OFAC clarifies Cuba sanctions

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The US Treasury Department Office of Foreign Assets Control (OFAC) has clarified its current position on Cuba sanctions by adding five new FAQs (numbers 86-90) to its document on the matter. These provide further clarity on matters concerning the 180 day rule and related issues.

Rule 86 says that the 180-day restriction applies even if a vessel has stopped in Cuba for services unrelated to the trade of goods, such as planned ship maintenance. The 180-day rule is also separate from a second statutory restriction – the goods/passengers-on-board rule – which prohibits any vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest from entering a US port with such goods or passengers on board, unless authorized or exempt.

Rule 87 lists the exceptions to Rule 86.
Rule 88 notes that the general 180-day rule licences "only authorize certain vessels to enter a US port within 180 days after leaving a port or place in Cuba; they do not authorize any shipments to or from Cuba".

Rule 89 states that, with some exceptions, if a foreign vessel is travelling to the US via Cuba with cargo destined for the US, goods can remain aboard the vessel for delivery to the US while the vessel is docked in a Cuban port, and the vessel and its cargo can then enter the US without being subject to the 180-day rule or the goods/passengers-on-board rule.

Finally, Rule 90 notes that exceptions to the 180-day rule apply to each individual vessel that meets the requirements of the general license, rather than as part of a bulk code-sharing arrangement.

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