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H.E. Bruno Rodriguez, Minister of Foreign Affairs of the Republic of Cuba, referenced in a statement on 29 June 2023 that exports agricultural commodities and food products from the United States to the Republic of Cuba using provisions of the Trade Sanctions and Export Enhancement Act (TSREEA) of 2000 require the use of United States-registered (owned) vessels.

Was he accurate?

- The TSREEA re-authorized the direct commercial (on a cash basis) export of food products (including branded food products) and agricultural commodities from the United States to the Republic of Cuba, irrespective of purpose.
- The Cuban Democracy Act (CDA) of 1992 re-authorized the direct commercial (on a cash basis and with payment terms) export of medical equipment, medical instruments, medical supplies, medicines, and pharmaceuticals.

“Havana, 29 June 2023 (Prensa Latina News Agency)- Foreign Minister Bruno Rodríguez reiterated the denunciation that the United States prevents the importation of products from that country to Cuba, by virtue of the blockade imposed on the island more than 60 years ago. In his Twitter profile, the top representative of Cuban diplomacy clarified that the markedly discriminatory character for the authorization of the sale of some agricultural products constitutes a very singular exception, rigorously limited, which cannot be called trade. The Cuban Foreign Minister pointed out in his message that the law establishes that Cuba must pay for these sales in cash and in advance, and prohibits the granting of commercial credits. In addition -he pointed out- it imposes other conditions, in violation of the rules of international trade and freedom of navigation. **He cited as an example the obligation to transport any cargo in U.S. ships, which return empty, thus preventing the import of Cuban products, which makes this relationship -he said- brutally unidirectional as it does not work today in any part of the world, not even in war situations.**” [emphasis added]

Answer from the Bureau of Industry and Security (BIS) of the United States Department of Commerce:

22 August 2023: “BIS regulations do not require the vessel to be United States-registered (owned). The vessel becomes subject to the Export Administration Regulations (EAR) when it enters the U.S., regardless of whether it’s U.S. or foreign-flagged. In addition, cargo vessels most likely qualify for [License Exception AVS](#) so a license is not required in most situations. As far as Cuban imports and the 180-day rule, those regulations fall under the Department of Treasury’s Office of Foreign Assets Control (OFAC), so we would recommend you contact OFAC for questions regarding Cuban imports and vessels returning to the U.S. from Cuba. BIS Office of Congressional and Public Affairs.”

OFAC CUBA SANCTIONS

779. What are the “180-day rule” and the “goods/passengers-on-board rule”?

The 180-day rule is a statutory restriction prohibiting any vessel that enters a port or place in Cuba to engage in the trade of goods or the purchase or provision of services there from entering any

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U.S. port for the purpose of loading or unloading freight for 180 days after leaving Cuba, unless authorized by OFAC. This restriction is applied even if a vessel has stopped in Cuba solely to purchase services unrelated to the trade of goods, such as planned ship maintenance. The 180-day rule is 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 U.S. port with such goods or passengers on board, unless authorized or exempt. There are certain exceptions to these rules. For a complete description of the 180-day rule, the goods/passengers-on-board rule, and the general licenses and exemptions that apply, see 31 CFR §§ 515.206, 515.207, and 515.550. Date Released November 8, 2017

§ 515.206 Exempt transactions. (a) Information and informational materials. (1) The importation from any country and the exportation to any country of information or informational materials as defined in [§ 515.332](#), whether commercial or otherwise, regardless of format or medium of transmission, are exempt from the prohibitions and regulations of this part except for payments owed to Cuba for telecommunications services between Cuba and the United States, which are subject to the provisions of [§ 515.542](#). (2) This section does not authorize transactions related to information or informational materials not fully created and in existence at the date of the transaction, or to the substantive or artistic alteration or enhancement of information or informational materials, or to the provision of marketing and business consulting services by a person subject to the jurisdiction of the United States. Such prohibited transactions include, without limitation, payment of advances for information or informational materials not yet created and completed, provision of services to market, produce or co-produce, create or assist in the creation of information or informational materials, and payment of royalties to a designated national with respect to income received for enhancements or alterations made by persons subject to the jurisdiction of the United States to information or informational materials imported from a designated national. (3) This section does not authorize transactions incident to the transmission of restricted technical data as defined in the Export Administration Regulations, [15 CFR parts 730–774](#), or to the exportation of goods for use in the transmission of any data. The exportation of such goods to designated foreign countries is prohibited, as provided in [§ 515.201 of this part](#) and § 785.1 of the Export Administration Regulations. (4) This section does not authorize transactions related to travel to Cuba when such travel is not otherwise authorized under [§ 515.545](#). Note to paragraph (a): See [§ 515.545](#) for general licenses authorizing certain travel-related and other transactions that are directly incident to the export, import, or transmission of informational materials and certain transactions related to the creation, dissemination, or artistic or other substantive alteration or enhancement of informational materials. (b) ***Donation of food.*** The prohibitions contained in this part do not apply to transactions incident to the donation of food to nongovernmental organizations or individuals in Cuba.

