexport of NS items to Russia may be permitted according to a partial waiver if it falls under the following license exceptions: (1) Temporary Imports, Exports, Reexports, and Transfers (TMP); (2) Governments, International Organizations, International Inspections under the Chemical Weapons Convention and the International Space Station (GOV); (3) Baggage (BAG); (4) Aircraft, Vessels and Spacecraft (AVS); and (5) Encryption Commodities, Software, and Technology (ENC). License applications for export or reexport of certain categories of NS items continue to be reviewed under the same Export Administration Regulations (EAR) licensing policy as before the new restrictions, including: items necessary for the safety of flight of civil fixed-wing passenger aviation; deemed export licenses to Russian nationals working in the United States; items destined for wholly-owned U.S. subsidiaries and other foreign subsidiaries of U.S. companies that are located in Russia; and items in support of government space cooperation.

Designations and Section 231 Additions

Additionally, the United States has designated specified entities and persons for their role in the chemical attack on Navalny. State added six entities to the Countering America's Adversaries Through Sanctions Act (CAATSA) Section 231 List of Specified Persons as operating on behalf of the Russian Government's defense or intelligence sectors. Further, pursuant to E.O. 13382 (Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters), State designated seven entities as having engaged in or contributed to the proliferation of weapons of mass destruction. The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) further designated Director of the FSB Alexander Vasilievich Bortnikov for the FSB's role in the Navalny poisoning. Finally, in accordance with E.O. 13661 (Blocking Property of Additional Persons Contributing to the Situation in Ukraine), OFAC is designating seven Russian officials for their role in the Navalny poisoning and imprisonment.

These sanctions may only be removed after a minimum of 12 months, and if the Executive Branch finds and certifies to Congress that Russia has met the conditions described in the CBW Act. The CBW Act requires that Russia provide reliable assurances that it will not use chemical or biological weapons against its own nationals, will provide restitution to past victims of these attacks, and will allow international, impartial observers to verify it is not preparing to again chemically attack its own nationals.

The U.S. sanctions compliment those the United Kingdom imposed on October 15, 2020. The UK imposed an asset freeze and travel ban on those six individuals and one entity identified as responsible for the Novichok poisoning of Navalny. See [here](#).

The European Union followed suit on March 2 with its own sanctions – narrower than those of the United States – on the head of Russia's investigative committee, Alexander Bastrykin; the prosecutor-general, Igor Krasnov; the head of the national guard, Viktor Zolotov; and the head of the federal prison service, Alexander Kalashnikov.

Of note, while Canada has not imposed sanctions relating to the Navalny attack, Ottawa issued a statement on March 2 “strongly” supporting the decisions made by the United States and European Union. See [here](#).

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