§ 515.207 Entry of vessels engaged in trade with Cuba. Except as specifically authorized by the Secretary of the Treasury (or any person, agency or instrumentality designated by him), by means of regulations, rulings, instructions, licenses or otherwise, (a) No vessel that enters a port or place in Cuba to engage in the trade of goods or the purchase or provision of services, may enter a U.S. port for the purpose of loading or unloading freight for a period of 180 days from the date the vessel departed from a port or place in Cuba; and (b) No vessel carrying goods or passengers to or from Cuba or carrying goods in which Cuba or a Cuban national has an interest may enter a U.S. port with such goods or passengers on board. **NOTE TO [§ 515.207](#):** For the waiver of the prohibitions contained in this section for vessels engaged in certain trade and travel with Cuba, see [§ 515.550](#). [[58 FR 34710](#), June 29, 1993, as amended at [66 FR 36687](#), July 12, 2001; [80 FR 2292](#), Jan. 16, 2015; [80 FR 56918](#), Sept. 21, 2015]

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§ 515.550 Certain vessel transactions authorized. (a) Unless a vessel is otherwise engaging or has otherwise engaged in transactions that would prohibit entry pursuant to [§ 515.207](#), [§ 515.207](#) shall not apply to a vessel that is: (1) Engaging or has engaged in trade with Cuba authorized pursuant to this part; Note to paragraph (a)(1): The authorization in this paragraph includes, for example, trade with Cuba authorized pursuant to [§ 515.533](#), [§ 515.559](#), or [§ 515.582](#), or by specific license. (2) Engaging or has engaged in trade with Cuba that is exempt from the prohibitions of this part (see [§ 515.206](#)); (3) Engaging or has engaged in the exportation or reexportation to Cuba from a third country of agricultural commodities, medicine, or medical devices that, were they subject to the Export Administration Regulations ([15 CFR parts 730 through 774](#)) (EAR), would be designated as EAR99; (4) A foreign vessel that has entered a port or place in Cuba while carrying students, faculty, and staff that are authorized to travel to Cuba pursuant to [§ 515.565\(a\)](#); or (5) Carrying or has carried persons between the United States and Cuba or within Cuba pursuant to the authorization in [§ 515.572\(a\)\(2\)](#) or, in the case of a vessel used solely for personal travel (and not transporting passengers), pursuant to a license or other authorization issued by the Department of Commerce for the exportation or reexportation of the vessel to Cuba. (b) Unless a vessel is otherwise engaging or has otherwise engaged in transactions that would prohibit entry pursuant to [§ 515.207](#), [§ 515.207\(a\)](#) shall not apply to a foreign vessel that has engaged in the exportation to Cuba from a third country only of items that, were they subject to the EAR, would be designated as EAR99 or would be controlled on the Commerce Control List only for anti-terrorism reasons.

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[U.S. Agricultural Commodity/Food Product Exports To Cuba Increased 3.7% In May 2023; Up 1.7% Year-To-Year.](#) Jul 6, 2023

[Milestone... With US\\$19 Million Purchases In April 2023, Cuba Has Purchased US\\$7 Billion In Agricultural Commodities And Food Products From U.S.; Exports Up 6.4% In April 2023; Up 1.1% Year-To-Year.](#) Jun 26, 2023

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